
M5 JUNCTION 10 IMPROVEMENTS SCHEME

Deadline 2 submission on behalf of St. Modwen
and Midlands Land Portfolio Limited, Land at West
Cheltenham

SM&MLPL, Land at West Cheltenham – DEADLINE 2 SUBMISSION

Quality management			
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Report ref:	SM&MLPL West Cheltenham DEADLINE 2 SUBMISSION	Date of issue:	09.07.2024

1 Introduction

1.1 Background

- 1.1. This document is submitted on behalf of St. Modwen and Midlands Land Portfolio Ltd (SM&MLPL) and forms their formal Written Representation for submission at Deadline 2 (9 July 2024). Savills act as planning adviser to SM&MLPL and are authorised to submit these representations on their behalf.
- 1.2. SM&MLPL are the joint applicants for the outline planning application (refs: 22/01817/OUT and 22/01107/OUT) at land at West Cheltenham, to the south of Old Gloucester Road. The proposed development, as set out in the outline planning application, has been prepared with regard to the adopted planning policy, the Golden Valley SPD and the separate application and emerging proposals of the other principal landowners within the wider A7 West Cheltenham allocation.
- 1.3. In March 2024, Savills submitted a Relevant Representation on behalf of SM&MLPL prior to commencement of the examination process [document reference RR-034].
- 1.4. SM&MLPL participated in ISH1 (represented by Mr Nick Matthews of Savills) and following the discussions during this hearing, SM&MLPL submitted additional representations to Deadline 1.
- 1.5. This Written Representation has been prepared in regard to the previously submitted Relevant Representation and Written Representations to Deadline 1 and therefore does not repeat previously submitted information.
- 1.6. Instead, it seeks to provide an update to SM&MLPL's previously stated position in response to the Applicant's documents published 20 June.

1.2 SM&MLPL Position

- 1.7. SM&MLPL wish to reserve the right to provide further commentary and respond to matters raised once the Deadline 2 submissions from the Applicant are published.
- 1.8. SM&MLPL support the intention to submit updated versions of Statements of Common Ground (SoCGs), and are committed to working collaboratively with the applicant to progress these and other relevant matters.
- 1.9. SM&MLPL's technical team met with the applicant team on 2 July 2024 in relation to the acquisition of SM&MLPL's land adjacent to Old Gloucester Road and the relationship to SM&MLPL's planning application. Further collaboration on other matters has been ongoing which is reflected in the draft land rights tracker.
- 1.10. The outcome of the meeting on 2 July is summarised by the following points, confirming SM&MLPL's position at deadline 2 and requests for further input from the Applicant team:

Highways Matters

- The Applicant's design team have been asked to make provision for an active travel route to the east of the junction to tie in with West of Cheltenham's movement parameter plan, which provides an east/west route at the north of the site immediately south of the hedgerow fronting Old Gloucester Road. While the permanent CPO land south of Old Gloucester Road will become public highway land, it is recommended the DCO application drawings are amended to recognise that a link is required.
- Currently a footway is provided on the southwest quadrant of the access junction, and routes west to public footway ABO26. In order to future proof active travel provision for the triangle of land to the west of the SM&MLPL site, and which forms part of the Golden Valley, the allocation of a shared use path should be included in the design.
- The SM&MLPL team note that proposed active travel routes within the SM&MLPL application may be impacted by the Scheme, and this will be reviewed by the team. The preferences for the active travel routes will then be conveyed to the Applicant team.
- The Scheme's general arrangement to the development site interface differs to the current SM&MLPL general arrangement. A cross-section of the link-road will be shared with the Applicant team to allow the design to be adjusted. This layout confirms that the active travel route for the West Cheltenham link road is on the eastern side, with a footway only on the western side.

Drainage and Flood Risk Matters

- The existing land drainage ditch along Old Gloucester Road is to be diverted as part of the Scheme. We understand from our discussions that the Applicant team will provide details illustrating location, levels and capacity, as well any proposed drainage outfalls into it (and whether they are attenuated prior to discharge).
- The existing watercourse alongside the triangle land to the west, and the new culvert beneath Old Gloucester Road, need to maintain their existing flood conveyance and storage capacity and therefore requires protection/diversion within the Scheme. We understand from our discussions that the Applicant team will share the hydraulic modelling outputs with the SM&MLPL to demonstrate this.

Utilities

- The proposed 11kV diversion route needs to be coordinated between the Applicant team and SM&MLPL team. The proposed diversion route for the 11kV overhead line will be shared with the Applicant team. The main point on this matter following the meeting relates to the proposed drainage / swale and its proximity to the proposed cable. There is the possibility of running the cable through a footway / cycleway, however the easement will extend approximately 3-4m which will need to be free of any water courses.

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- The SM&MLPL team also note that the proposed terminal pole appears to fall outside the area of land to be temporarily acquired for the DCO. Clarification on this point is requested.

Applicant Written Submissions of Oral Case for Issue Specific Hearing 1 (ISH1) TR010063 – APP 9.31

- 1.11. We note the applicant's response to Action Point 13 from ISH1: *'Provide an explanation with respect to Table 6, contained in Appendix L of the Transport Assessment (APP_142) regarding development assumptions for the safeguarded land, deadweight development and dependant development etc.'*
- 1.12. The Applicant's response is not considered to answer the question posed in Action Point 13 and should be expressed more clearly. SM&MLPL are aware that further modelling to ascertain the deadweight development is being undertaken by National Highways. It is understood that this modelling is being undertaken to inform the LPAs to enable them to allocate a proportion of the deadweight development to each of the current planning applications, and to be able to apply a Grampian condition that caps development prior to the delivery of the Scheme and calculate each developments' contribution towards the Scheme. SM&MLPL consider that the deadweight quantum is not a matter that relates to the DCO application, however, and would be more appropriately deferred to the LPAs for agreement through the subsequent, separate planning process for these applications.
- 1.13. Should further detail be provided by the Applicant to the ExA's question, SM&MLPL wish to reserve the right to respond to further submissions relating to deadweight capacity.

Applicant Response to Relevant Representations RR-005, RR-006, RR-007 and RR-034

- 1.14. SM&MLPL note that this document provides a high level response to the interested parties associated with the Strategic Allocations and the Safeguarded Land.
- 1.15. The response sets out that the initial modelling that set the need for the Scheme, as proposed, was based on the link road within Golden Valley (GV) allocation being open i.e. no bus gate, and concluded that a dualled link road between the A4019 and Old Gloucester Road would be required. Since then, a bus gate has been introduced and southbound traffic on the M5 which was travelling to the southern parcel of GV and which could have come off at J10 via the West Link Road is now required to use J11. The need for the West Link Road has never been tested for this scenario (i.e. it has never been justified that M5 J10 + A4019 improvements only are not sufficient with the bus gate in-situ).

Relevant Representation RR-006

- 1.16. SM&MLPL consider that the highway network modelling reported in Appendix 5 of RR-006 is not sufficient for the ExA to determine if the proposed infrastructure is suitable to support the development associated with the allocated sites:
- The development set out in Table 1 does not include the future development quantum for the West of Cheltenham allocation as set out in the submitted planning application and therefore does not provide an informed cumulative assessment; and,
 - The reported modelling only provides results for the operation of the strategic road network and it is not possible to determine the effect of the non-delivery of the Scheme on the local highway network.
- 1.17. SM&MLPL would encourage the parties to undertake the work and we reserve the right to respond to future submissions in relation to this matter.

GCC general EIA chapter updates

- 1.18. SM&MLPL note that a number of the chapters of the ES have been updated at deadline 1, at this stage we have no comments to make on the updated chapters.

1.3 Conclusion

- 1.19. SM&MLPL have clearly set out in detail in this submission, their position at deadline 2.
- 1.20. In principle, SM&MLPL support the proposed works set out within the DCO application, however, there remain implications for SM&MLPL's scheme which need to be worked through and agreed. SM&MLPL are committed to continue working with the Applicant to resolve these matters as soon as possible.
- 1.21. SM&MLPL await the justification from the Applicant following a positive meeting in June 2024, in regard to the extent of the land required for the DCO and will comment further once this has been received.