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2745292/TAW1



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9 July 2024

Dear Sirs

Reference TR010063 - Application by Gloucestershire County Council (the Applicant) for an Order Granting Development Consent for the M5 Junction 10 Highway Improvements Scheme (the Scheme)

Deadline 2 Submissions by Bloor Homes Limited and Persimmon Homes Limited (Interested Party Reference Numbers 20047701 and 20047702) (together the Interested Parties)

On behalf of the Interested Parties, we make the following submissions:

Comments on submissions for Deadline 1

Applicant's Covering Letter dated 18 June 2024 (REP1-001)

The Applicant's proposal to submit updated versions of the Statements of Common Ground (SoCG) with the Interested Parties in respect of North West Cheltenham and the Safeguarded Land at Deadline 3 is noted.

However, it is disappointing to note that, despite the Applicant indicating that it hoped to make more meaningful progress on the SoCG by Deadline 3, we are not aware that the Applicant has not attempted to contact the Interested Parties about the draft SoCG since the start of the Examination.

Draft Statement of Commonality (REP1-032 and 033)

Whilst the Interested Parties agree with the Applicant that there has been no engagement on the draft SoCG, the Interested Parties consider the Applicant to have overstated and misrepresented the commonality between them. In particular, some of the matters which are shown as being 'subject to further discussion' in Figure 1 are in fact matters of 'general disagreement' (for example, funding).

Draft Land Rights Tracker (REP1-044)

The Applicant indicates that a draft agreement is under discussion, but this again overstates the position. Despite the requirement in the 'Guidance related to procedures for the compulsory acquisition of land' (September 2013) for applicants to seek to acquire land by negotiation wherever practicable and to only seek powers to acquire land compulsorily where attempts to acquire by agreement fail, there has been limited efforts made by the Applicant to acquire the land in which Bloor Homes Limited (in the name of J S Bloor (Tewkesbury) Limited) has an interest. After only limited engagement in 2023, the Applicant indicates that it has issued draft Heads of Terms in May 2024, but no meaningful engagement has taken place.

Applicant's Response to Relevant Representations RR-005, RR-006, RR-007 and RR-034 (REP1-048)

The Interested Parties have reviewed the Applicant's response and respond as follows:

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Relevant Representation Theme	Interested Parties Response to Applicant's Response
Regional and Local Planning Policy Support for the Scheme	<p>The Interested Parties do not disagree that there is regional and policy support for the Scheme. They do however disagree that the Scheme is required to "unlock all of the strategic allocations within the JCS". The JCS seeks to accommodate all future growth within the region and does not directly link delivery of the Scheme to the strategic allocations at A4 and A7 (save for the reference to the link road in the case of A7). In particular, the JCS is intended to accommodate the following growth:</p> <ul style="list-style-type: none"> • 35,175 new homes • Over 192 hectares of Class B employment • 39,500 new jobs <p>All of the strategic allocations combined as allocated are intended to deliver only 10,900 (31%) of those new homes and only 112 hectares of that employment land (58%). And A4 and A7 as allocated are only intended to deliver 5,385 new homes (15%). It is therefore incorrect to say that the Scheme is necessary to unlock A4 and A7.</p> <p>Had it been intended that A4 and A7 were dependent development, unable to come forward without the M5 Junction 10 works, then the JCS would have provided for this. It was instead intended that those allocations could come forward mitigating their own impacts which the Interested Parties have shown, in the case of A4, to be achievable without the Scheme.</p> <p>The Applicant identifies Policy SA1: Strategic Allocations Policy, Policy INF6: Infrastructure Delivery and Policy INF7: Developer Contributions of the JCS as supporting its assertion that development of A4, A7 and the Safeguarded Land is reliant on the Scheme. However, the Infrastructure Delivery Plan (IDP) again identifies schemes "to support JCS-wide growth". Improvements to M5 J10 are identified at a cost of £45m. There is no direct reference to or link between A4 and the proposed improvement to M5 J10 and the only linkage with A7 is to the link road.</p>
Scheme Objectives	<p><i>Support economic growth and facilitate growth in job and housing by providing improved transport network connections in west and north-west Cheltenham.</i></p> <p>The Applicant now states that the Scheme "facilitates" the development of A4 and A7 in an attempt to align the Scheme with its objective. This is however inconsistent with the Applicant's previous position that the Scheme "supports" A4 and A7. It is also inconsistent with the JCS which clearly states that the Scheme is required "to support JCS-wide growth".</p> <p><i>Enhance the transport network in the west and north-west of Cheltenham area with the resilience to meet current and future needs.</i></p> <p>The Applicant states that the Scheme will provide enough capacity to absorb traffic from A4, A7 and the potential safeguarded land / future development sites "and what is considered reasonable future identifiable needs" but it is unclear what future need the Scheme is seeking to facilitate. It is not justifiable for allocated sites to bear the burden of the costs of delivering a scheme which will serve future development or growth within wider Gloucestershire.</p> <p>The Interested Parties note that the Applicant seeks to rely on the capacity study published as part of the Golden Valley SPD and states that the SPD is a material consideration in the examination of the DCO application as it supplements the information that informed the JCS at the time of its adoption. However, the SPD has never been independently tested or examined, and this should be reflected in the</p>

	<p>weight given to it. In addition, the SPD states that the upgrade to M5 Junction 10 will merely "support" the JCS allocations at North West and West Cheltenham suggesting that there is no direct link between the Scheme and those allocations.</p> <p>With regard to the Safeguarded Land, the Applicant acknowledges the uncertainty surrounding whether or when development of it will come forward and states that it will have no bearing on the Scheme design, and yet seeks to justify the Scheme on the basis that it will accommodate the traffic associated with that development. It is unreasonable for the Applicant to seek to accommodate as yet unknown future growth or to expect allocated sites to bear the costs of delivering works to accommodate that growth.</p>
Need for the Scheme	<p>The Applicant's response fails to address the points made by the Interested Parties. In particular, the Applicant states that the A4019 improvements are "intrinsically linked" to the all movements junction and that it is "evident" that the link road cannot be delivered without the all movements junction but does not clearly explain why they are linked or how it is evident.</p> <p>In addition, the Applicant states that the Scheme is needed to "unlock dependent development at A4 and A7, as well as any other development sites facilitated by the design capacity" and "the cumulative traffic generated as a result of the development cannot be brought forward in its entirety without the Scheme in situ" but fails to properly address the extent to which development could come forward without the Scheme. The Interested Parties set out in their relevant representations why A4 is not dependent development and how the JCS growth can be accommodated without the Scheme but the Applicant's response does not deal with these points. The Applicant further acknowledges that the Scheme will facilitate other development sites and yet appears to be seeking funding for the Scheme largely from A4 and A7.</p>
Alternatives to the Scheme	<p>As indicated above, the Interested Parties do not agree with the Applicant's assertions that A4 is dependent development or that the Scheme is required to enable full build out of the JCS allocations.</p> <p>The Applicant seeks to separate out its functions as promoter of the Scheme and the county highway authority (HA) but, at the same time, seeks to rely on its functions as HA to, firstly, link the justify its position that the Scheme is needed to unlock Allocated Site A4 and, to secondly, secure the funding required to deliver the Scheme. It follows however that if the Applicant is unable to speak for or control over the HA then how can the Applicant provide any certainty over the HA's position or ability to secure funding. The Interested Parties have made representations to the HA and National Highways challenging the proposed Grampian condition, and the requirement for any financial contribution remains in dispute (note the HA's consultation response RR-006 Appendix 4 is not agreed and in any event is silent on the quantum of any financial contribution).</p> <p>It should be noted also that the proposed Grampian condition (of 1,000 units referred to in RR-006 Appendix 4) related to the interim south-bound off-slip signalisation which was based on modelling provided for the Swindon Farm planning application (reference 20/00759/FUL). Subsequent modelling undertaken by the Interested Parties has shown that signalisation will accommodate all of the JCS growth, additional West of Cheltenham growth and all of North West Cheltenham with betterment to current conditions.</p> <p>As regards the Safeguarded Land, the Applicant is asked to clarify its comments and direct the Interested Parties to the relevant application documents which set out the consideration given to the impacts of route alignments on sterilising the Safeguarded Land in its options appraisal.</p>
Access Provision	<p>The Applicant states that an equivalent access will be provided to that which is currently secured. However, as indicated in RR-005, the proposed access to the Safeguarded Land is inappropriate and fails to provide a satisfactory means of access, being neither</p>

	<p>safe nor suitable for existing farm operations. The Applicant has failed to respond to this point.</p> <p>The Applicant further states that, whilst it has taken a deliberate stance against pre-determining the release of Safeguarded Land at North West Cheltenham, the proposed design would allow any future developer to tie into the local road network (LRN). However, this is inconsistent with the Applicant's previous comments to Bloor Homes Limited that creating such tie in would require land controlled by the Applicant (following exercise of its compulsory purchase powers as part of the Scheme) to be crossed at a commercial ransom. The Applicant is asked to clarify the position and, in particular, confirm how the Scheme enables (rather than impedes) the tie in to the LRN to be made without the need for further land interests.</p>
Funding	<p>The Interested Parties note that the Applicant considers it to be premature to provide a response on funding matters at this time. However, the timing and availability of funding for the Scheme is an essential component of the case for the Scheme. It is unreasonable and prejudicial for the Applicant to seek consent for the Scheme without having addressed this issue or to seek powers to compulsory acquire land without providing certainty that the Scheme is funded and therefore deliverable.</p>

As the Examining Authority is aware, there is an extant planning application in respect of Elms Park (Allocated Site A4) which is the subject of ongoing discussion with the relevant local authorities. The Interested Parties have recently identified that the Scheme has a significant effect on the ability of the Interested Parties to create an efficient layout within the first phase of development at Elms Park on the A4019 Tewkesbury Road frontage. Ongoing work to develop a revised phase one layout has identified that the access to the Park and Ride 'Transport Hub' required by JCS Policy A4 would be better located approximately 70m west of its currently proposed location. The Interested Parties are therefore seeking that the Applicant amend the proposed layout of the Scheme so as to minimise the effect of the Scheme on the development potential of North West Cheltenham Allocation A4. As required and necessary, the Interested Parties can provide further details on the optimal location for the Park and Ride access.


Comments on the Applicant's draft itinerary for the Accompanied Site Inspection (ASI) (REP1-042)

We confirm that the Interested Parties agree with the draft itinerary for the ASI, particularly the proposed inspection of the northern and southern ends of the proposed link road and the access to Site A (Safeguarded Land).

If you require anything further, please let us know.

Yours faithfully


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