
M5 JUNCTION 10 IMPROVEMENTS SCHEME

Deadline 5 submission on behalf of St. Modwen
and Midlands Land Portfolio Limited, Land at West
Cheltenham

SM&MLPL, Land at West Cheltenham – DEADLINE 5 SUBMISSION

Quality management			
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1 Introduction

- 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 5. 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 and further representations at Deadline 2 and Deadline 3.
- 1.5. This Written Representation responds directly to the relevant questions posed by the Examining Authority (ExA) on 10 September 2024 (ExQ2).

2 Response to ExQ1

- 2.1. SM&MLPL wish to make the following comments in response to the questions posed by the ExA.

<p>Q1.2.2 – Local Policy</p> <p>The JCS, as adopted, does not stipulate that for individual allocations, each subsequent planning application must not go ahead in advance of any road improvement scheme but to set out how it proposes to ensure the particular scheme would need to address “the provision of infrastructure and services required as a consequence of development,” Paragraph 5.8.7 of the JCS goes on to say “This policy will primarily be delivered through the development management process. Early engagement with the Local Planning Authority at pre-application stage is encouraged. Developers may note in this respect that Gloucestershire County Council</p>	<p>Our interpretation of the policy position is consistent with that expressed by the ExA in part (i) of the question.</p> <p>At the time work commenced on the preparation of the outline planning application for MLPL/St. Modwen, the proposals for improvements at J10 were well advanced and it was logical therefore to assume in the transport modelling supporting the application that they would be delivered. Had the J10 improvement scheme not been advanced and funding had not been committed through HIF, alternative highways</p>
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<p>has adopted a 'Local Developer Guide: Infrastructure & Services with New Development' (February 2013) that relates to infrastructure requirements and associated matters for which it is responsible." (Our Highlighting)</p> <p>(i) Is it not the case, that even if the ExA were to accept the Applicant's case that the need for the broad infrastructure improvements has been established through the evidence base for the JCS, the actual policy and supporting paragraphs do not specifically require this proposed development, or specifically justify it in need terms.</p> <p>(ii) Does it not remain the case for the developer to demonstrate to the LPA's satisfaction that the scheme proposed provides the infrastructure and services required as a consequence of the individual developments?</p>	<p>measures would have been proposed in support of the development.</p>
<p>Q1.3.1 - Alternatives</p> <p>Noting the evidence provided in support of the applications for allocations A4 and A7 and recognising that it is a decision for the LPA as to whether to grant planning permission for the applications. What is the IPs position on the consideration of alternatives for the delivery of the Proposed Development?</p>	<p>As explained in response to Q.1.2.2, given the status of the J10 scheme, it has been assumed that the works would come forward in the transport modelling supporting the planning application. No alternative proposals have therefore been developed or promoted by MLPL/St. Modwen which address the transport implications of the proposed with separate, alternative highways mitigation.</p>
<p>Q5.0.1 - Funding</p> <p>At CAH1 the Joint Councils advised that there had been a change to the Community Infrastructure Levy Funding Statement. Please can all parties explain what implications this has for the funding in respect of Compulsory Acquisition and the obligations under those regulations, and secondly in the Applicant's capacity to fund the construction of the project. In responding, please set out any implications for the timing of the delivery of such funding, and as far as</p>	<p>The inclusion of the J10 improvement works on the Community Infrastructure Levy (CIL) Funding Statement means that CIL receipts could now be used as a contribution towards the funding of the scheme. To assist the ExA in understanding the potential contribution we have provided below a high level analysis of the CIL arising from the MLPL/St. Modwen component of the West Cheltenham development.</p>

<p>you can the changes to the amount of funding this could ultimately deliver, relative to the sums which might be delivered through s106 alone?</p>	<p>CIL was adopted by Cheltenham and Tewkesbury Borough Council in October 2018. The rate set at that time for strategic allocations within the JCS was £35 per sq.m. for residential development. This rate is to be adjusted using the RICS CIL Index in accordance with the Regulations. The 2024 rate is therefore £41.41 per square metre. CIL is chargeable on all buildings which people ordinarily enter, however, no rates are provided in the adopted Charging Schedule for uses other than residential and CIL is not chargeable on affordable homes.</p> <p>The outline planning application for West Cheltenham comprises up to 1,100 homes with an as yet unconfirmed quantum of affordable housing. For the purposes of this calculation however a JCS Policy SD12 compliant 35% affordable housing has been used.</p> <p>Based on an average assumption of approximately 74,000 sqm of market residential floorspace and the current 2024 CIL rate, we are forecasting a payment of around £3m, which would be phased over the lifetime of the development and linked to the commencement of detailed phases as they come forward.</p> <p>The above calculation is provided for illustrative purposes and to assist the ExA. We are mindful that the J10 improvement works represent only one of the items of infrastructure towards which the CIL contributions could be directed. Whilst MLPL/St. Modwen would support the use of CIL for the J10 works, it is within the gift of the charging authority (in this case the local planning authorities) to determine how CIL contributions should be spent.</p>
<p>Q5.0.2 – Funding</p> <p>The ExA understand that the Community Infrastructure Levy Amendment Regulations 2019 removed the restrictions on pooling funds and on funding the same item of</p>	<p>As explained above, on commencement of each phase, the development will be liable to make a CIL contribution. The inclusion of the J10 works within the Infrastructure Funding</p>

<p>infrastructure from both CIL and s106 obligations. Can each party explain the changes that the inclusion of the M5 J10 within the Infrastructure Funding Statement has in respect of the potential to facilitate funding in combination with any s106 money?</p>	<p>Statement now mean that there is potential for the CIL contribution from the development to be directed towards these works along any specific funding also captured through Section 106 agreements.</p> <p>As an applicant, MLPL/St. Modwen have no objection to the use of CIL for the J10 works however, they ultimately have no control over where and how the contributions are spent.</p>
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3 Conclusion

- 3.1. MLPL/St. Modwen support the proposed works set out within the DCO application and have assumed they will come forward in their planning application for part of the West Cheltenham allocation. They will continue to work with the applicants to help support the delivery of the J10 works through CIL payments and, subject to viability, contributions secured in the Section 106 agreement.