

M5 Junction 10 Improvements Scheme

Statement of Common Ground West Cheltenham (Golden Valley) TR010063 - APP 8.9

Regulation 5(2)(q)

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Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

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M5 Junction 10 Improvements Scheme Development Consent Order 202[x]

8.9 Statement of Common Ground West Cheltenham (Golden Valley)

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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared agreed by (1) Gloucestershire County Council, (2) Cheltenham Borough Council (developer) and (3) Midland Land Portfolio (MLP).

Signed

On behalf of Gloucestershire County Council

Date:

Signed

On behalf of Cheltenham Borough Council (Developer)

Date:

Signed

On behalf of Midland Land Portfolio (MLP)

Date:

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Glossary

Term	Meaning / Definition
(The) Act	The Planning Act 2008 (as amended)
(The) Applicant	Gloucestershire County Council (Strategic Development team) applying for the DCO
Biodiversity Net Gain (BNG)	Biodiversity Net Gain delivers measurable improvements for Biodiversity by creating or enhancing habitats in association with development
Carter Jonas (CJ)	Land referencing consultant working on behalf of the Applicant
Cheltenham Borough Council (CBC)	CBC is the local planning authority for Cheltenham Borough, and is a statutory consultee for the scheme, as defined under section 42(1)(b) and section 43(b) of the Act
Development Consent Order (DCO)	The consent for the construction, operation and maintenance of Nationally Significant Infrastructure Projects (NSIP) given by the relevant Secretary of State on the recommendation of the Planning Inspectorate under the Planning Act 2008 (as amended).
Environment Agency (EA)	A non-departmental public body with responsibilities relating to the protection and enhancement of the environment in England.
Environmental Impact Assessment (EIA)	A process of evaluating the likely environmental impacts of a proposed development, including inter-related socioeconomic, cultural and human health impacts, both beneficial and adverse.
Environmental Statement (ES)	Reports the findings of the EIA, including at least the information reasonably required to assess the likely significant environmental effects of the development.
Examining Authority (ExA)	The person(s) appointed by the Secretary of State (SoS) to assess the DCO application and make a recommendation to the SoS.
Flood Risk Assessment (FRA)	An assessment of the likelihood of flooding in a particular area so that development needs, and mitigation measures can be considered.
Gloucestershire County Council (GCC)	Gloucestershire County Council is a statutory consultee for the Scheme, as defined under section 42(1)(b) and section 43(c) of the Planning Act 2008 ("the Act"). GCC is the local highway authority in Gloucestershire and is the Minerals and Waste Planning Authority (MWPA) for Gloucestershire. GCC also has statutory duties in relation to drainage, flood risk, and heritage assets and archaeology.
Historic England	Publicly funded body that champions and protects England's historic places, also known as the Historic Buildings and Monuments Commission for England.
Host Authority	The local authority, within which the Scheme would be situated, In this case, Cheltenham Borough Council, Gloucestershire County Council and Tewkesbury Borough Council.
Joint Core Strategy (JCS)	Joint Core Strategy between Cheltenham Borough Council, Gloucestershire County Council and Tewkesbury Borough Council
Local Planning Authority (LPA)	The county council, metropolitan, or district council, which has statutory responsibilities within its administrative areas.

Term	Meaning / Definition
Nationally Significant Infrastructure Project (NSIP)	A project of a type and scale defined under the Planning Act 2008 and by Order of the Secretary of State (SoS) relating to energy, transport, water, wastewater and waste generally. These projects require a single development consent, which includes consents under different regimes, such as planning permission, listed building consent and scheduled monument consent.
Natural England (NE)	Executive non-departmental public body responsible for the natural environment.
Planning Inspectorate (PINS)	The Government Agency responsible for operating the planning process for NSIPs. The Planning Inspectorate is responsible for examining DCO applications and making recommendations to the relevant SoS, who will make the decision on whether to grant or to refuse development consent. The SoS for Transport takes the decision on applications for highway NSIPs.
Preferred Route Announcement	Designation of a proposed option as a 'preferred route' by the Department for Transport, announced in June 2021, and provides a form of planning protection from development of land in the vicinity of the M5 Junction 10 Improvements Scheme
Statement of Community Consultation (SoCC)	Prepared in accordance with Section 47 of the Planning Act 2008, to inform, explain and communicate how the consultation will be undertaken.
Statutory Consultation	In accordance with the Planning Act 2008, applicants of major infrastructure projects have a statutory duty to carry out a consultation on their proposals before submitting an application to the Planning Inspector.
(the) Scheme	The proposed M5 Junction 10 Improvements development which is the subject of a DCO application.
Tewkesbury Borough Council (TBC)	Tewkesbury Borough Council is the local planning authority for Tewkesbury Borough and a statutory consultee for the Scheme, as defined under section 42(1)(b) and section 43(b) of the Act.
Water Framework directive	The Water Framework Directive (2000/60/EC) which established a framework for European Community action in the field of water policy.

1. Introduction

1.1.1. This Statement of Common Ground (SoCG) has been prepared in respect of the application for the Scheme made The Applicant to the Secretary of State for a Development Consent Order (DCO) under section 37 of the Planning Act 2008.

1.1.2. If made, the DCO would grant consent for the construction of improvement works to M5 Junction 10, consisting of a new all-movements junction; the widening of the A4019 east of the junction to the Gallagher Retail Park Junction; and a new link road from the A4019 to the B4634. A small section of the A4019 will also be widened to the west of the proposed junction.

1.2. Purpose of the report

1.2.1. This document is a Statement of Common Ground (SoCG) between GCC (the Applicant) and the key development partners for the West of Cheltenham allocated site - Cheltenham Borough Council (CBC), NEMA Strategic Land Ltd (NEMA), HBD X Factory (HBD), St Modwen and Midland Land Portfolio Limited (SM&MLPL) (The West Cheltenham Developers (Also known as Golden Valley). The SoCG is in relation to the M5 J10 Improvements Scheme.

1.2.2. Table 1.1 provides context of the applications that relate to each developer.

Policy Allocation	Planning Application	Description	Status
Policy A7 – West Cheltenham Development Area (<i>Golden Valley</i>) SITE C	22/01817/OUT (TBC reference: 22/01107/OUT) (northern parcel)	Outline planning application for residential development comprising a mixture of market and affordable housing (use class C3), which could include retirement/extra care accommodation (use class C2/C3) a flexible mixed use area with a community hub (including potentially use classes E, F1 and F2) a primary school and children's nursery to include use of sports pitches to provide public recreation space, site clearance and preparation, green infrastructure, walking and cycling routes, formal and informal public open space, sports pitch provision, drainage and other associated works and infrastructure, including utilities and highways works, all matters reserved except partially for access <i>Up to 1100 residential units Up to 1000sqm mixed use area, comprising a community hub and flexible commercial, business and service floor space.</i>	Submitted – Agreed Expiry Date: 30 Jun 2024. Not yet determined. National Highways recommended that the application should not be granted for a further period of six months from the 21 March 2024.
	23/01874/OUT (northern parcel)	Outline planning permission (with all matters reserved except for access) for a severable and phased development to provide new homes	Submitted – Agreed Expiry Date: 30 Jun 2024.

		(Use Class C3) and non-residential floorspace comprising flexible commercial and community uses (Use Class E), as well as land for potential primary education (Use Class F1) and other associated infrastructure. <i>491 residential units, 500sqm of flexible non-residential uses</i>	Not yet determined. National Highways recommended that the application should not be granted for a further period of six months from the 28 May 2024.
23/01875/OUT (southern parcel)	Outline planning permission (with all matters reserved except for access) for a severable and phased development to provide non-residential floorspace comprising flexible commercial and community uses (Use Classes E, F and Sui Generis), new homes (Use Class C3) and other associated infrastructure. <i>Up to 576 residential units Up to 125,698 sqm of non-residential floorspace, including commercial and community uses</i>	Submitted – Agreed Expiry Date: 30 Jun 2024. Not yet determined. National Highways recommended that the application should not be granted for a further period of six months from the 28 May 2024.	
23/01418/SCOPE	Request for a scoping opinion for the NEMA owned land within the West Cheltenham allocation	Scoping Opinion Provided on 20 September 2023.	
24/01268/OUT (NEMA application)	Outline planning permission (with all matters reserved) for a severable development to provide the following severable elements: flexible commercial uses (Use Class E and Sui Generis); healthcare centre (Use Class E); flexible community uses (Use Class F); new homes (Use Class C3); other associated infrastructure. <i>Up to 365 residential units Up to 2,475sqm of Class E(a) (retail), 3,750sqm Class E(b) (scale of food and drink) and Class E (e) (healthcare) 727sqm and Class E (g) (office and industrial) 37560sqm.</i>	Application Validated 31 July 2024. Currently in consultation until 28 August.	

1.2.3. The document identifies the following between the parties:

- Summary of engagement and consultation (Table 2.1)
- Matters which have been agreed (Table 4.1); and
- Matters currently outstanding (Table 5.1)

1.2.4. The SoCG will continue to evolve as the application for development consent progresses through the Examination stages.

1.3. Status of this SoCG

1.3.1. The SoCG has been shared with the developers however, no response to date has been received. The Applicant has submitted the SoCG at Deadline 5 on 1 October as requested by the ExA in Q1.0.2. The Applicant would like to make it clear to the ExA that the SoCG is still being reviewed by the third parties and that discussions are on-going between parties and a further updated SoCG will be submitted at future deadlines.

1.3.2. The letters of in principle support submitted at D3 are incorporated into the SoCG and included as matters agreed in the SoCG (Table 4.1) where appropriate. With regard to matters outstanding (Table 5.1), these have been taken as the issues raised in Interested Parties submissions during the Examination. The Applicant's response in Table 5.1 is the position at Deadline 4 and does not reflect correspondence between parties over the last month. There is a column in Table 5.1 for IP response which is currently blank and awaiting third party position.

2. Consultation

2.1. The Role of Gloucestershire County Council (the Applicant)

- 2.1.1. In this SOCG, Gloucestershire County Council (GCC) is the Applicant for Scheme and this is separate and independent from the other functions and statutory duties carried out by the Council. As Applicant, GCC are promoting and delivering the Scheme with support of the rest of the Council, other Local Planning Authorities, National Highways and Homes England. This is to be recorded in separate SOCGs with the other parties.

2.2. The Role of Developers

- 2.2.1. Policy A7 expects the delivery of approximately 1,100 residential homes and 45 ha. of business development, focussed on a cyber security hub.
- 2.2.2. CBC have been engaged in their capacity as promoter/developer of the Golden Valley Development, which is separate to the role of the Council as a local planning authority.
- 2.2.3. HBD X Factory Limited are the development partner of CBC for the Golden Valley Development.
- 2.2.4. MLP is a property development arm of Severn Trent Water and Northern Trust. MLP appointed St Modwen as development partner for the Golden Valley Development in January 2021. In October 2022 an application for outline planning permission (22/01817/OUT) was submitted St Modwen and MLP for the development outlined below. The application is currently undetermined and now has an agreed expiry date of 30 June 2024.

Land to the South of Old Gloucester Road (B4634), Cheltenham, Gloucestershire

- 2.2.5. *Outline planning application for residential development comprising a mixture of market and affordable housing (use class C3), which could include retirement/extra care accommodation (use class C2/C3) a flexible mixed-use area with a community hub (including potentially use classes E,F1 and F2) a primary school and children's nursery to include use of sports pitches to provide public recreation space, site clearance and preparation, green infrastructure, walking and cycling routes, formal and informal public open space, sports pitch provision, drainage and other associated works and infrastructure, including utilities and highways works, all matters reserved except partially for access.*
- 2.2.6. The above application site is 64 hectares. The residential component totals 1,100 homes with an illustrative accommodation mix supplied with a focus on three and four bedroom homes but ranging from one bedrooms flats to five bedroomed houses. The indicative non-residential land uses comprise 450 sqm small convenience store, 250sqm of café space and co-working office space and 300 sqm of community hub elements (parcel space, community space and bookable rooms and site offices/management).
- 2.2.7. NEMA Strategic Land Ltd is a developer who are in active pre-application discussions with CBC in relation to the potential of bringing forward a mixed use development on the A7 allocated land.
- 2.2.8. A collaborative masterplan is included in the outline application as a live document, and this indicates that CBC and development partners are expected to submit further applications for parcels of land within the east and south of the JCS allocation site, for potentially 1,500 additional homes, plus the cyberpark.

2.2.9. The West of Cheltenham Developers role in relation to the DCO process derives from their joint venture in the development of Golden Valley, a strategic development site identified at West Cheltenham in the adopted Joint Core Strategy.

2.2.10. The Scheme will support the development of the Golden Valley.

2.3. Consultation Methodology

2.3.1. The Applicant has engaged with relevant stakeholders including developers on the proposed developer contributions to support the delivery of the Scheme in two phases of consultation. The first phase of consultation took place from 20th September to 20th October 2023 and the second phase, which started on 20th November 2023 and is ongoing which the latest meeting to discuss held on the 30 September 2024..

2.3.2. The three sites identified by The Applicant for this engagement are:

- Northwest Cheltenham (Safeguarded land);
- Northwest Cheltenham development; and
- The West Cheltenham (Golden Valley) development.

2.3.3. These sites are in the Joint Core Strategy (JCS), a partnership between Gloucester City Council, Cheltenham Borough Council (CBC) and Tewkesbury Borough Council (TBC) which sets out a strategic planning framework for these three areas. The Adopted JCS 2011-2031 is a coordinated strategic development plan which shows how the region will develop and includes a shared spatial vision targeting 35,175 new homes and 39,500 new jobs by 2031.

2.3.4. The funding for Scheme was originally secured via Homes England's Housing Infrastructure Fund (HIF). Since the original funding announcement, the Scheme has been subject to scope change resulting in a longer and more costly delivery programme which, when considering high-cost inflation has created a funding gap. GCC is working with Scheme funders Homes England and the Local Planning Authorities to address this gap including an intent to recover direct financial contributions from the dependent strategic housing allocations (and any further dependent sites that may come forward) towards this funding gap.

2.3.5. In the first phase of the engagement, some stakeholders presented objections to the developer contributions methodology presented to them, requesting further information on the inputs used in the calculations. The need for additional information was also mentioned by both Cheltenham and Tewkesbury Borough Councils stating that it would help build transparency in future S106 negotiations.

2.3.6. Additional information on the developer contribution calculation methodology was provided in the second phase of engagement. The representations received so far mainly requested additional information to be provided to support the methodology. Between 19 March and 30 September, the Applicant held meetings with stakeholders to discuss scheme updates, modelling, and developer contributions. These discussions also covered the Development Consent Order (DCO) process.

2.3.7. In principle letters of support from the developers of West Cheltenham were submitted to the ExA at Deadline 3 (REP3-062).

2.4. Summary of Consultation

2.4.1. The Applicant has been in consultation with the developers interest in the development of the West Cheltenham during the development of the Scheme's design, including the optioneering process, statutory and non-statutory consultation, preliminary design and

during the DCO process.. The parties are continuing to engage through the DCO examination.

2.4.2. The engagement outlined in Table 2-1 covers consultation with West Cheltenham developers which pertains to matters raised in this SoCG. Figure 1.1 shows the site allocations in the JCS and current planning applications associated with the allocations. The West Cheltenham land is Site C within Figure 1.1.

2.4.3. The consultation with developers to date is set in Table 2-1.

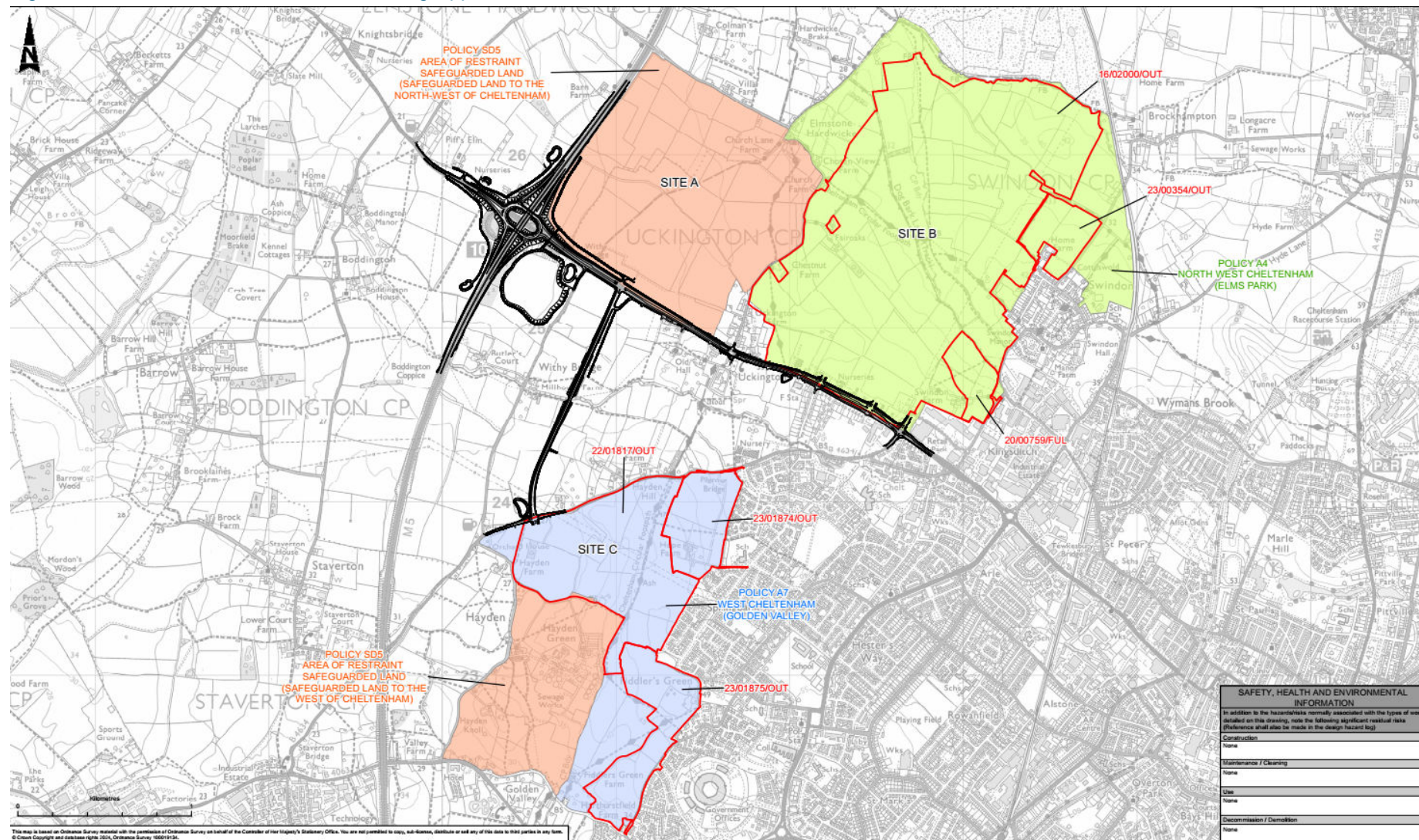
Table 2-1 - Consultation with Developers

Date	Method	Parties concerned	Matters discussed
16/06/2021	Email	MLP	M5 Junction 10 preferred route announcement made via email.
18/06/2021	Email	MLP	Atkins PM shared the latest interim design update, layout plans, and 2D AutoCAD model files for the highway layout.
21/06/2021	Email	SM&MLPL	Prior to the preferred route announcement, Atkins PM shared the assumptions of the traffic model (20/04/2021). An updated traffic modelling assumption was sent (18/06/2021). MLP raised requested further details.
18/08/2021	Email	SM&MLPL	MLP requested a catchup to understand the latest progress on the Project.
23/08/2021	Email	Atkins / SM&MLPL / St Modwen	Atkins PM provided an update on the project, informing them that the Scheme has been classified as an NSIP and a DCO application is due to be made in late 2022.
08/09/2021	Virtual Meeting	CBC / Atkins / GCC	Atkins PM delivered presentation on latest updates to the Scheme.
16/09/2021	Email	Atkins PM / CBC	Atkins PM shared a copy of the M5 Junction 10 update presentation, and minutes of a meeting held in previous week.
16/09/2021	Email	SM&MLPL	Atkins PM shared a link containing a copy of the presentation, notes of previous meeting and latest design after a Scheme meeting held in the previous week.
20/09/2021	Email	Atkins PM / SM&MLPL	Atkins PM confirmed traffic model assumptions remain unchanged as requested in meeting. MLP asked for clarity on LinSig versions. Atkins PM provided further detail clarifying network versions.
13/10/2021	Email	Atkins Comms team / MLP	Email sent to MLP to confirm the address for USB delivery containing all consultation documents.
11/11/2021	Email	SM&MLPL	MLP confirmed address and point of contact for consultation documents.

Date	Method	Parties concerned	Matters discussed
15/02/2022	Email	CBC	Representation from CBC's development partner for the development of land at West Cheltenham (Golden Valley Development).
30/05/2022	Email	Atkins PM / SM&MLPL	Atkins PM shared a draft agenda for the upcoming MLP meeting.
15/07/2022	Email	Atkins PM / SM&MLPL	Atkins PM shared placeholder for a meeting to update on flood modelling.
05/08/2022	Email	Atkins Comms Team / CBC	Additional targeted non statutory consultation notification sent to CBC along with the proposed design changes and plans via secure FileTransfer link.
26/08/2022	Email	Atkins Comms Team / CBC	Follow up email sent to CBC as a reminder to have representations to the targeted non statutory consultation before 04/09/2022.
15/02/2023	Email	Savills on behalf of MLP & St Modwen	Email response received to further targeted consultation (Jan-Feb 2023).
02/03/2023	Meeting (Virtual)	Atkins PM team / SM&MLPL / Savills / WSP / GCC PM	Meeting held by Atkins PM to update on status of the Scheme. Attendees were informed of a delay to the DCO submission as Homes England treasury review of their portfolio of projects. Updates were provided on St Modwen's outline planning application submitted October 2022 (Ref: 22/01107/OUT). Targeted consultation responses were discussed.
27/05/2023	Email	Atkins PM / SM&MLPL	Atkins PM shared a copy of the draft SoCG and the following finalised draft DCO documents; <ul style="list-style-type: none"> • Planning Statement • Environmental Statement (Non-technical summary, chapters 1-15 and figures) • Environmental Management Plan • Transport Assessment • Register of Environmental Actions and Commitments • Environmental Masterplans • General Arrangement Drawings • Works Plans
20/10/2024	Email	HBD x Factory Limited	Email received in response to financial contributions material sent by GCC.
22/05/2024	Meeting	GCC PM/ HBD	Discussed general development progress tracker.
23/05/2024	Meeting	GCC PM/ NEMA	Discussed contribution methodology.

Date	Method	Parties concerned	Matters discussed
28/05/2024	Meeting	GCC PM/ St Modwen	Discussed secondary access pending link road
14/06/2024	Meeting	GCC PM/ SM&MLPL / HBD	Discussed active travel around their sites.
19/06/2024	Meeting	GCC PM/ HBD	Discussed general development progress tracker.
21/06/2024	Meeting	GCC PM/ HBD	Discussed viability and DCO contributions.
18/07/2024	Meeting	GCC PM/ SM&MLPL/NEMA/HBD	Discussed funding DCO methodology and viability.
18/07/2024	Email	MLPL and St Modwen	Letter in principle support of funding methodology received from MLPL and St Modwen
30/07/2024	Email	HBD	Letter in principle support of funding methodology received from HBD.
30/07/2024	Email	NEMA	Letter in principle support of funding methodology received from NEMA.
21/08/2021	Meeting	West Cheltenham developers	Funding apportionment methodology and compliance with S.106 tests
23/09/2024	Meeting	West Cheltenham developers	Funding apportionment methodology and compliance with S.106 tests

Figure 1.1 - JCS Site allocations and Planning Applications Plan



3. Topics covered in this SoCG

- 3.1.1. The following table is a summary of the topics which may be considered within this SoCG. This table has been updated since the submission of the DCO application in December 2023 where a draft SoCG was submitted and now follows a theme based approach rather than by DCO document. The key themes, and sub topics discussed are set out in Table 3.1.
- 3.1.2. On 18 July and 30 July 2024, the Applicant received letters from HBD, NEMA and MLPL and St Modwen. The letters outlined that, subject to a range of caveats, including the review of the revised funding methodology, there is support in principle of the development sites contributing to a methodology to make up the funding shortfall subject to a number of conditions. The conditions in the letters are submitted at RE93-062 into the Examination at Deadline 3.

Table 3-1 - Summary of topics considered within this SoCG

Overarching theme	Topic
1. Planning, policy, alternatives and need	Scheme Assumptions
	Need for the Scheme - Link Road
2. Site specifics	Link Road
	Utilities
	Drainage and Flood Risk Matters
	Highways Matters
	SANG Area
3. Funding	Contribution Methodology
	Developer Contributions and CIL
	Transport Modelling
	Funding Proportion

4. Matters Agreed

Table 4-1 will show those matters which have been agreed, including the matter reference number, and the date and method by which it was agreed. Table 4-1 will be added to as the SoCG process is progressed. On 18 July and 30 July 2024, the Applicant received letters from HBD, NEMA and MLPL and St Modwen. The letters outlined that, subject to a range of caveats, including the review of the revised funding methodology, there is support in principle of the development sites contributing to a methodology to make up the funding shortfall subject to a number of conditions.

Table 4-1 – Matters agreed

Topic and Reference Number	Topic	Position	Date of the last position
1. Planning, Policy, need and alternatives			
1.1	Planning permission	- It is agreed that Planning permission is granted for each parcel of the development site in respect of each developer prior to the developer contributing towards the funding.	01.10.2024
		-	
2. Site specifics			
No matters agreed			
3. Funding			
3.1	CIL compliance	It is agreed that: - The contribution methodology must be CIL compliant.	01.10.2024
3.2	Site specific viability	It is agreed that: - Consideration will be given to any site-specific viability issues in determining contributions. - Consideration be given to how the Community Infrastructure Levy may be used to also address the funding gap, noting that the LPA's determine how and where CiL we be spent.	01.10.2024
3.3	Revised methodology	It is agreed that::	01.10.2024

	– other development sites	<ul style="list-style-type: none"> - The Applicant review their methodology to capture a wider range of other development sites that cumulatively would be dependent in whole or part on provision of the Scheme 	
3.4	Funding Gap – other sites contributions	It is agreed that:: <ul style="list-style-type: none"> - The other sites identified, currently and in the future should contribute in line with the methodology described above to address the funding gap, 	01.10.2024
3.5	Alternative courses of funding	It is agreed that:: <ul style="list-style-type: none"> - Alternative sources of funding will be sought (e.g. Community Infrastructure Levy, HIF funding etc), 	01.10.2024

5. Matters Outstanding

5.1. Matters outstanding

5.1.1. Table 5-1 shows those matters that are outstanding between the parties, including that matters reference number, and the date of the latest position. The issues have been collated from the Relevant Representation and Written Representations as well as other relevant submissions from the developers (refer to RR-034, REP1-063, REP1-064, REP2-016). Only St Modwen and Midland Land Portfolio Limited (SM&MLPL) have engaged through Relevant Representation and Written Representations to date.

Table 5-1 – Matters outstanding

Theme	Topic	Position of interested party	Applicant Response	Response by IP	Status and date of latest Position
1. Planning, Policy, need and alternatives	1.1 Scheme Assumptions	<p>SM&MLPL request clarification on the assumptions made in respect of the number of future dwellings, employment space and the delivery timescales which have informed the selection of the proposed package of works. They also request clarification of the proportion of the figures which are derived from the three major developments and what relates to future need.</p> <p>It is their understanding from the wider documentation that when funding was being sought in 2020, the core scenario was based on 8,914 homes coming forward up to 2041.</p> <p>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.'</p> <p>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' 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.</p> <p>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.</p>	<p>The Applicant considers that the response under Action Point 13 contained in the Applicant Written Submissions of Oral Case for Issue Specific Hearing 1 (ISH1) (REP1-046) clearly answers the question. The Applicant therefore requests that SM&MLPL provide clarity on specifically how the response does not answer the question and on which aspects of the answer they consider to be unclear.</p> <p>The Applicant agrees that the deadweight quantum is not a matter that relates to the DCO application and would be more appropriately deferred to the LPAs for agreement through the subsequent, separate planning process for these applications.</p> <p>Any further traffic modelling being undertaken to inform the LPA's regarding allocation of deadweight development to each of the current planning applications is being done as part of the planning application determination process for these applications and is separate to and therefore, not applicable to the M5 junction 10 DCO Examination.</p>		Deadline 5 01/10/2024
	1.2 Link Road	<p>SM&MLPL consider that the TA submitted to support the DCO application focuses on the need for Scheme Element 1 (all-movements junction) and does not clearly define the need for Scheme Element 2 (West Cheltenham Link Road east of Junction 10 from the A4019) and Scheme Element 3(widening of the A4019).</p> <p>HBD x Factory Limited (20/10/2024)</p> <p>The J10 proposals are identified as part of the M5 growth corridor proposals within the JCS. Therefore, it is reasonable to conclude that they are required to support all forthcoming development and not just the three sites listed. Why were only these selected? The contribution strategy should also acknowledge the need for new and future developments which come forward after the initial contribution strategy is fixed, to be required to contribute to J10 in a proportionate manner.</p>	<p>The Transport Assessment (APP-138) presents the assessment of the transport related impacts of the Scheme in its totality, i.e., including all three elements. The need for the Scheme, including the West Cheltenham Link Road and the widening of the A4019, is set out in the Statement of Reasons (REP1-007), which is supported by policy as set out in the Planning Statement and Schedule of Accordance with National Policy Statement (REP1-028). The Scheme elements were determined through a thorough option appraisal process that considered alternatives, as explained in Chapter 3 of the Environmental Statement (APP-063), which were subject to both public and statutory consultation as recorded in Consultation Report (APP-038).</p> <p>GCC HDM has been consulting on a contribution methodology, which has been developed in line with the s122 CIL tests, and the resultant contribution amount since September 2023. That consultation closed in May 2024 and GCC responded to developers in a meeting on 18/07/24 and 21/08/24. The methodology is still to be agreed.</p>		Deadline 5 01/10/2024

Theme	Topic	Position of interested party	Applicant Response	Response by IP	Status and date of latest Position
2. Site Specifics	2.1 Link Road	<p>SM&MLPL note that this document provides a high level response to the interested parties associated with the Strategic Allocations and the Safeguarded Land.</p> <p>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).</p>	The Applicant would appreciate the interested party's confirmation of this point but it would appear from the information submitted as part of Planning Application 22/01817/OUT that the application as proposed is seeking to provide 1,100 homes in the area of the wider West Cheltenham allocation north of the proposed bus gate. On that basis the associated traffic anticipated to travel to the northern part of the West Cheltenham development would continue to be in line with that modelled for the Scheme and the JCS Transport Evidence Base, May 2017 which justifies the need for the West Cheltenham Link Road.		Deadline 5 01/10/2024
	2.2 Link Road	SM&MLPL will wish to be involved in discussions with GCC to ensure the delivery of the link that provides access to West Cheltenham from Old Gloucester Road, including its geometry and land take. They wish to ensure it is deliverable in accordance with their build-out programme and that this is captured appropriately in the DCO.	The Applicant is committed to ensuring the M5 J10 scheme elements tie-into SM&MLPL's proposals provided that it is able to do this within the scope of the Scheme as submitted. Based on discussions with SM&MLPL, the Applicant understands that the changes are minor in nature and therefore could be incorporated as part of detailed design. The Applicant requires design details from SM&MLPL to enable it to determine the suitability of any tie-in that might be required.		Deadline 5 01/10/2024
	2.3 Utilities	<p>SM&MLPL are concerned to ensure that our development proposals are not adversely affected by utility (including overhead line) diversions, works within planned open space and areas designated for flood attenuation and surface water storage. SM&MLPL will wish to examine any potential permanent or temporary compulsory acquisition of land, the works plans, protective provisions, management plans and requirements. In summary SM&MLPL are concerned to understand the potential interaction of:</p> <ul style="list-style-type: none"> • Utilities • Open Space- general arrangement plans. • Ground Conditions and Drainage with our development proposals. 	See responses 2.4, 2.5 and 2.6 below		Deadline 5 01/10/2024
	2.4 Utilities	The proposed 11kV diversion route needs to coordinate 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.	The Applicant agrees that a coordinated approach is required for SM&MLPL's proposed 11kV diversion and will continue to liaise with SM&MLPL on this matter.		Deadline 5 01/10/2024
	2.5 Utilities	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.	<p>The Applicant agrees that a coordinated approach is required for SM&MLPL's proposed 11kV diversion and will continue to liaise with SM&MLPL on this matter.</p> <p>The Applicant seeks clarification from SM&MLPL as the Applicant's position is that all terminal poles are within the land to be acquired.</p>		Deadline 5 01/10/2024
	2.6 Drainage and Flood Risk	<p>The existing land drainage ditch along Old Gloucester Road is to be diverted as part of the Scheme. SM&MLPL understand from our discussions that the Applicant team will provide details illustrating location, levels and capacity, as well as any proposed drainage outfalls into it (and whether they are attenuated prior to discharge).</p> <p>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. SM&MLPL understand from our discussions that the Applicant team will share the hydraulic modelling outputs with the SM&MLPL to demonstrate this.</p>	<p>The existing roadside ditch is being realigned to sit alongside the widened highway. Swales, with check dams to attenuate the flow, will collect highway runoff. These will drain into the realigned ditch which in turn drains into the ordinary watercourses in this area. The swales and ditch realignment are to be sized at the detailed design stage.</p> <p>Until these details are determined at detailed design the Applicant is not in a position to confirm on final alignments and capacity.</p> <p>ICM flood modelling of the ordinary watercourse has been undertaken building on the work of SM&MLPL. It has been demonstrated to SM&MLPL through the modelling that the proposed culverting arrangement, moving</p>		Deadline 5 01/10/2024

Theme	Topic	Position of interested party	Applicant Response	Response by IP	Status and date of latest Position
			<p>from a single small irregular crossing to 3nr 2.1m wide 0.5m high openings does not increase flood risk to the south and in fact marginally increases conveyance during smaller floods. This is documented in the Flood risk Impacts technical note [AS-049].</p> <p>The flood modelling of this has been reviewed by the LLFA and the Environment Agency The model was shared with SM&MLPL on 23 September 2022. No further changes have been made.</p>		
	2.7 Highways Matters	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>The Applicant is committed to ensuring the M5 J10 scheme elements tie-into SM&MLPL's proposals provided that it is able to do this within the scope of the Scheme as submitted. Based on discussions with SM&MLPL, the Applicant understands that the changes are minor in nature and therefore could be incorporated as part of detailed design. The Applicant requires design details from SM&MLPL to enable it to determine the suitability of any tie-in that might be required.</p> <p>The Applicant is stopping up footpath ABO26 between points 16/1 and 16/2 as shown on sheet 16 of the Streets, Rights of Way and Access Plans. The diverted route will follow the footway demonstrated on the same sheet between point labelled PR56. Users of the footpath will therefore join the footway leading to access into A7.</p> <p>The Applicant understands that SM&MLPL are suggesting that the footway labelled PR56 should be a shared use path.</p> <p>The Applicant does not consider this appropriate because there is no onward route from the westward end of PR56 that would enable cyclists to continue.</p> <p>Applicant is awaiting the layout of the proposed active travel route.</p>		Deadline 5 01/10/2024
	2.8 SANG	<p>By the Applicant's calculations, taking the DCO redline, this would lead to loss of 0.67 hectares of the proposed SANG - such that the total area reduces from 21.42 hectares to 20.75 hectares. As the Applicant has noted on the plan submitted with the DCO, this would result in the scheme becoming deficient overall in terms of the total area of SANG required for 1,100 units, specifically by 0.37 hectares. On review of the Applicant's environmental masterplan for this area, it is apparent that there will be some re-provision of habitats to the south of the widened road - however, this would constitute swale / road verge habitats primarily, and a new hedgerow to be provided on the southern boundary of these (between the road and the site). On this basis, in effect this area could not form part of a SANG as it would not be publicly accessible for use by new and existing residents, regardless of the fact that this would constitute semi-natural habitats.</p> <p>This forms a fundamental element of the avoidance and mitigation strategy upon which the scheme is reliant to demonstrate that the development would not be likely to affect the integrity of Cotswold Beechwoods SAC (or indeed any other 'Habitats Site' or other statutory designations) either alone or in combination with other development. Whilst the Competent Authority under the Habitats Regulations (the LPA for West Cheltenham) may take the view that this is not material, the application documents as agreed with Natural England make clear that the provision of SANG of the scale proposed meets the relevant requirements in terms of area, and therefore it is feasible that NE could, as the statutory advisor, have concerns that the removal of this area from the SANG means that it is no longer appropriate.</p> <p>The Biodiversity Chapter (7) for the DCO application explicitly notes (para 7.6.12) the following: "one of the objectives of the scheme is to unlock the proposed housing developments in the area by providing the necessary highways infrastructure". In this light,</p>	<p>The Applicant has reviewed the overlap between the Scheme and the land parcels ref. 188c and 188d. These land parcels are the parts of the West Cheltenham Development Area that overlap with the Scheme.</p> <p>The overlap bounded by the Order limits is calculated as 0.92ha. This comprises permanent land take (the widened B4634, the access stub into the West Cheltenham Development Area, footways, swales and new hedgerows), and also the temporary land take required to build the Scheme. The area of temporary land take will be returned to the landowner following the completion of construction.</p> <p>The overlap from the permanent land take is calculated as 0.49ha.</p> <p>Therefore, on completion of construction of the Scheme, a total of 0.49ha is taken from the West Cheltenham Development Area. As described above this will comprise a mix of built infrastructure and semi-natural habitats (hedgerows, swales and grassland).</p>		Deadline 5 01/10/2024

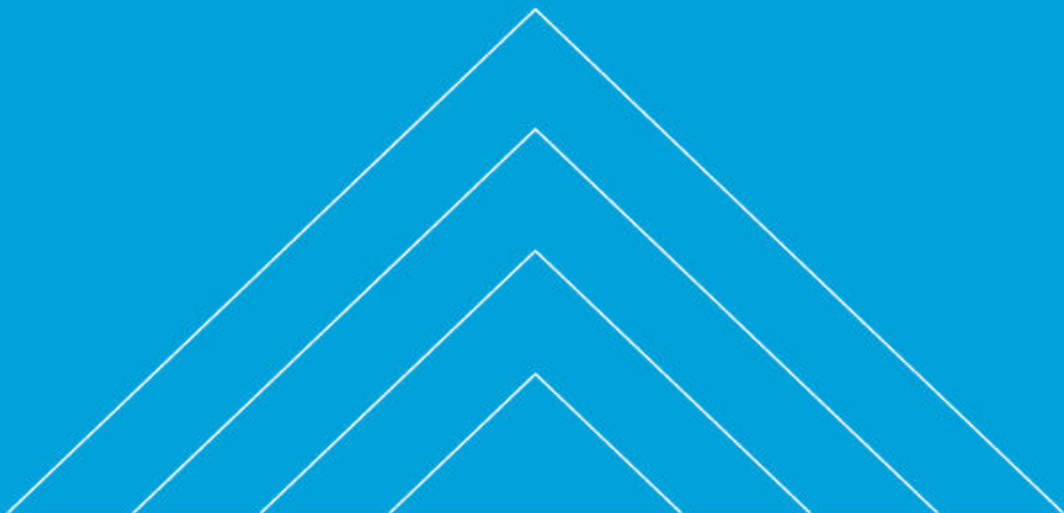
Theme	Topic	Position of interested party	Applicant Response	Response by IP	Status and date of latest Position
		<p>this would appear to conflict directly with the scheme, as reducing the area of SANG as a result of the works would be likely, in fact, to do the opposite for the West Cheltenham site.</p>			
3. Funding	3.1 Contribution Methodology	<p>SM&MLPL are concerned to ensure that the contribution methodology approach does not place a disproportionate weight on Northwest Cheltenham (Safeguarded), Northwest Cheltenham and West Cheltenham.</p> <p>Future developments within the Cheltenham, Tewkesbury, and Gloucester area in the period up to 2042 which increase traffic on at Junction 10 and 11 should also be contributing towards the works, through either CIL or Section 106 contributions, and the mechanism should be sufficiently flexible to enable these to be captured.</p> <p>An initial proposal for a funding mechanism was published by GCC and a consultation response provided by Savills on behalf of SM&MLPL dated 20 October 2023. Through this response, SM&MLPL objected to the narrow focus of the proposed mechanism which only sought contributions from the nearby Strategic Allocations within the Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS).</p> <p>In response, GCC have advised that they have developed a revised funding mechanism for comment which addresses the concerns raised. This has not been published to date and, in answer to part (iii) of the question, it is not yet possible to confirm whether the revised mechanism is deemed to be acceptable. SM&MLPL is happy to engage with GCC on this point when GCC is ready to share the revised funding mechanism. This dialogue could be kept alive via an appropriately worded Requirement.</p>	<p>The Applicant has been working with developers since 2023 to determine a methodology for allocating funding contributions. That consultation closed in May 2024 and a meeting was held on 18th July 2024 to take matters forward. The Applicant has been liaising with the respondent and hopes to agree a funding methodology.</p>		Deadline 5 01/10/2024
	3.2 Developer Contributions and CIL	<p>SM&MLPL are concerned that the contribution per dwelling figure could impact upon the viability of the strategic allocations which could affect contributions for other items.</p> <p>The engagement document makes reference to viability in the context of Policy INF7. SM&MLPL request that GCC clearly set out how the requested contribution accords with the three tests within Paragraph 57 of the NPPF.</p> <p>The working assumption of SM&MLPL to date has been that a financial contribution would be calculated per dwelling and that, subject to viability, a proportionate contribution would be paid on commencement of each phase of development that secures reserved matters approval. There are six phases of development within the SM&MLPL outline planning application which will come forward as separate reserved matters applications for residential / mixed-use development over the course of the 6-8 years after outline permission has been granted. As explained above, the actual amount of the financial contribution and the mechanism to determine it have not yet been agreed.</p> <p>Any funding mechanism would need to have regard to the viability of development and the balance between contributions to other infrastructure required to mitigate the impacts of development such as off-site active travel improvements, bus service enhancements and a range of social / community infrastructure. SM&MLPL have started discussions with the two local planning authorities – Cheltenham and Tewkesbury Borough Councils – regarding the viability of development and the funding of infrastructure, however that process has not yet concluded and there is not therefore clarity on the level of contribution, if any, that could theoretically be made towards strategic highways improvements.</p>	<p>The Applicant has been working with developers since 2023 to determine a methodology for allocating funding contributions. That consultation closed in May 2024 and a meeting was held on 18th July 2024 to take matters forward. The Applicant has been liaising with the respondent and hopes to agree a funding methodology.</p>		Deadline 5 01/10/2024
	3.3 Transport Modelling	<p>In respect of transport modelling, it is important to assess the percentage impact of each development's proportion of dependant trips to attribute the level of contributions which has been requested. We note that the assessment of transport impact has been based on the proportion of dependent development trips on both Junction 10 and Junction 11. Our</p>	<p>As outlined in the Applicant's Response to Relevant Representations RR-005, RR-006, RR-007 and RR-034 (REP1-048), the SPD includes the preparation of a development capacity study, informed by the strategic masterplanning work undertaken for the SPD, which highlights that the</p>		

Theme	Topic	Position of interested party	Applicant Response	Response by IP	Status and date of latest Position
		transport modelling work has indicated that a proportion of dwellings at West Cheltenham can come forward prior to the implementation and operation of the Scheme and we note that GCC accept this. SM&MLPL would like to ensure that this quantum is agreed and that the methodology used to attribute these contributions is fair and proportionate.	allocated site is likely to present the opportunity for a housing capacity of 2,370 dwellings. The SPD looks beyond the current plan period towards further phases of growth, the same scenario that the M5 J10 Improvements Scheme looks to facilitate when considering its 2042 design year. As outlined by SM&MLPL this increased capacity has been further reflected by the planning applications that have been submitted. Discussions are ongoing on this matter.		
	3.4 Funding Proportion	As part of Regulation 18 Consultation on Spatial options and Key Policy areas for the Strategic Local Plan, consultation on the Draft Site Assessment Methodology (Housing and Economic Land Assessment, 2023) occurred. SM&MLPL therefore request confirmation of whether GCC have considered the potential for additional sites to come forward as allocations within the CGTSLP and how these will contribute to the funding for the scheme.	The Applicant has been working with developers since 2023 to determine a methodology for allocating funding contributions. That consultation closed in May 2024 and a meeting was held on 18 th July 2024 to take matters forward. The Applicant has been liaising with the respondent and hopes to agree a funding methodology.		Deadline 5 01/10/2024
	3.5 Funding Proportion	SM&MLPL wish to examine the following information: <ul style="list-style-type: none"> The funding statement, to better understand its basis. Confirmation of the total available funding dedicated to the Scheme from the HIF and GCC. Information on the comparative costs associated with each of the three main work items. Confirmation on how the requested contribution accords with the three tests under Paragraph 57 of the NPPF. SM&MLPL also request for confirmation of whether GCC has considered the potential for additional development sites to come forward as allocations within the CGTSLP, and the implication of this.	The Applicant has been working with developers since 2023 to determine a methodology for allocating funding contributions. That consultation closed in May 2024 and a meeting was held on 18 th July 2024 to take matters forward. The Applicant has been liaising with the respondent and hopes to agree a funding methodology.		Deadline 5 01/10/2024
	3.6 Funding contributions	HBD x Factory Limited Our principal concern is that the commercial aspect of Golden Valley cannot afford to make a contribution; Contributions on this scale were not envisaged when the land was purchased, not least because the narrative surrounding the WCTIS (West Cheltenham Transport Improvement Scheme) project clearly stated that it was designed to facilitate development at Golden Valley (https://www.gfirstlep.com/news/cyber-central/). To require this level of financial contribution on would make the commercial development aspect unviable, risking the entire project thereby frustrating the economic and employment objectives that we are all striving to deliver. Without the employment uses the residential development could not proceed and if there is to be a contribution it should be shared amongst the various residential parcels.	The applicant has submitted viability reports to the LPA which are currently being reviewed as part of the planning application process. The Applicant intends to provide their own comments to the LPA in respect of these viability reports.		Deadline 5 01/10/2024
	3.7 Viability CIL Charging	HBD x Factory Limited The viability challenges are reflected in the adopted CIL Charging Schedule, prepared by the Joint Authorities to support the JCS. This only has charges for residential development. It does not charge for commercial development, presumably because the viability work underpinning the Charging Schedule found that commercial development couldn't support CIL never mind significant J10 costs.	See above comments at 3.6 concerning review of the viability report. INF 7 of the JCS states that "Where, having regard to the on- and / or off-site provision of infrastructure, there is concern relating to the viability of the development, an independent viability assessment, funded by the developer and in proportion with the scale, nature and / or context of the proposal, will be required to accompany planning applications. Viability assessments will be undertaken in accordance with an agreed methodology and published in full prior to determination for all non-policy compliant schemes. Where		Deadline 5 01/10/2024

Theme	Topic	Position of interested party	Applicant Response	Response by IP	Status and date of latest Position
			<i>necessary the JCS authorities will arrange for them to be independently appraised at the expense of the applicant."</i>		
	3.8 Funding gap -contributions	<p>HBD x Factory Limited</p> <p>Looking then at the principle of asking for contributions to fill a funding gap as a planning obligation. To do so has to meet three tests: a) is it necessary to make the development acceptable in planning terms; b) is it directly related to the development; and c) is it fairly and reasonably related in scale and kind to the development. In this context, we would question if the J10 works proposed are all required for development to progress at West Cheltenham. We believe that some of the development can come forward without J10 works and still have an acceptable impact on the highway network. Within the West Cheltenham allocation different parts will have varying impacts on J10, particularly as a bus gate proposed which prevents commercial and residential traffic from the southernmost parts directly accessing J10. All commercial traffic to the allocation will be coming via the A40/Telstar Way rather than down through the allocation from Old Gloucester Road, has this been considered within the modelling exercise undertaken? As you know we are in the early stages of a review of our traffic modelling with GCC and should use that to illustrate these points.</p>	The applicant is engaging with the developer to review the methodology and its compliance with the tests. Currently the use of dead weight and development dependent trips in the calculations accords with the principles of the tests, however it is recognised that individual sites will have site specific local road network harms at different times and the review of the methodology will try to better capture these issues.		Deadline 5 01/10/2024
	3.9 Charging rationale	<p>HBD x Factory Limited</p> <p>The principle of basing the contributions on 'trip impact' is logical but given the significant dependence of the whole method on the trip input estimates, these will need to be agreed prior to the formal adoption of any method. Putting aside the viability argument on commercial development, If the trip generation assumption is the same as that we are discussing with your colleague Brian Walker, it is approximately twice that which our consultants suggest (measures to encourage public transport and the shift post covid to hybrid working). This has a significant impact and doesn't recognise the different/tidal nature of the trip distribution patterns means different development type may elicit different levels of impact.</p>	Since submission of these representations, the applicant understands that GCC HDM have agreed a range of site specific trip rates, subject to those vision led approaches being supported by adequate sustainable transport measures. This work is still ongoing as part of the planning consultation process		Deadline 5 01/10/2024
	3.10 Charging rationale	<p>HBD x Factory Limited</p> <p>The 'deadweight' capacity will need to be clarified, particularly what is assumed to comprise this figure and how it has been calculated. It does not appear like the deadweight has featured in the contribution calculations and an understanding of the levels which have been identified is important.</p>	The for the respective sites was used to calculate the development dependent trips at Junction 10 and 11 of the M5. This methodology is currently under review in consultation with HBD.		Deadline 5 01/10/2024
	3.11 Charging rationale	<p>HBD x Factory Limited</p> <p>The suitability of the strategic model as the only tool to be relied upon in deriving these figures must be evidenced. The trip assignment is a function of network stresses and constraints which influence how vehicles route within the transport network. This, in turn, is a function of the network calibration/validation and traffic forecasting processes. None of these will be perfect but given that this model is being used in isolation to justify a contribution in excess of £80million it is reasonable to expect that GCC and NH will be able to provide assurances that the model is fit for purpose and that the local network calibration and validation is sufficiently accurate that we can be confident in the outputs produced. We would request that the key reports (model development report, future year forecast report) are made available to allow us to establish the appropriateness of the model and the outputs.</p>	This methodology is currently under review in consultation with HBD.		Deadline 5 01/10/2024
	3.12 Other funding mechanisms	<p>HBD x Factory Limited</p>	See 3.4 and 3.5 above.		Deadline 5 01/10/2024

Theme	Topic	Position of interested party	Applicant Response	Response by IP	Status and date of latest Position
		Finally the funding requirements of Junction 10 were initially met by the Housing Infrastructure Fund ("HIF") and we understand that there is now an £81M+ shortfall. Is GCC looking at other funding mechanisms such as more HIF or Tax Increment Financing (TIF)?			

Appendices



Appendix A. Letter of in principle support from MLPL and St Modwen

Dear Sirs,

RE: Bloor Homes Position Statement concerning M5 Junction 10 Funding methodology in respect of “Elms Park”, North West Cheltenham.

This is a joint statement on behalf of Bloor Homes and Persimmon Homes Ltd (Elms Park Developers). The Elms Park Developers role in relation to the M5 J10 Improvement Scheme DCO process (DCO) derives from our joint venture in the development known as Elms Park, a strategic development site identified as Policy A4 - North West Cheltenham in the adopted Joint Core Strategy.

In connection with the DCO, the County Council had consulted us on a methodology to apportion the cost of the £81.139m funding shortfall amongst those sites that the County Council maintains cumulatively are dependent on the DCO works and the relief it provides elsewhere on the network. The initial funding methodology proposed that allocated strategic sites at West and North-West Cheltenham and the safeguarded land at North-West Cheltenham would contribute to this funding gap. We do not agree with this methodology and following our representations, we understand that GCC are amending the methodology to better relate it to a wider range of sites that necessitate the scheme and the benefits it delivers.

Subject to reviewing the revised shortfall funding methodology, we will consider whether it can be supported, noting that we do not object to the DCO scheme in principle. Agreement to supporting the funding methodology, or making any alternative funding provision or works in kind, will be subject to the following:

- Planning permission is granted for the Elms Park site;
- GCC adopting a revised methodology that includes other development sites that cumulatively would be dependent on provision of the M5 Junction 10 package,
- GCC support the removal of any highway Grampian conditions in relation to our development concerning delivery of the DCO junction 10 works or other highway mitigation schemes;
- Other identified sites contributing in line with the revised methodology to address the funding gap;
- Consideration of any site-specific viability issues in determining contributions which may include consideration of how Community Infrastructure Levy may be used to also address the funding gap, including for CIL or similar provisions made in the emerging Strategic Local Plan
- A Landowners Agreement being entered into between GCC and Bloor Homes and Persimmon Homes which enables a commercially acceptable delivery partnership to be established including means of access;
- Any contributions being sought by GCC being CIL compliant and reasonable in all other regards.

Appendix B. Letter of in principle support from HBD



PART OF HENRY BOOT

Chris Beattie CEng MICE
M5 J10 Programme Manager
GCC Major Projects
Highways Commissioning,
Gloucestershire County Council
Shire Hall, Westgate Street,
Gloucester GL1 2TG

30th July 2024

Dear Sir/Madam

RE: Developer Position Statement concerning M5 Junction 10 Funding methodology

HBD have applied for planning permission for up to 1067 dwellings and 125,698sqm of employment floorspace (including mobility hubs) to the West Cheltenham, known as Golden Valley.

In connection with the M5 J10 Improvements Scheme DCO, the County Council had consulted us on a methodology to apportion the cost of the £81.139m funding shortfall. The proposal was to cover the shortfall amongst those sites that, to varying degrees benefit from the additional capacity created by the M5 J10 proposals. The initial funding methodology identified that allocated strategic sites at West and North-West Cheltenham and the "safe-guarded" land at North-West Cheltenham would contribute to this funding gap.

The principal concerns we have are that any contribution must legally satisfy the CIL 122 tests, and adequately considers scheme viability. It is our position that the Southern Parcel application should not contribute to the DCO scheme as an obligation would not be CIL compliant.

Contributions should also be based on a methodology which reflects the varying impacts of development. For example, a bus gate is proposed which prevents commercial and residential traffic from directly accessing J10. All traffic therefore will be coming via the A40/Telstar Way rather than down through the allocation from Old Gloucester Road. A revised charging methodology should acknowledge that.

A proportionate contribution from the Northern Parcel application may be possible (subject to impact and viability).

The J10 proposals are identified as part of the M5 growth corridor proposals within the JCS. Therefore, it is reasonable to conclude that they are required to support a much wider array of forthcoming development than just the three sites currently proposed by GCC. A contribution strategy should also acknowledge the need for new and future developments which come forward after the initial contribution strategy is fixed to contribute to J10 in a proportionate manner.

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0114 350 4477 hello@hbd.co.uk hbd.co.uk



PART OF HENRY BOOT

Finally, the funding requirements of Junction 10 were initially met by the Housing Infrastructure Fund ("HIF") and we are keen to understand if the shortfall for the developers to contribute to can be reduced by looking at other funding mechanisms such as more HIF or Tax Increment Financing (TIF)?

Following our representations, GCC have confirmed that they are amending the methodology to better relate it to a wider range of sites that necessitate the scheme and the benefits it delivers. We have yet to receive this.

We support the principle of improvements to J10 of the M5 and our development site could contribute to the funding shortfall, subject to the following:

- Planning permission is granted for our Southern and Northern development sites,
- Any contributions are legally CIL compliant,
- Consideration is given to site-specific viability issues
- Alternative sources of funding are sought (e.g. Community Infrastructure Levy, HIF funding etc),
- GCC adopt a revised methodology to capture a wider range of other development sites that cumulatively would be dependent in whole or part on provision of the M5 Junction 10 package,
- The other sites identified, currently and in the future contribute in line with the methodology described above to address the funding gap,
- Once the contract is let for the construction of the M5 J10 Improvements Scheme, any highway Grampian conditions in relation to our developments concerning delivery of those M5 J10 Improvement Scheme works will be removed.

We are advised that a DCO session on funding will be scheduled during August, and we would be happy to meet to discuss funding with you prior to then if that was helpful.

Yours sincerely


Nigel Munro
Director - Head of Projects (Urban Regen)

Appendix C. Letter of in principle support from NEMA

Gloucestershire County Council
Shire Hall
Westgate Street
Gloucester
GL1 2TG

30 July 2024

Dear Sir/Madam

**RE: Developer Position Statement concerning M5 Junction 10 Funding methodology
NEMA Land Parcel, West Cheltenham: Proposal Comprising 37,500m2 of Employment
Floorspace, up to 365 New Dwellings, Medical Centre and Associated Landscaping.**

In connection with the M5 J10 Improvements Scheme DCO, the County Council had consulted us on a methodology to apportion the cost of the £81.139m funding shortfall. The proposal was to cover the shortfall amongst those sites that, to varying degrees benefit from the additional capacity created by the M5 J10 proposals. The initial funding methodology identified that allocated strategic sites at West and North-West Cheltenham and the “safe-guarded” land at North-West Cheltenham would contribute to this funding gap.

The principal concern we had was that the commercial aspect of Golden Valley cannot afford to contribute. The J10 proposals are identified as part of the M5 growth corridor proposals within the JCS. Therefore, it is reasonable to conclude that they are required to support all forthcoming development and not just the three sites listed. A contribution strategy should also acknowledge the need for new and future developments which come forward after the initial contribution strategy is fixed to contribute to J10 in a proportionate manner.

Looking then at the principle of asking for contributions to fill a funding gap as a planning obligation within the West Cheltenham allocation, different parts will have varying impacts on J10. A bus gate is proposed for example which prevents commercial and residential traffic from the southernmost parts (i.e. where our land is located) directly accessing J10. All commercial traffic to that part of the allocation therefore will be coming via the A40/Telstar Way rather than down through the allocation from Old Gloucester Road. A revised charging methodology should acknowledge that.

Finally, the funding requirements of Junction 10 were initially met by the Housing Infrastructure Fund (“HIF”) and we were keen to understand if the shortfall for the developers to contribute to can be reduced by looking at other funding mechanisms such as more HIF or Tax Increment Financing (TIF)?

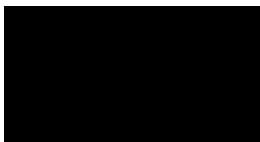
Following our representations, GCC have confirmed that they are amending the methodology to better relate it to a wider range of sites that necessitate the scheme and the benefits it delivers. This is to be issued in July 2024.

We support the principle of our development site contributing to the funding shortfall, subject to the following:

- Planning permission is granted for our parcel,
- GCC adopt a revised methodology to better relate to a wider range of other development sites that cumulatively would be dependent in whole or part on provision of the M5 Junction 10 package,
- The other sites identified, currently and in the future contribute in line with the methodology described above to address the funding gap,
- Consideration is taken of any site-specific viability issues in determining contributions which may include consideration of how Community Infrastructure Levy may be used to also address the funding gap.
- Once the contract is let for the construction of the M5 J10 Improvements Scheme; the any highway Grampian conditions in relation to our development concerning delivery of those M5 J10 Improvement Scheme works will be removed.
- The identified contribution methodology is CIL compliant.

We are advised that a DCO session on funding will be scheduled during August and we would be happy to meet to discuss funding with you prior to then if that was helpful.

Yours faithfully



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