

Mr Colin Chick
Gloucestershire County Council
Shire Hall,
Westgate Street,
Gloucester
GL1 2TG

Date: 02 October 2024

Dear Sir,

M5 Junction 10 Improvements Scheme Development Consent Order

This letter is written on behalf of the Joint Councils including, Gloucestershire County Council (GCC in its role as the Local Highway Authority, Cheltenham Borough Council (CBC) and Tewkesbury Borough Council (TBC) as Local Planning Authorities (LPAs). To place this letter in context, we write further to our meeting on Wednesday 25th September 2024, and advise as follows. We reiterate the statements made at that meeting and in our responses to questions throughout the Inspectorate Hearings in relation to the request of the Applicant to grant a Development Consent Order which enables works to facilitate upgrades and associated works to J10 of the M5 ("the Order").

The Joint Councils reiterate their support for the purpose of the Order and concur with the Applicant that works enabled by the Order will assist to unlock the development of additional housing in the [Strategic Site Allocations and Safeguarded Land].

The M5 J10 DCO Scheme is consistent with the policies outlined within the adopted Gloucester, Cheltenham & Tewkesbury Joint Core Strategy (JCS). The JCS sets out the Councils' long-term vision, objectives and strategic policies for shaping and, locations for new development up to 2031. The JCS Transport Strategy, prepared to support the evidence base of the JCS, was agreed by both the Strategic and Local Highway authorities. Once the JCS was adopted the County Council's Local Transport Plan was updated to reflect the JCS Strategy. The highway improvements identified in the M5 J10 DCO Scheme are intended to mitigate the growth proposal outlined in the JCS.

The LPAs, at the point of making recommendations to planning committee on a planning application associated with individual development schemes coming forward will need to do so on the best information available at that time and makes recommendations taking into account the merits of the applications against the statutory development plans and material planning considerations. The material planning considerations by the LPA include the statutory responses from both National Highways and GCC as Local Highway Authority, which may address implications of the development proposal on the strategic and local network. The LPAs look to the relevant statutory consultees (National Highways and GCC as Local Highway Authority) to help to inform the recommendation which will ultimately be presented to the relevant planning committees. Being mindful that one material planning consideration is 'highways'. Therefore, it does remain the case for each development to

demonstrate to the LPAs' satisfaction that the scheme proposed provides the infrastructure and services required as a consequence of the individual developments.

In principle, CIL funding may be secured alongside s106 contributions. In the discussions with relevant developers when planning applications are brought forward, there will be an element of section 106 contributions negotiations to assist with the provision of infrastructure across the strategic site allocations in order to mitigate any potential harm of the development. The Joint Councils' LPAs are currently in live negotiations across all of the developments. At the moment, the Joint Councils are unable to confirm the amount and the timing of when such s106 contributions may become available. In respect of s106 contributions, it is not only transport and/or public infrastructure for which financial contributions are sought as a mitigation of a development, as there are many public infrastructure considerations. In respect of CIL funding, the Joint Councils cannot give a commitment that a decision would be made on the amount of or timing of CIL funding as this is a decision for the Joint CIL Allocation Committee, which has yet to meet.

The above statements are included in our responses to the Inspectorate at Deadline 5. We attach the Planning Statement submitted at Deadline 3 to the Inspectorate which sets out the planning position of the Joint Councils.

Looking forward, the emerging Cheltenham, Gloucester and Tewkesbury Strategic and Local Plan will need to take full account of infrastructure needs and the funding of these as options are tested as we move to Regulation 19 consultation.

Yours faithfully,

Catherine Knight

**Legal Director
for DWF LLP**