

Your Reference

Our Reference  
2745292/TAW1

FAO The Examining Authority  
National Infrastructure Planning  
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2 The Square  
Bristol  
BS1 6PN



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30 October 2024

Dear Sirs

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

**Deadline 7 Submissions by Bloor Homes Limited and Persimmon Homes Limited (Interested Party Reference Numbers 20047701 and 20047702) (together the Interested Parties)**

Please find enclosed the written post hearing submissions (including written submissions of oral cases made at the hearings) of the Interested Parties for ISH4.

If you require anything further, please let us know.

Yours faithfully

[Redacted signature]

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**REFERENCE TR010063 - APPLICATION BY GLOUCESTERSHIRE COUNTY COUNCIL  
(APPLICANT) FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE M5 JUNCTION  
10 SCHEME**

**WRITTEN SUMMARIES OF ORAL SUBMISSIONS MADE AT ISSUE SPECIFIC HEARING 4 (ISH4)  
ON 15 OCTOBER 2024**

**MADE ON BEHALF OF BLOOR HOMES LIMITED AND PERSIMMON HOMES LIMITED  
(INTERESTED PARTIES)**

**1 TRAFFIC AND TRANSPORT**

*Agenda item 3vi – The ExA will seek views from the Applicant and IPs on access to sites with and without the scheme for existing and future uses.*

- 1.1 Bloor Homes has no further comments on the suitability of the proposed replacement access for existing uses. It is understood that the landowner may still have some concerns about both its suitability and safety, and they may make further written submissions on this in due course.
- 1.2 As regards access for future uses and access for future development of the Safeguarded Land, Bloor Homes and the landowner remain concerned about the potential for the Safeguarded Land to be ransomed by the Applicant following the exercise by the Applicant of its compulsory acquisition powers. In particular:
- (a) The plan submitted by the Applicant (Appendix C of REP4-037) showing the new proposed highway limits is only indicative.
  - (b) The Applicant has stated in its response to the Examining Authority's second written questions [Q5.0.16 of REP5-027] that the plan of the final highway boundary is not secured in the dDCO. Nor does the Applicant propose to secure it in the dDCO on the grounds that it is not aware of highway boundaries being secured in any other dDCO.
  - (c) Given the above, Bloor Homes and the landowner cannot place any reliance on the plan.
  - (d) The Applicant further states that the detailed design of the Scheme is not known at this stage and any commitment provided in the dDCO for a proposed highway boundary would have to be done on an indicative basis and would be of limited merit. Bloor Homes and the landowner accept that it may not be possible to confirm the highway boundary at this stage but do not agree with the Applicant that a commitment would be of limited merit. It is within the gift of the Applicant to provide a commitment not to ransom or prevent provision of a development access to the Safeguarded Land. This could be secured in the dDCO or potentially by a deed of undertaking, which could, for example, provide that, if the final highway boundary did result in a ransom, then the Applicant would commit to granting suitable rights to Bloor Homes and the landowner to negate that ransom.
  - (e) The Applicant stated at the ISH4 that, as it is not representing Gloucestershire County Council (GCC) as highway authority or landowner, then it is not within their gift to provide such a commitment. This is not accepted. The Applicant will exercise the compulsory acquisition powers in the dDCO and create the ransom. It should therefore be within its control to avoid a ransom position arising.
  - (f) As indicated in its responses to second written questions [REP5-033], Bloor Homes has, to try and mitigate the ransom risk, undertaken its own work to propose an alternative access to the Safeguarded Land. GCC, as highways authority, has indicated that that alternative access is likely to be acceptable. Whilst this provides some comfort, it does not entirely remove the ransom risk.

- (g) Bloor Homes would welcome engagement from the Applicant to discuss how the ransom risk might properly be addressed.

## **2 FUNDING**

*Agenda item 4i - The Applicant to provide an explanation of the build programme in the event of a positive decision to grant the DCO from the SoS including the timing of the delivery of each element of the project and the funding availability to deliver it.*

- 2.1 The Interested Parties note the Applicant's comments on its intended programme but consider it to be optimistic. The Applicant has been requested to provide a detailed programme and the Interested Parties would welcome the opportunity to comment on it in due course.

*Agenda item 4iii - The ExA will follow up 5.017 in ExQ2 in seeking views from the Applicant and APs on whether funding available to support the scheme would be materially different if land were subject to more than one ownership.*

- 2.2 The Interested Parties note that the Applicant is to provide an updated funding statement, including whether there is adequate funding to cover all land acquisition costs, and await sight of that document before responding to this question.

*Agenda item 4v - The ExA will explore with the Applicant the process of gaining a loan from the UK Investment Bank.*

- 2.3 The Interested Parties note that the availability of a loan for the project is subject to both approval from the bank and approval from GCC's cabinet. The availability of a loan therefore remains uncertain.

## **3 S106 FUNDS**

*Agenda item 5i - The ExA will seek clarification from the Applicant and IPs as to whether there has been any update on funding via s106 and CIL since ISH3 and D4.*

- 3.1 The Interested Parties have been engaging with the Applicant with a view to trying to narrow the issues between them. Those discussions are still ongoing and for now the position of the Interested Parties is that the funding methodology remains unagreed and any s106 contribution from Elms Park or the Safeguarded Land is to be determined through the usual development management process when the planning applications for those sites are determined.

- 3.2 With a view to trying to move matters forward, however, the Interested Parties have made a without prejudice offer to the Applicant and to the planning authorities which sets out what s106 contribution Elms Park would be prepared to make towards funding the Scheme and the conditions which would need to be met for that contribution to be made. An initial response has been received from the Applicant, but no substantive response has yet been received from the planning authorities. The Interested Parties would welcome further engagement with the Applicant and the planning authorities to try and agree a way forward.

*Agenda item 5ii – The ExA will seek clarification from Ips, the Applicant, and the Joint Councils the position following receipt of the 'Letter of In Principle Support' [REP5-031].*

- 3.3 The position of the Interested Parties remains as set out in the letter [REP5-031].

**GOWLING WLG (UK) LLP  
ON BEHALF OF THE INTERESTED PARTIES**