

# M5 Junction 10 Improvements Scheme

## Statement of Common Ground North West Cheltenham (Elms Park) TR010063 - APP 8.7

Regulation 5(2)(q)

Planning Act 2008

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

Volume 8  
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# Infrastructure Planning Planning Act 2008

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

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

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#### 8.7 Statement of Common Ground North West Cheltenham (Elms Park)

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**STATEMENT OF COMMON GROUND**

This Statement of Common Ground has been prepared agreed by (1) Gloucestershire County Council and (2) Bloor Homes and Persimmon Homes

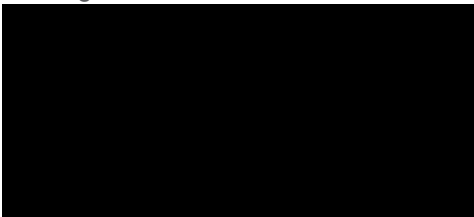


Signed: CHRIS BEATTIE

On behalf of Gloucestershire County Council

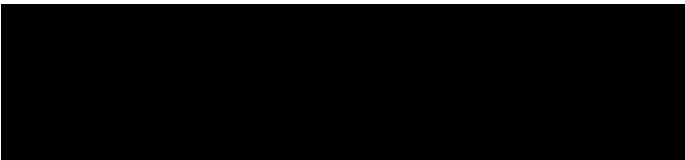
Date: 27/11/2024

Signed



On behalf of Bloor Homes

Date: 27/11/24



Signed

On behalf of Persimmon Homes

Date: 27/11/24

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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. It is therefore 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 (WFD)	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 by the Applicant to the Secretary of State for a 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 and structure of SoCG

1.2.1. This document is a Statement of Common Ground (SoCG) between, GCC (the Applicant) and Bloor Homes and Persimmon Homes, developers promoting North West Cheltenham development area (also referred to as Elms Park and referred to as the "North West Cheltenham Developers" for this SoCG); in relation to the M5 J10 Improvements Scheme.

1.2.2. The document identifies the following between the parties:

- Summary of engagement and consultation (Table 3.1)
- Matters which have been agreed (Table 4.1) and
- Matters currently outstanding (Table 5.1)

## 1.3. Status of this SoCG

1.3.1. Discussions have been had between the developers and the Applicant and this SoCG presents the final position between the parties at Deadline 10 on 4 December 2024.

## 2. Consultation

### 2.1. The Role of Gloucestershire County Council

2.1.1. In this SoCG, Gloucestershire County Council (GCC) is the Applicant for the 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 Bloor Homes and Persimmon Homes Ltd

2.2.1. Bloor Homes and Persimmon Homes Ltd (North West Cheltenham Developers) are house-building developers. The North West Developers role in relation to the DCO process derives from their 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. JCS policy seeks 4285 homes and 10ha. office park, plus 13 ha. of predominantly non-B class employment (to include retail, healthcare and community facilities) (Site A4) The North West Cheltenham Developers submitted the following applications for planning permission for Elms Park which is within Site A4:

2.2.2. The following planning applications are relevant to Policy A4.

Policy Allocation	Planning Application	Description	Status
POLICY A4 NORTH WEST CHELTENHAM DEVELOPMENT AREA (ELMS PARK)	24/00073/FUL	Temporary (12 months) vehicular construction access from Manor Road in order to construct Phase 1 of the Swindon Farm, North West Cheltenham development approved under 20/00759/FUL	Permitted on 15 March 2024
SITE B	23/00354/OUT (Manor Farm)	Outline application for the erection of up to 180 residential units, including provision of vehicular and pedestrian access, green infrastructure and associated works. Appearance, landscaping, layout and scale are matters reserved for future consideration.	Submitted – Agreed Expiry Date: Fri 30 Aug 2024.  Not yet determined. National Highways recommended that the application should not be granted for a further period of six months from the 12 April 2024.
	23/01397/DISCON	Discharge of conditions 3 (CTEMP), 7 (foul water drainage), 8 (site contamination investigation), 12 (archaeological works), 13 (arboricultural method statement), 14 (no-dig methodology within RPAs), 15 (Tree Protection Measures), 33 (badger survey), 34 (LEMP)	Discharged 23 July 2024



Policy Allocation	Planning Application	Description	Status
		and 35 (CEMP) of planning permission 20/00759/FUL	
	20/00759/FUL Swindon Farm	Full planning application for the erection of new residential development (Use Class C3), new vehicular and pedestrian access off Manor Road, attenuation basin and ancillary infrastructure.  <i>260 residential units</i>	Permitted on 2 June 2023
	16/02000/OUT	Outline application for up to 4115 new homes providing a range and choice of mix and tenure, including affordable housing (C3) and elderly persons accommodation (C2 up to 200 rooms), 24 ha of employment generating uses including 10 ha B1 business park (up to 40,000 sqm), a hotel (C1 up to 100 rooms), and mixed use centres providing retail uses and community facilities (A1 - A5 up to 6,150 sqm, D1/D2 up to 1,000 sqm), a transport hub and public transport interchange, primary and secondary school education (D2), new areas of green infrastructure including areas of play sports hub, woodland planting, allotments and habitat at creation, creation of new means of access onto Tewkesbury Road and Manor Road, new footways and cycleways, and drainage infrastructure.	Submitted- Agreed Extension of the statutory period for determination until the 31 July 2024.

2.2.3. On the 2<sup>nd</sup> June 2023, planning permission was granted for 20/00759/FUL for 266 dwellings, this consent is accompanied by an agreement pursuant to Section 106 of the Town and Country Planning Act 1990. This agreement included provision for a developer contribution two million five hundred and one thousand nine hundred and thirty five pounds and thirty five pence (£2,501,935.35) towards the costs incurred by the County Council in carrying out the Scheme. Note that this application was submitted on behalf of Persimmon Homes only as a stand alone early phase and the legal agreement entered into related to this application only .An application has yet to be determined for Site A4, however significant progress has been made. GCC's planning consultation response to the Local Planning Authority says that GCC has no objection to the application, subject to conditions and financial obligations. This was on the basis of the series of improvements contained in appendix F of the planning application transport assessment and that the Scheme is delivered.

2.2.4. The Scheme will support the development of Elms Park.

## 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 Scheme in two phases of consultation. The first phase of consultation took place from 20<sup>th</sup> September to 20<sup>th</sup> October 2023 and the second phase, which started on 20 November 2023 and is ongoing which the latest meeting to discuss held on 30 September 2024.
- 2.3.2. The three sites identified by Gloucestershire County Council (GCC) for this engagement were:
- Northwest Cheltenham (Safeguarded land);
  - Northwest Cheltenham (Elms Park) 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 the 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. The Applicant 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 in principle and methodological 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 relate to matters of principle in relation to the basis of the methodology, together with additional information to be provided to support the methodology. Between 19 March and 30 September 2024, the Applicant held meetings with stakeholders to discuss scheme updates, modelling, and developer contributions. These discussions also covered the Development Consent Order (DCO) process.

## 2.4. Summary of Consultation

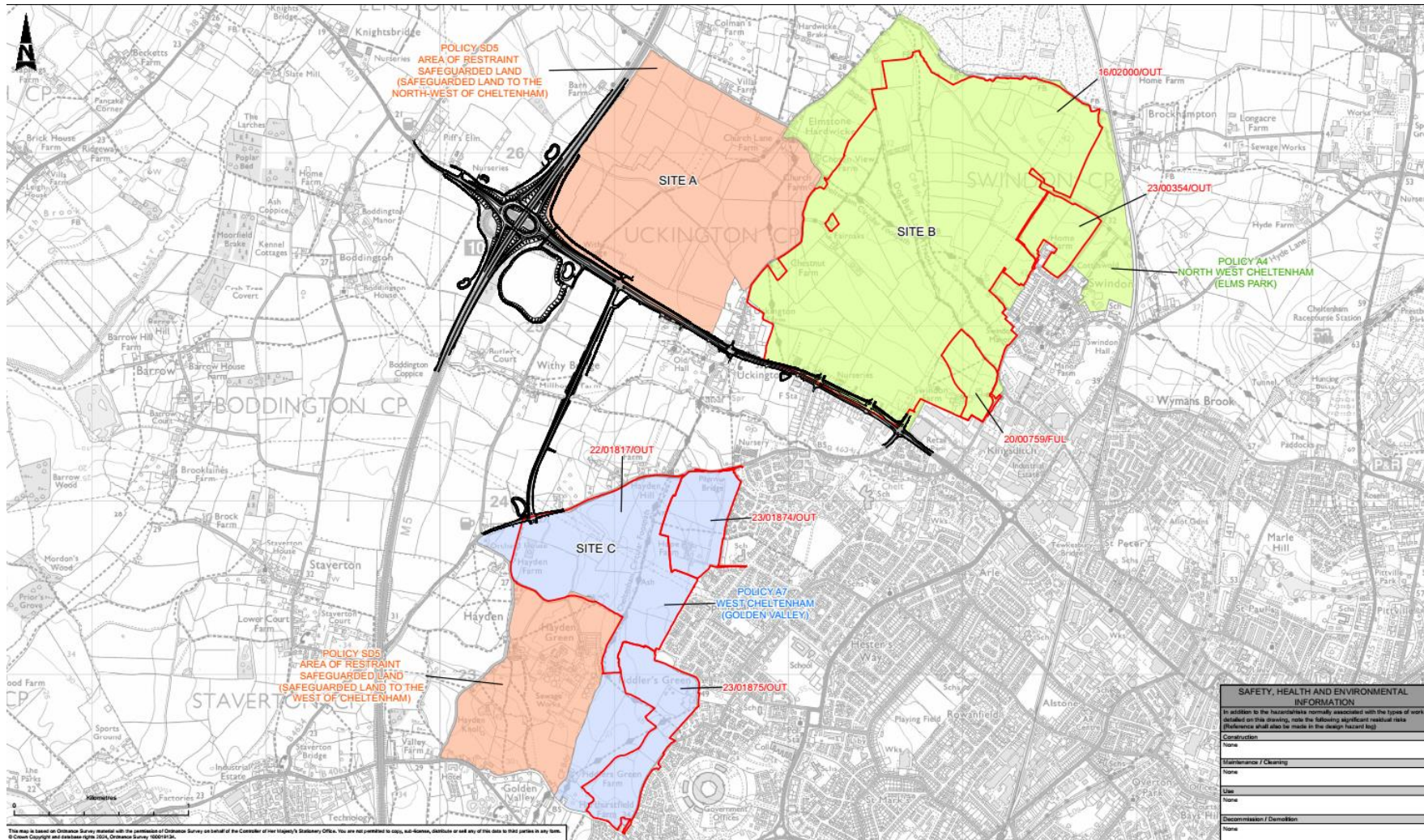
- 2.4.1. The Applicant has been in consultation with the North West Cheltenham Developers during the development of the Scheme's design, including the optioneering process, statutory and non-statutory consultation, preliminary design, pre-application and post DCO submission. The parties have continued communicating and will continue to, throughout the progression of the Scheme.
- 2.4.2. The engagement outlined in Table 2-1 covers formal consultation with the North West Cheltenham Developers and engagement which pertains to matters raised in this SoCG. Other exchanges, such as requests for information or clarification points are not detailed below but are available on request.
- 2.4.3. Figure 1.1 shows the site allocations in the JCS and current planning applications associated with the allocations.

Table 2-1 - Consultation with Bloor and Persimmon Homes

Date	Method	Parties concerned	Matters discussed
16/06/2021	Email	Bloor Homes / Persimmon Homes	Email notification of Preferred Route Announcement.
06/12/2021	Email	Bloor Homes Persimmon Homes	Atkins sent a USB drive containing consultation documents along with a formal notification on the start of the Statutory Consultation, for comment.
15/02/2022	Email	Bloor Homes / Persimmon Homes	Joint response to consultation received from Bloor Homes / Persimmon Homes.
15/02/2022	Email	Bloor Homes /	Amended representation from Bloor Homes was received.
12/05/2022	Email	Bloor Homes	GCC sent a formal response to the representation from Bloor Homes, received during the statutory consultation.
12/05/2022	Email	Persimmon Homes	GCC sent a formal response to the representation from Persimmon Homes received during the statutory consultation.
05/08/2022	Email	Bloor Homes / Persimmon Homes	Email notification with targeted consultation pack sent to prescribed consultees.
05/09/2022	Email	Bloor Homes / Persimmon Homes	Response to non-statutory consultation received.
27/05/2023	Email	Bloor Homes / Persimmon Homes	Atkins sent a copy of SoCG and file transfer link containing draft DCO documents including Planning Statement, Environmental Statement, Transport Assessment, Register of Environmental Actions and Commitments, Environmental Masterplans, General Arrangement Drawings, and Works Plans.
09/05/2024	Meeting	Bloor Homes Consultants	Discussed planning application infrastructure and timing/planning conditions for the delivery.
10/05/2024	Meeting	Bloor Homes	Discussed Safeguard Ransom, National Highways Grampian, viability and DCO funding.
08/07/2024	Meeting	Bloor Homes	Discussed funding methodology and ransom.
18/07/2024	Meeting	Bloor Homes	Discussed funding DCO methodology and viability.
30/07/2024	Email	Bloor / Persimmon Homes	Letter in principle support to the DCO scheme received from Bloor Homes / Persimmon Homes.

Date	Method	Parties concerned	Matters discussed
21/08/2021	Meeting	Bloor / Persimmon Homes	Funding apportionment methodology and compliance with S.106 tests
23/09/2024	Meeting	Bloor / Persimmon Homes	Funding apportionment methodology and compliance with S.106 tests
07/10/24	Email	Bloor / Persimmon Homes	Letter setting out proposed Way Forward committing a £20m contribution to the shortfall funding subject to a series of conditions

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 considered within this SoCG. The key themes, and sub topics discussed are set out in Table 3.1 and are matters outstanding in Table 5.1.
- 3.1.2. On 30 July 2024, the Applicant received letters from Bloor Homes & Persimmon Homes. Letters were also received from the other developers with interest in the Scheme. The letters outlined that, there is support in principle for the DCO scheme and a recognition of the development sites contributing funding to the scheme to contribute to the funding shortfall subject to a number of conditions. The letter is appended to this SoCG and in the Examination Library at REP3-062.
- 3.1.3. On 7<sup>th</sup> October 2024, the Applicant received a letter from Bloor Homes & Persimmon Homes setting out a proposed way forward, that committed *without prejudice* a £20m contribution from the Elms Park scheme subject to a number of Conditions being met. At the time of this SoCG, most of the conditions had been agreed in principle, however, the fundamental issue of a Grampian limit on development quantum proposed by the Applicant on the basis of impacts on the Local Road Network remains unresolved. Until this has been resolved satisfactorily the contribution cannot be relied upon. The Applicant has been advised by GCC as local highway authority that the Local Road Grampian would not be a requirement once the contract for the DCO works is let.

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

Overarching topic	Topic
1. Planning, policy, alternatives and need	Scheme Dependence
	Policy Compliance
	Scheme Dependence
	Elms Park Dependence
	Elms Park Alternatives
	Safeguarded Land Dependency
2. Funding	Allocation Reliance on Scheme
	Section 106
3. Site Specifics	Scheme Overlap

## 4. Matters Agreed

4.1.1. 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. The matters agreed in this SOCG are without prejudice to the planning authorities and their determination of any planning applications. The letters outlined that, subject to a review of the revised funding methodology, there is support in principle of the development sites contributing to the methodology to make up the funding shortfall subject to a number of conditions.

Table 4-1 – Matters agreed

Matter Reference number	Topic	Position	Date and method of agreement
<b>1. Planning, policy, alternatives and need</b>			
1.1	Planning permission	The Applicant agrees with the conditions set out in the letter of support to the scheme from Bloor Homes / Persimmon Homes and financial contributions from the relevant developments sites would be dependent on those sites gaining planning permission and the conditions being met.	01.10.2024
<b>2. Funding</b>			
2.1	CIL Compliance	The Applicant agrees with the conditions set out in the letter of support to the scheme from Bloor Homes / Persimmon Homes and conditional financial contributions towards the funding shortfall, in so far as any contributions being sought by GCC being CIL compliant and reasonable in all other regards.	01.10.2024
2.2	Site-specific viability	The Applicant agrees with the conditions set out in the letter of support to the scheme from Bloor Homes / Persimmon Homes and conditional financial contributions towards the funding shortfall, in so as there is 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	01.10.2024
2.3	Revised methodology – other development sites	The Applicant agrees with the conditions set out in the letter of support to the scheme from Bloor Homes / Persimmon Homes and AMPS in so far as revised methodology that includes other development sites that cumulatively would be dependent on provision of the Scheme.	01.10.2024

Matter Reference number	Topic	Position	Date and method of agreement
2.4	Funding gap – Other sites contributions	The Applicant agrees with the conditions set out in the letter of support to the scheme from Bloor Homes / Persimmon Homes and AMPS in so far as other identified sites contributing in line with the revised methodology to address the funding gap.	01.10.2024
2.5	Funding Contribution	The Applicant agrees that the £20m funding contribution proposed by Bloor Homes and Persimmon Homes in their letter of 07/10/2024 is a proportionate contribution for the Elms Park development in line with the funding apportionment methodology, subject to the attached conditions being met.	16.10.2024
<b>3. Site specifics</b>			
No matters agreed			



## 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 list of issues have been grouped into themes and are based on the comments provided in Examination to date by Bloor and Persimmon Homes.

Table 5-1 - Matters outstanding

Theme	Topic	IP Current Position	Applicant Response	IP Response	Applicant Final Position	Status and date of latest Position
<b>1. Planning, Policy, alternatives and need</b>	<b>1.1 Scheme Dependence</b>	<p>The Applicant identifies the JCS as the core need of its Scheme as the development proposed in the JCS foresees at least 35,000 new homes and 193 hectares of employment land coming forward. However, most of this development is to occur within 'Central Severn Vale at Cheltenham' and Gloucester as the two main principal urban areas. Only 15% of the total housing to be provided and 23% of the employment land will be at North West 'A4' and West Cheltenham 'A7'.</p> <p>Chapter 3 of the Environmental Statement accompanying the DCO application describes highway mitigation scenarios alongside the preparation of the JCS.</p> <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).</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.</p> <p>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> <p>Bloor Homes and Persimmon Homes are not inviting the ExA to reach any conclusions about the need for the</p>	<p>Paragraph 5.5.6 of the JCS Transport Evidence Base, May 2017, outlines the key impacts of the DS5 scenario compared to previous scenarios and which include:</p> <ul style="list-style-type: none"> <li>A40 Golden Valley, M5 J11 to Princess Elizabeth Way – Eastbound this route shows a significant increase in traffic compared to DS4 and DS5a, with traffic now flowing better as a result of the West Cheltenham Link Road and access to the West Cheltenham Cyber Park. Note that for both DS4 and DS5a, the level of demand to West Cheltenham was unable to flow through the network, causing significant delay. There is also a reduction in both delay and total time (this appears contradictory). For the Westbound in the AM, delay is reduced and flows are reduced as there are now alternative routes and access to the M5 (for example, via the M5 J10 all movements junction);</li> <li>M5 J10 to A4019 - significant reduction in eastbound delay and total time (with traffic able to use the new link road to access West Cheltenham. The new Cheltenham Western Relief Road removes significant level of traffic from the congested local road network.</li> </ul> <p>This demonstrates the interdependency of the M5 J10 all movements junction with the link road as impacts felt from the JCS allocations are reduced through the in- combination mitigation provided by the two Scheme elements.</p> <p>The DS6 scenario was the first of the JCS model runs to use the updated 2013 CSV SATURN base year model. Paragraph 5.7.3 states that:</p> <p><i>"The mitigation package differed from previous scenarios and included over 30 interventions. Critical to the scenario were the access arrangements into the West Cheltenham Strategic Site. Within this scenario these are provided via Junction 10 of the M5 and a new distributor road linking into the site from the motorway. The motorway junction improvement comprised a minimum upgrade to allow full movements, with additional capacity provided on the slip roads. (This was based on an earlier scheme proposal tested in the DS5 scenario developed previously by the Highways Agency – now Highways England [now National Highways])."</i></p> <p>The conclusion of DS6 was that the proposed network mitigation for access to the West of Cheltenham via M5 J10 and a new distributor road linking into the site was insufficient in terms of reducing traffic impact on both the Strategic road network and local road network to a reasonable level. However, it was indicated that further work on an improved layout</p>	<p>Bloor Homes and Persimmon Homes, collectively the 'IP', remain of the view that there is no policy basis to differentiate the dependence of Strategic Allocation A4, North West Cheltenham from the other SAs or the wider growth allocated in the JCS.</p> <p>The IP notes that the only direct references in policy to the DCO scheme relate solely to SA A7 (West of Cheltenham) and that the evidence base at the JCS related to quantum of development allocated to A7 in the JCS and not the significant additional quantum of residential and employment development that has been added to the allocation, without independent scrutiny, by way of the Golden Valley SPD.</p> <p>The IP notes that through its own highway modelling and that of National Highways, it is the inclusion of this additional quantum of development that causes the potential severe impacts on both the LRN and SRN.</p> <p>The IP does not agree that there is direct dependence on the DCO scheme by SA A4 beyond a</p>	<p>The Applicant's position regarding the need for the Scheme remains as has been set out in its Need for the Scheme Technical Note submitted at Deadline 4 (REP4-042). This establishes the need for the Scheme as a result of the cumulative impacts associated with the Strategic Allocations, including those as a result of the North West Cheltenham development.</p>	<p>Deadline 10 28/11/2024</p>

Theme	Topic	IP Current Position	Applicant Response	IP Response	Applicant Final Position	Status and date of latest Position
		<p>Scheme in relation to North West Cheltenham (A4) or the likelihood or quantum of any contribution that might arise through a S106 payment. That is a matter for a separate decision maker through the planning application process.</p>	<p>arrangement could potentially allow sufficient distribution of traffic across the network.</p> <p>DS7 became the preferred package of transport improvements, although paragraph 6.1.4 notes that the assessment undertaken was based on the delivery of the full JCS plan with no assessment made regarding delivery phasing or the prioritisation of mitigation schemes. To assess the impact of the transport strategy, 11 strategic travel corridors were identified within the JCS area. Within those corridors, highway junctions considered to be critical to their function were identified, of particular relevance to the Scheme are corridors 1, 6 and 8.</p> <p>Paragraph 6.2.1 states that Corridor 1 includes the M5 mainline, from Junction 13 (Stroud), to Junction 9 (Tewkesbury). This forms part of the Strategic Road Network and is managed by Highways England [now National Highways]. It is essential to maintain highway operation and safety by avoiding any queuing traffic on the motorway mainline caused by congestion at the motorway junctions impacting vehicles on the off-slips.</p> <p>In view of the above it should be noted that paragraph 6.2.5 outlines the preferred mitigation package for this corridor which is intended to account for capacity issues and trip reassignment as a result of the JCS growth strategy and other network changes. This includes:</p> <p>M5 J10 - 'All Movements' junction improvements including complementary measures to M5 mainline. This includes a high capacity upgrade of M5 J10 junction including three lane motorway off slips and a three circulatory lane grade separated roundabout with A4019, and a new signal controlled junction immediately west of the M5 to accommodate the associated West of Cheltenham development access road (see corridor 6 for more information). This will be a high capacity signal controlled junction, with a separate left turn slip road from M5J10 northbound off-slip onto Cyber Park link road (southbound). There would also be new signals on the A4019 westbound entry to the new grade separated motorway junction</p> <p>This further establishes the intrinsic link between the M5 J10 all movements junction and the link road in mitigating the impacts of the JCS allocations on Corridor 1, namely the M5 mainline.</p> <p>Paragraph 6.7.1 states that Corridor 6 starts within Cheltenham Town Centre and continues to the A38 Coombe Hill junction to the west of M5 Junction 10. The largest of the JCS Strategic housing allocations at North West Cheltenham will have direct access onto this corridor. It also forms part of the strategic public transport corridor served by the 41/42 linking Tewkesbury with Cheltenham.</p> <p>Paragraph 6.7.5 confirms that "A significant change to this corridor is required to provide access to the West of Cheltenham Strategic Allocation. The Do Something 6a scenario considered access to the south of the site via M5 Junction 11 and the A40 resulting in significant delays including issues with the M5 mainline. Converting junction 10 to an 'All movements' junction and providing access from the A4019 to the West of Cheltenham via a new distributor link road significantly reduces the impact of the site on the local network.</p> <p>As outlined in paragraph 6.7.6 "The preferred mitigation package for this corridor (intended to account for the capacity...and other trip reassignment</p>	<p>dependence as part of the wider planned for JCS growth, noting that SA A7 is the only SA directly linked to the DCO scheme in the JCS.</p> <p>The IP notes that the unplanned for additional growth in the Golden Valley SPD is most directly dependent on the DCO Scheme, and should be commensurately contributing to the funding shortfall.</p> <p>The IP notes that the Applicant alters its language in trying to justify policy support and dependence, from correctly referring to 'JCS growth', which then gets amended to 'All JCS Allocations', before narrowing down to 'A4 &amp; A7' and then finally introducing the 'Safeguarded Land'. The IP maintains that with the exception of A7 and its direct physical link to the DCO scheme, the need and dependence on the scheme applies to all <b>planned for</b> JCS growth.</p> <p>Growth that was not planned for in the JCS will be directly be reliant on the DCO scheme.</p>		

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			<p><i>resulting from the JCS growth strategy and other network changes”</i> includes [but is not limited to]:</p> <ul style="list-style-type: none"> <li>• M5 J10 - 'All Movements' junction improvements (see corridor 1)</li> <li>• New 50 mph dual carriageway two-lane link road, providing free-flow access from A4019 / M5 J10 to West of Cheltenham site only</li> </ul> <p>This is again establishes the intrinsic link between the M5 J10 all movements junction and the link road in mitigating the impacts of the JCS allocations on Corridor 6.</p> <p>Paragraph 6.9.1 states that Corridor 8 starts at M5 Junction 11 and flows eastwards via the A40 through Cheltenham Town Centre. The corridor has the highest vehicle flows on the local highway network and accesses several major employers in the JCS area. It also forms part of the main public transport corridor linking Cheltenham and Gloucester and provides access to Arle Court Park and Ride.</p> <p>Paragraph 6.9.4 highlights that within the DS7 scenario it should be noted that the primary access to the West of Cheltenham site is provided via M5 Junction 10 with an expanded Park and Walk facility provided at the Arle Court Park and Ride site. Providing access via Junction 10 does have a significant impact on vehicle flows using this corridor resulting in fewer junctions reporting vehicle delay issues.</p> <p>This further emphasises the link between the M5 J10 all movements junction and the link road and the in combination benefits as mitigation to reduce impacts felt across various corridors as a result of the JCS growth strategy and other network changes.</p> <p>To aid in the Examining Authority and Interested Parties in their consideration of the above response, and given the apparent issues with accessing the information online, The JCS Transport Evidence Base, May 2017, (TR010063 – APP- 9.48) has been submitted into Examination at Deadline 3.</p>			
<b>1. Planning, Policy, alternatives and need</b>	<b>1.2 Policy Compliance</b>	<p>The Scheme's first objective is to support economic growth and facilitate growth in jobs and housing by providing transport network connections in west and north-west Cheltenham. This is evidenced by the new housing and employment development at the strategic allocations in the JCS. In the Statement of Reasons, the Applicant states that the need for the Scheme was identified in the JCS as are land adjacent to the existing junction identified for development.</p> <p>The Scheme is set to 'unlock and support' the planned development on site allocations of West Cheltenham, North West Cheltenham and safeguarded land east of M5 Junction 10. The Applicant increases the amount of development at West Cheltenham from approximately 1100 new homes to 2370 new homes and enlarges the employment land at 51ha rather than 45ha. This will also have significant impact on the funding measures sought.</p> <p>These statements suggest that the Scheme is required to mitigate the scale of housing and employment growth in the</p>	<p>Further to the queries raised regarding the regional and local policy support for the Scheme the Applicant outlines below the current policy position in support of its proposals:</p> <p><u>Joint Core Strategy:</u></p> <p>As outlined in the Planning Statement [APP-135], significant population and household growth is expected to take place in the Gloucestershire area over the next 10-15 years in line with the Joint Core Strategy's (JCS) Vision that "As a result of a strong commitment to the housing and employment needs of the existing and growing population, all residents and businesses will benefit from the improved infrastructure, which will include roads, public transport and services, and community facilities."</p> <p>The JCS, adopted in December 2017, was an iterative process, with assessment of the transport impacts and resultant mitigation developed throughout its Examination. The transport evidence base for the JCS shows five iterations of transport impacts, mitigation and analysis up to October 2016. In response to the Inspector's Interim Report on the re-submission of the Joint Core Strategy (July 2016) Highways Modelling (Autumn 2016), the fifth iteration (Do Something 5 - DS5) outlined details of a revised mitigation package that represented a departure from DS3a with a focus on road</p>	See above.	As above.	Deadline 10 28/11/2024

Theme	Topic	IP Current Position	Applicant Response	IP Response	Applicant Final Position	Status and date of latest Position
		<p>JCS. Whereas the Scheme is based on additional development not anticipated by the JCS at West Cheltenham and development on safeguarded land which remains unallocated and falls outside of the JCS and Local Plans. It concludes that the Scheme is not in line with planning policy.</p> <p>Support economic growth and facilitate growth in job and housing by providing improved transport network connections in west and north-west Cheltenham.</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>Enhance the transport network in the west and north-west of Cheltenham area with the resilience to meet current and future needs.</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 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> <p>The need for the Scheme to mitigate the transport related effects of North West Cheltenham (A4) should be determined through means of a planning application and</p>	<p>building (including major link roads) and the upgrade of high frequency public transport bus corridors. It also included a number of schemes which are not JCS dependant, but due to changes in scheme status they were included as it was assumed that the impact of the schemes would be significant on the transport network (JCS Transport Evidence Base – May 2017). They included:</p> <ul style="list-style-type: none"> <li>• M5 J10 – Full Movements (including upgrading of existing slips and junction on the A4019 corridor to Coombe Hill)</li> <li>• A417 Missing Link</li> </ul> <p>The DS6 scenario tested the revised land use scenario, this included the West Cheltenham allocation and a minimum upgrade to allow full movements at M5 J10 and was in line with the proposals included in the JCS Proposed Main Modifications document (February 2017). Critical to the scenario was the access arrangements into the West Cheltenham Strategic Site. Within this scenario these are provided via Junction 10 of the M5 and a new distributor road linking into the site from the motorway. The motorway junction improvement comprised a minimum upgrade to allow full movements, with additional capacity provided on the slip roads. The infrastructure included in this scenario did not mitigate the impacts of the scale of development.</p> <p>DS7 included an 'All Movements' junction improvements including complementary measures to the M5 mainline. This included a high-capacity upgrade of M5 J10, including three lane motorway off slips; a three circulatory lane, grade separated roundabout with the A4019; and a new signal controlled junction immediately east of the M5 to accommodate the associated West of Cheltenham development access road. There would also be new signals on the A4019 westbound entry to the new grade separated motorway junction.</p> <p>DS7 concluded that the M5 J10 Improvements Scheme was required to enable all of the strategic allocations within the JCS. This is further outlined in paragraph 4.1.12 of the JCS which states that "the upgrading of Junction 10 to an all movements junction will support the economy of the JCS area and that of wider Gloucestershire. It would support accelerated growth of the economy, enabling land to be delivered for mixed use including high value employment.</p> <p>JCS Policies SA1 (7) and (8) provide further policy support for the Scheme in relation to the Strategic Allocations as they require developers to engage with the relevant infrastructure regulators to "ensure the implementation of the Infrastructure Delivery Plan and the provision of any other necessary infrastructure in accordance with Policies INF6 and INF7" and that the "transport strategy to support the delivery of the Strategic Allocations should align with and where appropriate contribute to the wider transport strategy contained within the Local Transport Plan" respectively.</p> <p><u>Infrastructure Delivery Plan:</u></p> <p>The JCS Infrastructure Delivery Plan (IDP) (2014) provides a high-level view of infrastructure requirements based on population forecasts between 2011 and 2031. An addendum to the IDP was published in 2017 and includes updated assessments using benchmark standards and relevant evidence baseline studies including the results of the JCS transport mitigation scenario 'DS7'. The IDP Addendum 2017 identifies projects that support JCS-wide growth within Table 3.1 – Strategic Infrastructure Schemes including a:</p>			

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		<p>associated transport effects. A planning application should be determined against the relevant national and local planning policies. The DCO application is decided upon a different policy framework and the considerations about need cannot be applied to individual planning applications.</p>	<p>“High capacity upgrade of M5 J10 junction providing an ‘All Movements’ junction including three lanes on slip roads and circulatory lanes on the roundabout to accommodate the associated Cyber Park access road / A4019 junction (Scheme ref 28). This will be a high capacity signal controlled junction, with a separate left turn slip road from M5J10 northbound off-slip onto Cyber Park link road (southbound). New signals on A4019 westbound entry to upgrade motorway junction.”</p> <p><u>Gloucestershire Local Transport Plan:</u></p> <p>Paragraph 4.2.31 of the Gloucestershire Local Transport Plan (2020-2041) (LTP) (Revised March 2021) outlines that the Central Severn Vale Strategic Vision to 2031 will require improvements to M5 Junction 10 and 11 to maintain the safe operation of the highway. These improvements will also support the delivery of the North West and West Cheltenham strategic allocations, addressing existing traffic congestion issues on the A40 and A4019 corridors.</p> <p>Table CPS1(a) Central Severn Vale – Highway Priorities up to 2031 of the LTP also identifies an “M5 Junction 10 ‘All movements’ access and link road to West Cheltenham as a priority highway scheme, with LTP Table (d) – Strategic Schemes also identifying the same as a Strategic Scheme for the delivery of the LTP.</p> <p><u>Golden Valley Supplementary Planning Document:</u></p> <p>The purpose of the SPD is to provide further guidance and details relating to the interpretation of policies set out in the relevant Development Plans. In this case, the JCS. This SPD supplements a number of JCS policies, but in particular Policy A7 West Cheltenham. When considering JCS Site Allocation A7 specifically Paragraph 1.1.6 of the Golden Valley Supplementary Planning Document (SPD) (July 2020) states that “Connectivity is key for The Golden Valley Development to maximise its potential, ensuring both direct access to the motorway and the effectiveness of the local highway network” and that the M5 J10 Scheme will “support JCS strategic allocations at North West and West Cheltenham.”</p> <p>The SPD included the preparation of a development capacity study, informed by the strategic masterplanning work undertaken for the SPD, which highlighted that the allocated site is likely to present the opportunity for a housing capacity of 2,370 dwellings. This assessment supplements rather than updates the provisions of the adopted policy in the JCS, which allowed for:</p> <ul style="list-style-type: none"> <li>• Approximately 1,100 new homes;</li> <li>• Approximately 45 hectares of B-class led employment land to be focussed upon a cyber security hub and other high technology and high ‘Gross Value Added’ generating development and ancillary employment uses;</li> <li>• All development should be employment led, delivery of housing must be in tandem with employment development;</li> </ul> <p>Notwithstanding the above it is also of note that Para 1.1.11 of the SPD states that “As well as providing supplementary guidance to help co-ordinate new development within the allocated site, this SPD also looks beyond the current plan period towards further phases of growth.” Something that the M5 J10</p>			

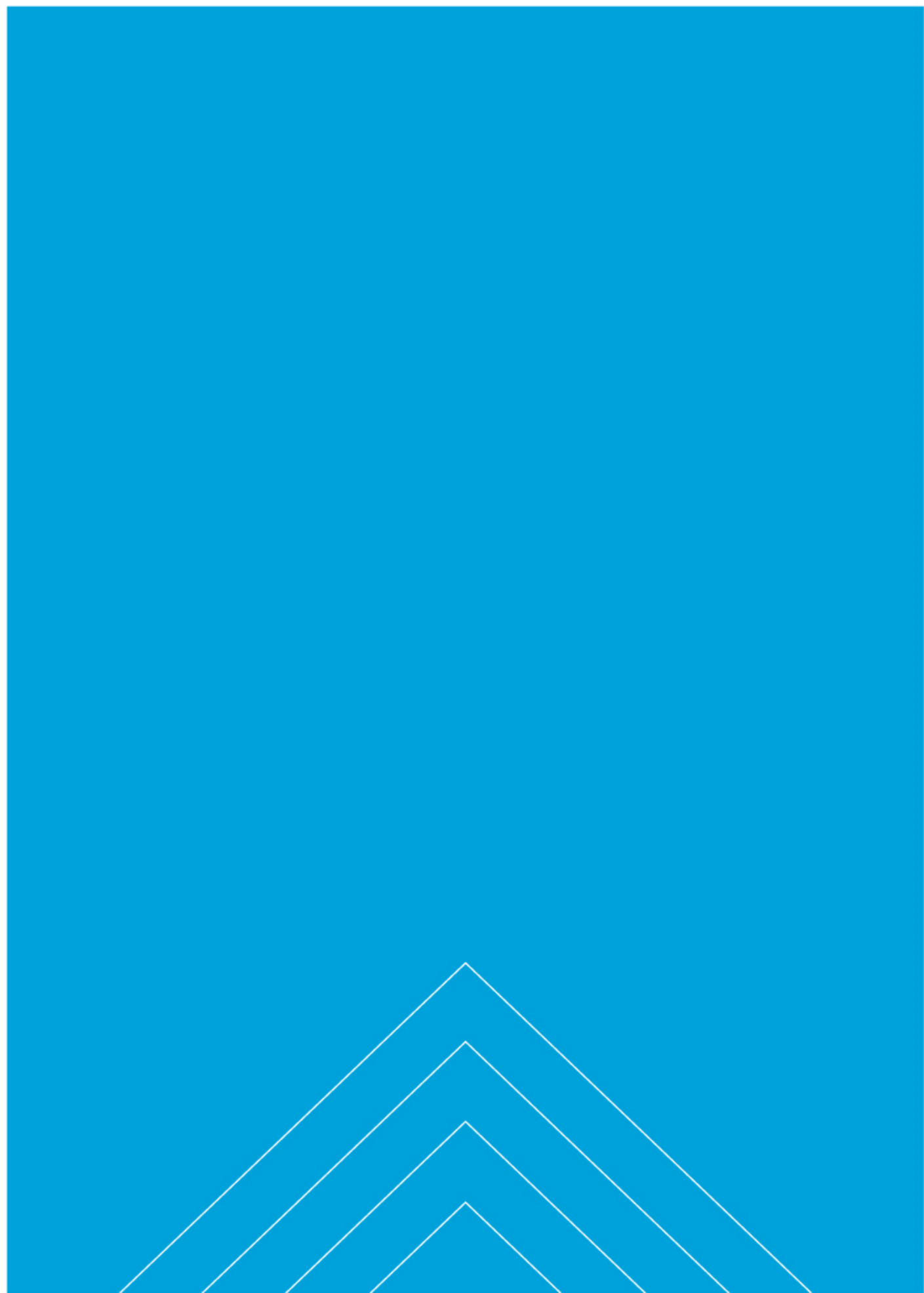
Theme	Topic	IP Current Position	Applicant Response	IP Response	Applicant Final Position	Status and date of latest Position
			<p>Improvements Scheme looks to facilitate when considering its 2042 design year.</p> <p><u>The Cheltenham Plan:</u></p> <p>The Cheltenham Plan (Adopted July 2020) highlights the distribution of key employment sites to the West of Cheltenham. Paragraph 3.9 of the Plan states that “Whilst J10 is still constrained through being two-way rather than four-way, sites to the west of Cheltenham would stand to benefit further should investment be forthcoming to facilitate an all-movements junction in future. The economic strategy as set out in this Plan will support that activity. Upgrading the junction will provide significant economic growth opportunities by unlocking the potential of additional land.” This further emphasises the policy support for the Scheme and the potential for the Scheme to unlock further development opportunities.</p> <p><u>The Tewkesbury Plan:</u></p> <p>Paragraph 10.2 of the Tewkesbury Plan (Adopted June 2022) states that “The Gloucestershire Local Transport Plan (LTP), prepared by Gloucestershire County Council provides the overarching strategic context for transport in the area. The LTP contains the strategy, policies and investment priorities for transport and needs to be read along the Local Plan to get the full picture on transport policy.” This reiterates the policy support for the Scheme within the LTP and emphasises the need to consider the Scheme in the context of a plan period that looks beyond that of the JCS.</p> <p><u>Strategic and Local Plan:</u></p> <p>Whilst the Strategic and Local Plan is in its early stages of development the Issues and Options Consultation (January to March 2024) would suggest that of the 6 Scenarios proposed only Scenario 2 (Urban Extensions) would appear to meet the housing and employment needs identified. This would include safeguarded land from the JCS as a consideration for the future development strategy and its potential allocation. This demonstrates the direction of travel of local policy and highlights the importance of the safeguarded land or equivalent in policy considerations beyond the current plan period of the JCS.</p> <p>The Applicant considers that the policy context outlined above demonstrates the regional and policy support for the Scheme that is required to unlock all of the strategic allocations within the JCS. This is further emphasised by the policy requirement to ensure the implementation of the IDP and alignment with the transport strategy within the LTP. When considering the status of the SPD and the need for the Scheme to look beyond the current plan period to its design year (2042) it is the Applicant’s position that it would be reasonable to take account of the updated housing and employment forecasts that supplement the JCS, as well as the potential for safeguarded land at North West Cheltenham to come forward post 2031.</p>			
1. Planning, Policy, alternatives and need	1.3. Elms Park Dependence	The Applicant indicates that the Scheme is the starting point to development identified in the JCS as key infrastructure requirement. This is incorrect as far as Elms Park is concerned as evident as from the stages of the JCS. The	The A4019 is one aspect of the Associated Development of the Scheme which in this context consists of the improvements to the local road network and the proposed West Cheltenham Link Road. These elements of the Scheme are integral to achieving the key objective of the Scheme which is to unlock development on the JCS allocated and safeguarded sites.	See above.	As above	Deadline 10 28/11/2024

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		<p>Applicant's case is that no development can occur without the Scheme.</p> <p>Bloor and Persimmon have evidenced the contrary in the documents submitted with the Elms Park Application, which provides mitigation and sustainable transport improvement on the local network. The additional highway modelling undertaken by PJA and submitted to National Highways demonstrates alternative mitigation could be delivered on the Strategic Road Network.</p> <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>	<p>An explanation as to why the A4019 improvements are "intrinsically linked" to the all movements junction is in the JCS Transport Evidence Base, May 2017 (TR010063 / APP 9.48) that has been submitted into Examination at Deadline 3.</p> <p>Paragraph 5.5.6 of the JCS Transport Evidence Base, May 2017, outlines the key impacts of the DS5 scenario compared to previous scenarios and which established that for the M5 J10 to A4019 route corridor (Corridor 6) there was a significant reduction in eastbound delay and total time with traffic able to use the new link road to access West Cheltenham.</p> <p>As outlined in paragraph 6.7.5 this was further compounded by DS6a scenario which highlighted that access to the south of the West Cheltenham site via M5 Junction 11 and the A40 would result in significant delays, including issues with the M5 mainline. Converting junction 10 to an 'All movements' junction and providing access from the A4019 to the West of Cheltenham via a new distributor link road significantly reduced the impact of the site on the local network.</p> <p>Paragraph 6.7.65 also establishes the preferred DS7 mitigation package for Corridor 6 which, in addition to the all movements junction and the link road, also included [but wasn't limited to]:</p> <ul style="list-style-type: none"> <li>• Withybridge Lane - Close access onto A4019.</li> <li>• A4019 / A4013 Kingsditch (Centrum Park) Roundabout – replacing existing roundabout with traffic signals.</li> <li>• New A4019 traffic signals site access junction, west of B4634 Old Gloucester Rd (overlaps with the North West Cheltenham (Elms Park) Planning Application).</li> <li>• Revised A4019 traffic signals site access junction at B4634 Old Gloucester Rd / Gallagher Retail Park. (overlaps with the North West Cheltenham (Elms Park) Planning Application).</li> </ul> <p>The Applicant's further consideration of A4019, as summarised in Section 3.4 of ES Chapter 3, Alternatives [APP-062], was that for the A4019 to cope with the additional traffic associated with planned developments an urban all-purpose dual carriageway was required.</p> <p>Paragraph 6.2.8 of the JCS Transport Evidence Base, May 2017, concluded that the outcome of the DS7 scenario is that the M5 mainline and motorway off slips operate within capacity. This is despite an increase in motorway traffic as a result of improvements to M5 Junction 10 and conversion to a full-movements junction.</p> <p>This demonstrates interdependency of the M5 J10 all movements junction, the link road and the A4019 elements of the Scheme and their requirement to mitigate the impacts of the JCS growth strategy, whilst maintain the safety of the Strategic Road Network.</p>			

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1. Planning, policy, alternatives and need	1.4 Elms Park Alternatives	<p>The Sustainability Appraisal has already considered the need for highways based solutions and has dealt with the assessment of alternatives which will enable the delivery of development at North West Cheltenham, West Cheltenham and the Safeguarded land.</p> <p>The Applicant in response to the Elms Park Application agrees that the Scheme is not required for delivery of the development as the proposal accords with the adopted policy requirements.</p> <p>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>In relation to the roles of GCC in the DCO process the Applicant is acutely aware of its role as promoter and is therefore unable to provide a response in relation to the role of GCC as Highway Authority but would invite the Joint Council's to make representations regarding their position on this matter.</p> <p>The Applicant is also unable to comment on the suitability of the modelling undertaken by the interested party in support of their argument. It is assumed that this has been provided to the relevant determining authorities / stakeholders for consideration.</p>	<p>The IP notes that the recent modelling undertaken by National Highways supports its assertion that the A4 is not directly dependent on the DCO scheme and that it is the additional unplanned for growth at A7 introduced through the Golden Valley SPD that is the direct cause of potential severe impacts on the LRN and SRN.</p>	<p>It remains the Applicant's position that the local highway authority is of the opinion that A4 is directly dependent on the DCO Scheme, this is reflected in their GC3M modelling.</p>	<p>Deadline 10 28/11/2024</p>
2. Funding	2.1 Allocation Reliance on Scheme	<p>The Applicant states that funding is no impediment to the delivery of the Scheme or the payment of compensation to the persons affected by the DCO. The Scheme suggests that the developments in the JCS are reliant on its implementation. This is incorrect as only West Cheltenham is dependent on the Link Road.</p> <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>	<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>	<p>The IP does not agree with the funding methodology due to the basis of the dependent developments and the apportionment of costs. The IP is unlikely to be in a position to agree the methodology during the Examination.</p>	<p>The Applicant notes the IPs position and will continue to work with all parties to find an acceptable resolution.</p>	<p>Deadline 10 28/11/2024</p>
2. Funding	2.2 Section 106	<p>Despite these inconsistencies, the Applicant's funding comprises of the Housing Infrastructure Fund (HIF) which, as stated in the Funding Statement, amounts to £212.071 million and financial contributions from the developers of what are termed the 'dependent developments'.</p> <p>These contributions will be sought via the Section 106 agreement which imposes planning obligations on the developers. However, these obligations are only justifiable where they meet the tests of the Community Levy Regulations 2010 (Regulation 122).</p> <p>Those tests are not met for the Elms Park development as alternative mitigation measures are possible. The Section 106 obligations should serve to ensure the acceptability of development and not act as a tax on developers to allow the delivery of infrastructure that it is not directly related to.</p> <p>The Applicant indicates that this approach has been discussed with developers and implies it has been agreed. Bloor and Persimmon have raised various points which the</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 18<sup>th</sup> July 2024 to take matters forward. The Applicant has been liaising with the respondent and hopes to agree a funding methodology.</p>	<p>See above.</p> <p>Notwithstanding the lack of agreement on the funding methodology, the IP has <i>without prejudice</i> made a commitment to providing a £20m contribution to the funding shortfall, subject to a number of conditions being met.</p>	<p>The Applicant agrees that the £20m funding contribution proposed by Bloor Homes and Persimmon Homes in their letter of 07/10/2024 is a proportionate contribution for the Elms Park development in line with the funding apportionment methodology, subject to the attached</p>	<p>Deadline 10 28/11/2024</p>



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		<p>Applicant have not addressed. Bloor and Persimmon have not accepted the proposed either as a matter of principle or approach.</p> <p>It is also unrealistic that Section 106 contributions are paid before commencement of development, it would be more realistic to be paid in tranches with the phases of the development, which raises the question that the Applicant may not have all the funds available within time for the Scheme.</p> <p>As the North West Cheltenham Safeguarded Land has no planning applications to be determined, there would be no contributions from developers from this allocated area.</p> <p>It concludes that the Scheme is reliant on a funding strategy to draw S106 contributions from deemed 'dependent' developments. This approach would be contrary to the CIL Regulations and will fail to deliver the required funding.</p> <p>The Interested Parties noted 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>			conditions being met.	
<b>3. Site Specifics</b>	<b>3.1 Scheme Overlap</b>	<p>There is an overlap in the proposed highway works in connection with the Elms Park Application and the authorised development comprising the Scheme. However, the difference is that the Scheme only envisages the widening of Tewkesbury Road rather than access and egress to Elms Park.</p>	<p>The Applicant's understanding of how the overlap between the two planning applications will operate is that the Elms Park planning application is defined by flexible parameter plans accompanied by more detailed access drawings. Therefore, although the Scheme conflicts with the detailed access drawings, it does not conflict with the parameter plans – which is agreed with the local planning authorities and local highway authorities. In the event that Elms Park and the Scheme are permitted and implemented, it is envisaged that the Scheme works on Tewkesbury Road, including the main accesses to Elms Park, would supersede the Elms Park access drawings – this is envisaged in the draft conditions for Elms Park which are under currently discussion.</p> <p>The Applicant notes the request to move the access to the Transport Hub. It should be noted that the existing access location was developed in consultation with the developer in advance of submission of the DCO application. The Applicant would welcome further discussion on the merits of the proposed location and will be in contact with the interested party in due course and will confirm as part of SoCG. The Applicant notes the estimated loss of development, absent an approved transport solution in the absence of the M5 J10 Improvements Scheme, it is not possible to determine with any certainty the precise impact on the proposed development.</p>	<p>The IP agrees with the Applicant's stated position in relation to the Parameter Plans and draft conditions.</p> <p>The IP would welcome a commitment from the Applicant to move the access to the Transport Hub to resolve this issue.</p>	<p>The Applicant is committed to ongoing discussions at detailed design stage where varying options for access into the transport hub can be considered within the limits of deviation of the DCO.</p>	<p>Deadline 10 28/11/2024</p>



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