

M5 Junction 10 Improvements Scheme

Statement of Common Ground
Safeguarded Land Adjacent to Junction 10
TR010063 - APP 8.8

Regulation 5(2)(q)

Planning Act 2008

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

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

8.8 Statement of Common Ground Safeguarded Land Adjacent to Junction 10

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STATEMENT OF COMMON GROUND

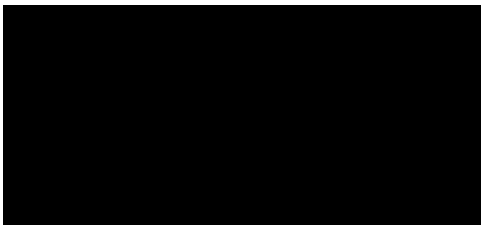
This Statement of Common Ground has been prepared agreed by (1) Gloucestershire County Council and (2) Bloor Homes



Signed: CHRIS BEATTIE

On behalf of Gloucestershire County Council

Date: 27/11/24



On behalf of the Bloor Homes Ltd.

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 a Development Consent Order (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.

Term	Meaning / Definition
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.
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 (PRA)	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 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 the report

1.2.1. This document is a SoCG between the Applicant and the developers with an interest in Safeguarded Land adjacent to Junction 10.

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. 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.~~

~~1.3.3.~~ 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 28 November 2024.

2. Consultation

2.1. The Role of Gloucestershire County Council

2.1.1. In this SOCG, 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 and will consult the rest of the Council, other Local Planning Authorities, National Highways and Homes England. These discussions and consultation are to be recorded in separate SOCGs with the other parties.

2.2. The Role of Bloor Homes

2.2.1. Bloor Homes has freehold land interests and additional- land purchase options at the safeguarded land site and are property-national house builders. Their role in relation to the DCO process derives from their joint venture in the development of a safeguarded site adjacent to Junction 10 identified in the adopted Joint Core Strategy (JCS).

2.2.2. The Scheme will support the development of the safeguarded land adjacent to Junction 10.

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 Gloucestershire County Council (GCC) for this engagement were:

- 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 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. 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 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 Bloor Homes during the development of the Scheme's design, including the optioneering process, statutory and non-statutory consultation, preliminary design and during the DCO process.

2.4.2. The engagement outlined in Table 2-1 covers consultation with Bloor and engagement which pertains to matters raised in this SoCG.

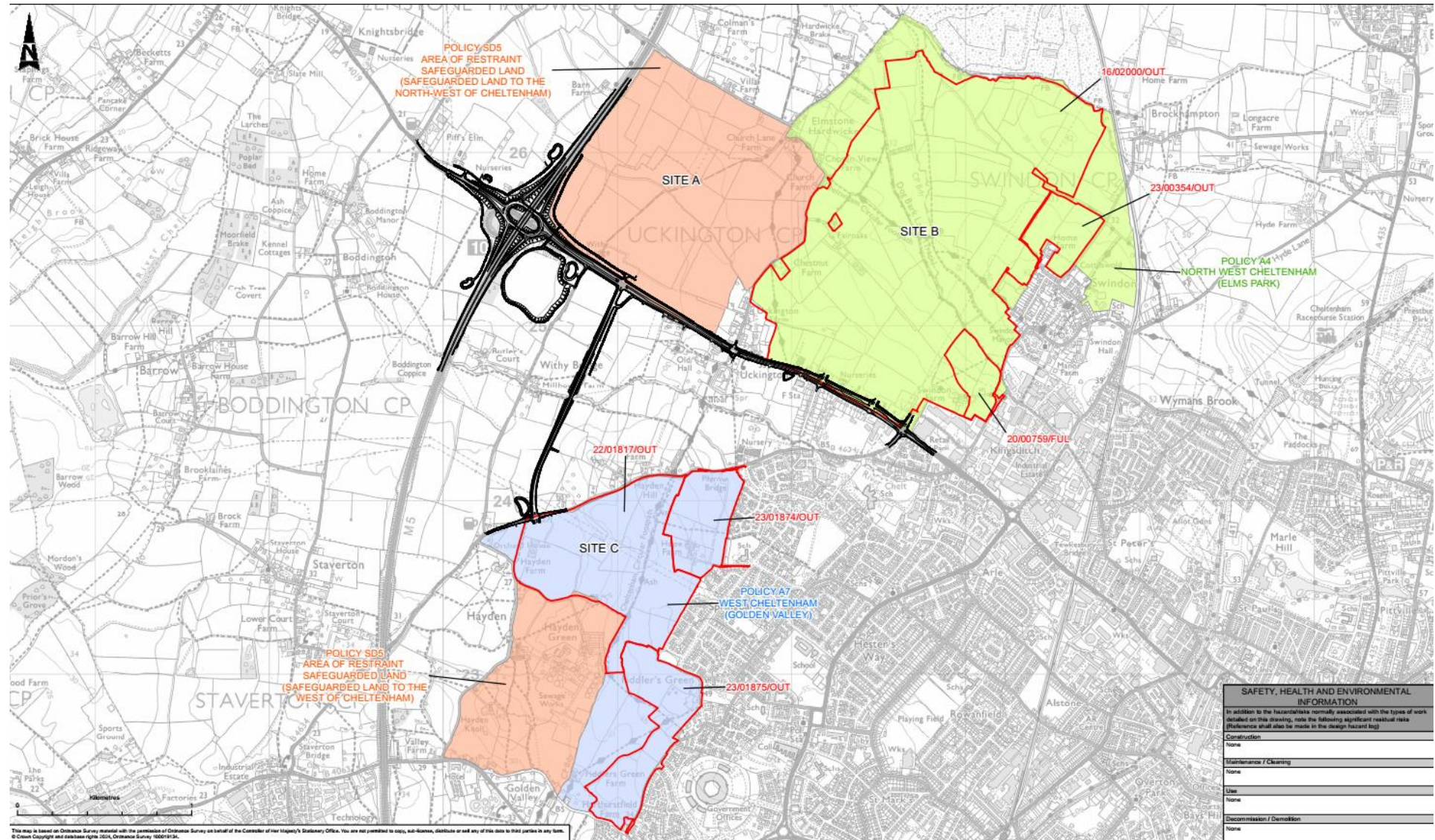
2.4.3. The consultation with Safeguarded Land Developers to date is set in Table 2-1. Figure 1.1 shows the site allocations in the JCS, and current planning applications associated with the allocations. The Safeguarded Land is Site A within Figure 1.1.

Table 2-1 - Consultation with Bloor Homes for Safeguarded Land Adjacent to Junction 10

Date	Method	Parties concerned	Matters discussed
06/12/2021	Post/ Email	Bloor Homes	USB sent to Bloor address along with formal notification on the start of the Statutory Consultation.
15/02/2022	Email	Bloor Homes / Persimmon Homes	Formal consultation response received from Bloor Homes/ Persimmon Homes
15/02/2022	Email	Bloor Homes / Persimmon Homes	Minor amendment to Bloor Homes representation.
12/05/2022	Email	Bloor Homes	Response provided for feedback on Statutory consultation.
18/07/2022	Email	Bloor Homes	Placeholder sent by Atkins project manager for a meeting to discuss Site A.
05/09/2022	Email	Bloor Homes	Representation received from Bloor Homes for the non statutory Targeted Consultation
05/10/2022	Email	Bloor Homes	Bloor Homes solicitors issue a letter in reply to the non statutory targeted consultation and requested meeting to discuss the revised changes, specifically in relation access to Site A.
11/10/2022	Email	Bloor Homes / GCC PM	GCC project manager responds that following their call with Bloor Homes, he will facilitate a meeting with the relevant Atkins/ GCC staff. GCC PM will pause meeting between him and Bloor Homes.
21/11/2022	Email	Bloor Homes / Atkins PM	Atkins PM shared M5 J10 highway layout and flood model outputs with Bloor Homes.
22/11/2022	Email	Bloor Homes / Atkins PM	Atkins PM shared above email again due to failed delivery notification. Bloor Homes acknowledge receipt of email.

Date	Method	Parties concerned	Matters discussed
27/05/2023	Email	Bloor Homes / Atkins PM	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
08/07/2024	Meeting	GCC PM/Bloor Homes	Meeting to discuss funding methodology and ransom.
18/07/2024	Meeting	Bloor Homes / Atkins PM	Discussed funding DCO methodology and viability.
30/07/2024	Email	Bloor Homes	Letter in principle support to the DCO scheme received from Bloor Homes
21/08/2021	Meeting	Bloor Homes	Funding apportionment methodology and compliance with S.106 tests
23/09/2024	Meeting	Bloor Homes	Funding apportionment methodology and compliance with S.106 tests
<u>07/10/24</u>	<u>Email</u>	<u>Bloor Homes</u>	<u>Letter setting out proposed way forward, seeking to support the emerging Funding Strategy (not methodology), and consideration of future financial contributions (S106) pursuant to the submission of an outline planning application and the resolution of the GCC land position access to the site (either by way of landowner collaboration agreement or approval of secondary access).</u>

Figure 1.1 - JCS Site Allocations and Planning Applications Plan



SAFETY, HEALTH AND ENVIRONMENTAL INFORMATION	
In addition to the hazards/risks normally associated with the types of work detailed on this drawing, note the following significant residual risks (Reference shall also be made in the design hazard log)	
Construction	None
Maintenance / Clearing	None
Use	None
Decommission / Demolition	None

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.
- 3.1.2. On 30 July 2024, the Applicant received letters from Bloor 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 has been submitted to the ExA (REP3-062).
- 3.1.3. On 7th October 2024, the Applicant received a letter from Bloor Homes setting out a proposed way forward, that committed without prejudice to future financial contributions from the Safeguarded Land pursuant to a future outline planning application and subject to either a landowner collaboration agreement being entered into with GCC or the proposed with/without DCO scheme secondary accesses being formally agreed to by GCC HDM. At the time of this SoCG, GCC Estates department remains unwilling to enter into a collaboration agreement, but the process of formal agreement by GCC HDM to the secondary accesses is ongoing.

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

Overarching theme	Sub-topic
1. Planning, Policy, alternatives and need	Scheme Dependence
	Scheme Objectives
	Safeguarded Land
	Traffic Generation
	Economic Growth
	Scheme Dependence
2. Site specifics	Scheme Design
	Site Access for Safeguarded Land
	Safety and Suitability
3. Funding	Contribution Methodology
	Compulsory Acquisition

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' Strategic and Local Plan process or their determination of any planning application. On 30 July 2024, the Applicant received letters from Bloor Homes. 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
Planning, Policy, alternatives and need			
1.1	Planning permission	The Applicant agrees with the conditions set out in the letter of support of a revised funding methodology to the scheme and the emerging funding strategy from Bloor Homes- and financial contributions from the relevant developments sites would be dependent on those sites gaining planning permission <u>and conditions being met.</u>	01.10.2024
2. Funding			
2.1	CIL Compliance	The Applicant agrees with the conditions set out in the letter of support to the scheme from Bloor Homes and conditional future 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 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 in so far as revised methodology that includes other development sites that cumulatively would be dependent on provision of the Scheme.	01.10.2024
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 in so far as other identified sites contributing in line with the revised methodology to address the funding gap.	01.10.2024
<u>2.5</u>	<u>Funding Contribution</u>	<u>The Applicant agrees that future funding contributions from the safeguarded land site will be subject to achieving outline planning permission and will be proportionate to the quantum of development permitted. These will be agreed through the accompanying S106 process.</u>	16.10.2022
3. Site Specifics			
<u>3.1</u>	<u>Secondary Access with DCO</u>	<u>The Applicant acknowledges that GCC as local highways authority has advised Bloor homes that a Secondary access could be provided onto the A4019 which is not reliant on GCC land in the “with DCO scenario”. That access could provide adequate capacity for up to 75% of the safeguarded land development traffic, assuming a mixed use residential and employment planning consent was granted.</u>	16.10.2022
<u>3.2</u>	<u>Secondary Access without DCO</u>	<u>The Applicant acknowledges that GCC as local highways authority has advised Bloor homes that an access could be provided onto the A4019 which is not reliant on GCC land in the “without DCO scenario” that would provide adequate capacity for a significant proportion of the safeguarded land development traffic, assuming a mixed use residential and employment planning consent was granted. The level of capacity this junction could accommodate will be agreed by the local highway authority using the same traffic modelling approach as the “with DCO scenario” junction assessment.</u>	TBC 26.11.2024

5. Matters Outstanding

5.1.1. Table 5-1 shows matters that are outstanding between the parties, including that matters reference number, and the date of the position. The issues have been collated from the Relevant Representation and Written Representations as well as other possibly relevant submissions from Examination to date by Bloor Homes.

Table 5-1 - Matters outstanding

Theme	Topic	Position of Interested party	Applicant Response	Response by IP	Applicant Final Position	Status and date of latest Position
1. Planning, Policy, alternative s and need	1.1 Scheme Dependence	<p>The Applicant indicates that the Scheme is needed to support the housing and economic growth around Cheltenham as the current highway provision would not be able to accommodate the additional journeys.</p> <p>The development is said to be dependent upon the Scheme. However, it is arguable that without further details about the type of development, timescale, and their highway mitigation proposal, it cannot be said with certainty that the Safeguarded Land is dependent on the Scheme.</p> <p><i>Enhance the transport network in the west and north-west of Cheltenham area with the resilience to meet current and future needs.</i></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</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"> 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); 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. <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</p>	<p><u>Bloor Homes the 'IP', remains of the view that there is no policy basis to attribute the dependence of the Safeguarded Land from the SAs or the wider growth allocated in the JCS.</u></p> <p><u>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.</u></p> <p><u>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.</u></p> <p><u>The IP does not agree that there is direct dependence on the DCO scheme by the Safeguarded Land as it does not form 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.</u></p> <p><u>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.</u></p> <p><u>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 & A7' and then finally introducing the 'Safeguarded Land'. The IP maintains that with the exception of A7</u></p>	<p><u>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</u></p> <p><u>It remains the Applicants position that the local highway authority is of the opinion that should it come forward the Safeguarded Land development would also be directly dependent on the DCO Scheme. This is reflected in their GC3M modelling which demonstrates the limitations of the local road network in a 'no DCO scheme world' that limit the quantum of development that might come forward in such a circumstance.</u></p> <p><u>Notwithstanding the above the Applicant acknowledges the fact that the ultimate determination of the reliance of the Safeguarded Land development on the Scheme rests with the determining authorities through the planning application or local processes.</u></p>	<u>Deadline 10 28/11/24</u>

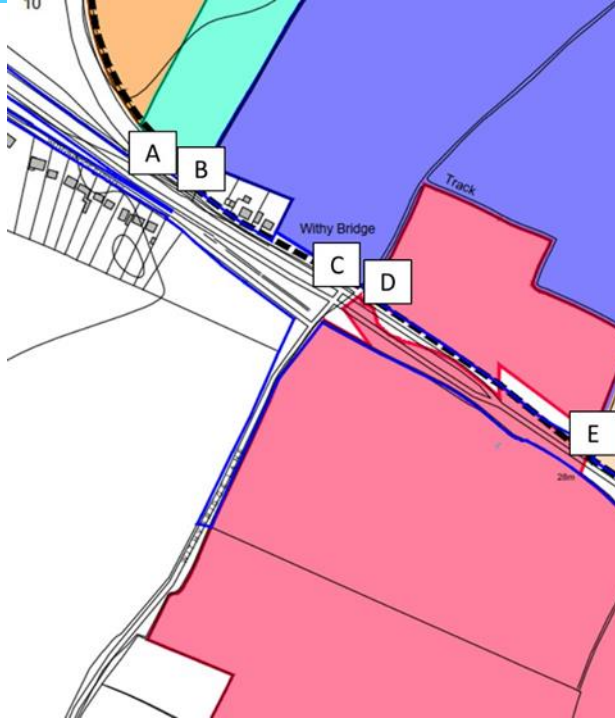
Theme	Topic	Position of Interested party	Applicant Response	Response by IP	Applicant Final Position	Status and date of latest Position
		<p>will come forward and states that it will have no bearing on the Scheme design, and yet seeks to justify the Scheme on the basis that it will accommodate the traffic 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>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 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 parts</p>	<p><u>and its direct physical link to the DCO scheme, the need and dependence on the scheme applies to all planned for JCS growth.</u></p> <p><u>The dependence or otherwise of the Safeguarded Land on the DCO scheme will be a matter for the development management process associated with a future planning application, or the emerging Strategic Local Plan.</u></p> <p><u>The IP notes that the Applicant has updated its explanation of the inclusion of the Safeguarded Land in the Funding Strategy to being a 'proxy' for future development growth, and thereby it's dependence and level of resultant financial contribution cannot be determined at this stage, not least as there is currently no formal proposal for development at the site.</u></p>		

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			<p>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 “<i>The preferred mitigation package for this corridor (intended to account for the capacity...and other trip reassignment resulting from the JCS growth strategy and other network changes</i>” includes [but is not limited to]:</p> <ul style="list-style-type: none"> • M5 J10 - ‘All Movements’ junction improvements (see corridor 1) • New 50 mph dual carriageway two-lane link road, providing free-flow access from A4019 / M5 J10 to West of Cheltenham site only <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>			

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			<p>(i) 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 and highlights the importance of the safeguarded land or equivalent in policy considerations beyond the current plan period of the JCS.</p> <p>As stated in the response to Q1.1.4 the safeguarded land at north-west Cheltenham relates to land for which a housebuilder has declared an interest. The manner of engagement by the developer has suggested that the developer will be seeking to accelerate the timeframe. Which suggests that a need will be generated before 2031.</p> <p>As outlined in the Applicant's response to RR-005 (REP1-048), it should be noted that the safeguarded land was included in the Scheme's assessment and design development as the most reasonable proxy to ensure that the Scheme was able to future proof the road networks' resilience. This is in the context of the Scheme's 2042 design year looking beyond the plan term of the JCS (2031) and that the nature of its safeguarding through the JCS suggesting that it was the most likely site to come forward in this time period. Whilst the Applicant recognises the uncertainty surrounding the Safeguarded land being brought forward its inclusion within the Scheme assessment would have no bearing on the Scheme design other than to demonstrate that the design that unlocks Site Allocations A4 and A7 is also capable of accommodating the traffic associated with the Safeguarded land or any other equivalent development sites that come forward in relative proximity to the junction.</p> <p>(ii) The Applicant agrees that it is appropriate to say that the safeguarded land does not currently generate a 'need' as it has no policy status. However, the Scheme will provide enough capacity to absorb the additional traffic associated with sites A4, A7 and the potential safeguarded land or any other future development sites. This is on the basis that the Scheme's 2042 design year looks beyond the plan term of the JCS (2031),</p>			
2. Site specifics	2.1 Scheme Design	<p>There are various components to the Scheme works. As part of the Scheme, the A4019 junction will provide access to JCS Safeguarded Land to the north, Cheltenham to the east and Junction 10 to the west.</p> <p>Although there is a [legit] expectation that the Works would provide such access, the General Arrangement Plans for the Scheme which highlights the proposed improvements makes no provision for such an access.</p>	<p>With regard to the Safeguarded land, it should be noted that the options appraisal did consider any impacts on route alignments that could sterilise the safeguarded site, however, whilst the Scheme design can demonstrate the ability to absorb a greater capacity the design relates to the unlocking of Strategic Allocations A4 and A7 and the options appraisals associated with their facilitation.</p> <p>The Scheme has taken a deliberate stance against predetermining the release of the Safeguarded land at North West Cheltenham. Whilst the proposed design results in adequate capacity and would allow any future developer to tie</p>	<p><u>Subject to the formal agreement by GCC of with and without DCO scheme secondary accesses, or GCC Estates department entering into a Landowner Collaboration Agreement. then the issue of access to the Safeguarded Land will be resolved.</u></p>	<p><u>Whilst the Applicant notes the IPs position it should be noted that any agreement of GCC as local highway authority would be a matter for the Joint Councils and that any collaboration agreement would be a matter for GCC AMPS. As such the Applicant is unable to offer the assurances sought. Moreover, the adequacy and acceptability of any future access</u></p>	<p><u>Deadline 10 28/11/24</u></p>

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		<p>In the proposal, the northern arm of the junction provides for only a short section of single carriageway road before meeting a junction with several farm tracks leading off to the north-west and south-east. The farm tracks combine three separate accesses onto Tewkesbury Road into a single shared access.</p> <p>As such, the works effectively does not provide access into the Safeguarded Land as it is stated in their objectives.</p>	<p>into the Local Road Network (LRN) through the creation of an approved access the Scheme stops short of the provision of an access that has been afforded the Strategic Allocations, in accordance with policy SD5 of the JCS.</p>		<p><u>into the Safeguarded Land would be subject to the development management process, something which the Applicant and / or the Local Highway Authority would be unable to pre-determine.</u></p>	
2. Site specifics	2.2 Access	<p>Further information from the Environmental Statement states that according to the design of the Scheme, the northern arm of the junction only provides for field access and the informal Traveller site. The relevant developer will be the ones to undertake the works to enable access into the safeguarded land.</p> <p>The Scheme is merely presenting what could be implemented. Whereas in fact, the developer of the Safeguarded Land will be responsible for designing and securing all necessary land interests and permissions for construction of that access.</p> <p>It appears the initial intention of the Applicant was to genuinely provide the access onto the Safeguarded Land. However, these earlier proposals now include a much smaller signalised junction which is notably inferior access to the land in question.</p> <p>The Safeguarded Land abuts Tewksbury Road and benefits from a long frontage providing plenty of scope for an access to be constructed. If the Scheme comes forward, it will not only fail to facilitate development of the land but also compromises the ability of the developer to build a suitable access.</p> <p>As the Scheme does not provide full access to the Safeguarded Land, shortly after the Scheme, further works will be needed. Effectively creating unnecessary and significant disruption. The proposed works is neither safe nor suitable for the existing farm operations due to the conflict between road users and farm vehicles at peak harvest times.</p> <p>Bloor Homes believe that the Applicant should be required to amend its application to either:</p> <p>a) Redesign the northern arm of the A4109 junction as to provide the necessary access to the</p>	<p>The existing accesses are directly accessed off the A4019. The main access (to field No GR216008) appears to be located opposite the Withybridge Lane junction identified as J on Streets, Rights of Way and Access Plans Regulation 5(2)(k) Sheet 12 (APP-009 and APP-010). At this location, the A4019 currently has two eastbound lanes and one westbound lane. These are separated by a non-standard right turn lane, with limited storage length for turning vehicles. Five years of collision data for the period 1st January 2016 to 31st December 2020 shows that there were two serious and two slight collisions recorded at or near this location.</p> <p>Vehicles turning into or out of this access have potential conflict points with two eastbound lanes, including merging traffic from the M5 southbound slip road and one westbound lane of the A4019 as well as right turning traffic into and out of Withybridge Lane, which is in very close proximity.</p> <p>The second existing field access onto the A4019 is located to the east (near an existing layby) and is identified as L on Streets, Rights of Way and Access Plans Regulation 5(2)(k) Sheet 12 ((APP-009 and APP-010).. This is on a section of single carriageway approximately 7.0m wide, without any right turn lane. This seems to primarily serve field No. GR455442 (under different ownership) as the route into field no GR216008 from this access seems overgrown. This existing access is approximately 4.2m wide and set-back an approximate distance of 5.0m from the edge of carriageway.</p> <p>The Scheme proposes to stop up these existing accesses and replace them with accesses b and k (Streets, Rights of Way and Access Plans Regulation 5(2)(k) Sheet 12) ((APP-009 and APP-010). served from the northern arm of the A4019/West Cheltenham Link Road junction. This proposed junction would be fully signal controlled allowing access to and from the A4019 westbound and eastbound carriageways, as well as the new West Cheltenham Link Road. The proposed junction also includes a fully standard segregated right turn lane from the A4019 westbound carriageway.</p> <p>The northern arm of the A4019/West Cheltenham Link Road junction has a minimum width of 8.3m and the access track is 5.0m wide with hardened 1m verges for occasional over-run. This arm of the junction is not a through road so would be used</p>	<p><u>See above.</u></p>	<p><u>As above.</u></p>	<p><u>Deadline 10 28/11/24</u></p>

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		<p>Safeguarded land, providing public highway up to the existing legal ownership; or</p> <p>b) Make a commitment that it will not impede future development of the Safeguarded Land.</p> <p>The Applicant states that an equivalent access will be provided to that which is currently secured. However, as indicated in RR-005, the proposed access to the Safeguarded Land is inappropriate and fails to provide a satisfactory means of access, being neither safe nor suitable for existing farm operations. The Applicant has failed to respond to this point.</p> <p>The Applicant further states that, whilst it has taken a deliberate stance against pre-determining the release of Safeguarded Land at North West Cheltenham, the proposed design would allow any future developer to tie into the local road network (LRN).</p> <p>However, this is inconsistent with the Applicant's previous comments to Bloor Homes Limited that creating such tie in would require land controlled by the Applicant (following exercise of its compulsory purchase powers as part of the Scheme) to be crossed at a commercial ransom. The Applicant is asked to clarify the position and, in particular, confirm how the Scheme enables (rather than impedes) the tie in to the LRN to be made without the need for further land interests.</p>	<p>exclusively for land access and therefore the risk of conflict between users is low compared to direct access from the A4019. Swept path analysis has been undertaken and this has shown that large agricultural vehicles are able to pass each other on this arm of the junction.</p> <p>The existing primary field access located opposite Withybridge Lane is approximately 4.5 wide between the fence line and hedge line with a track width of approximately 3m. The secondary access located to the east (near an existing lay-by) is approximately 4.2m wide and set-back an approximate distance of 5.0m from the edge of carriageway. The dimensions of the existing accesses are therefore of a lower provision compared with the proposed northern arm of the A4019/West Cheltenham Link Road junction which has a minimum width of 8.3m and the access track which is 5.0m wide with hardened 1m verges for occasional over-run. The junction will be fully signal controlled allowing access to and from the A4019 in both directions and swept path analysis has shown that large agricultural vehicles are able to pass each other on this arm of the junction.</p> <p>The proposals therefore offer an improvement over the existing situation in terms of both safety and the ease of access.</p> <p>In relation to how the Scheme enables the Safeguarded site to come forward it should be noted that whilst the Scheme is unable to predetermine the outcome of any planning process by providing an access it does provide capacity within the local and strategic road network that would allow for the Safeguarded land, or other future development proposal in proximity of the junction, to come forward without the need to further improve the road network capacity themselves.</p>			
2. Site specifics	2.3 Safety and Suitability of existing Farm Access	There are seven accesses into the Safeguarded Land north of the A4019 which are affected by the Scheme, labelled A – G below.	<p>The Applicant has set out a response outlining the detail of the proposed replacements for the existing accesses A-G in response to REP4-043.</p> <p>The proposed private access track is 5m wide with 1m over-run strips either side giving a total width of 7m. There is also an additional 2m width between the back of the over-run strip and the proposed boundary fence line that runs to the north of the access track. This provides a total width of 9m for passing vehicles. A full width single carriageway trunk road is 7.3m and many local roads are narrower than this. For example, Withybridge Lane, the B4634 and Stoke Road all have an existing width of approximately 6m, and these roads provide access to large agricultural holdings, alongside providing access to several thousand other public highway vehicles per day. Therefore, the private access track provided should not be regarded as a narrow farm track but has been designed with sufficient width for the use of current vehicles, a width which is wider than some public rural highways where farm vehicles will have to share use with other vehicles.</p>	<p><u>To be resolved with existing farming landowner not with Bloor Homes.</u></p> <p><u>Bloor Homes understands that the landowner maintains that the tracked turns into the access track will cause conflicts for passing farm machinery and there is a lack of clarity from the Application over who will own, control, maintain and approve future changes to the access if needed.</u></p>	<p><u>The Applicant position remains the same as set out in Applicant response.</u></p>	<p><u>Deadline 10 28/11/24</u></p>

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		 <p>The Scheme would amalgamate Access A – G into a single signal controlled junction from the A4019 Tewkesbury Road. The single junction would split into eastern and western segments. The eastern segment would combine to replace Accesses E, F and G. The western segment would combine to replace accesses A, B, C and D, all of which are in regular use.</p> <p>It is the landowner's view that access to its land should be provided via a direct north-south road from the junction, as opposed to the current arrangement which provides a tight corner radius which will cause operational and safety issues at peak times.</p> <p>This is a genuinely held view from a farm operations perspective. Although the existing access gates are simple, each landowner is able to access its land independently. With the Scheme as proposed, this will be shared via a narrow track, and there is a risk of conflict between oncoming large machinery</p>	<p>Vehicle tracking software has been used and shows that two farm tractors pulling long trailers can pass each other in opposite directions travelling between the A4019 junction and the proposed Bloors field access, In addition, and two combine harvesters can pass each other at the junction with the A4019. The Applicant therefore considers that the proposed design does not cause operational or safety issues that would require access via a north-south route</p>			
<p>3. Funding</p>	<p>3.1 Funding Methodology</p>	<p>The source of funding for this Scheme comprises of two elements: £212.071m from HIF and financial contributions from developers of the Safeguarded Land. The contribution is needed as the HIF monies does not cover the costs of the Scheme.</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><u>As noted above and in the correspondence dated 30/07/24 and 07/10/24, the IP does not agree to the Funding Methodology, but subject to conditions and without prejudice, does agree with the emerging Funding Strategy.</u></p>	<p><u>The Applicant notes the IPs position and will continue to work with all parties to find an acceptable resolution.</u></p>	<p><u>Deadline 10 28/11/24</u></p>

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		<p>The Applicant plans to utilise the JCS policy to secure section 106 agreements for the making of contributions towards delivery of the Scheme from 'dependent' developments. The section 106 funding is not certain and as such, the Applicant fails to meet the requirements to demonstrate adequate funding has been secured.</p> <p>There is no concrete sum of financial contributions required to meet this target, nor any planning application before Tewkesbury Borough Council which could be determined to capture the funding sought. The Applicant also does not consider how Community Infrastructure Levy, for which development across the JCS is liable, could contribute to funding the Scheme.</p> <p>The Applicant acknowledges that the Scheme is not presently fully funded. It has indicated that developer contributions will be secured to meet any funding shortfalls. The Applicant has however failed to show with any certainty that such developer contributions will be capable of being secured within the time for implementation of the Scheme pursuant to the DCO or at all. In particular:</p> <p>b) The Applicant suggests that development of the Safeguarded Land could provide 33% of the shortfall in funding. However, given the uncertainty as to if or when development of that land may come forward, no reliance can be placed on this.</p>		<p><u>The IP has confirmed that subject to the achievement of an outline planning permission, and the conditions relating to either Landowner Agreement or secondary access being met, then proportionate financial contributions to the shortfall funding are agreed in principle.</u></p>		
3. Funding	3.2 Compulsory Acquisition	<p>The 'Guidance related to procedures for the compulsory acquisition of land' (DCLG September 2013) provides that an applicant must demonstrate how its scheme will be funded and how any funding shortfalls will be addressed (paragraph 17). The timing of the availability of funding is also a relevant factor (paragraph 18). The Applicant has failed to satisfy these requirements.</p> <p>The uncertainty as to the funding for the Scheme (including that no reliance can be placed on the Applicant receiving a developer contribution from North West Cheltenham (A4) and the Safeguarded Land) will need to be taken into account by the Examining Authority in determining whether there is a compelling case in the public interest for the compulsory acquisition of land to enable the Scheme to proceed.</p>	<p>The Applicant considers that its indication for how the shortfall in funding is to be met is sufficiently set out in its Funding Technical Note (REP4-043) to meet the tests required of it under guidance and which would be relevant to the Examining Authority in determining whether there is a compelling case in the public interest for the compulsory acquisition of land.</p>	<p><u>Noted, but for the Examining Authority to determine.</u></p>	<p><u>Agreed.</u></p>	<p><u>Deadline 10 28/11/24</u></p>



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