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C/O Tewkesbury Borough Council
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Sent via [Local Development Guide \(LDG\) Engagement | Have Your Say Gloucestershire](#)

Date: 24th March 2025

Dear Colin,

Local Developer Guide Engagement

Thank you for the opportunity to review the proposed changes to the Local Development Guide (LDG), you will note that the focus of our comments responds to the new addition relating to M5 Junction 10. We would like to take this opportunity to recognise the challenging situation and the need to find the right solution. We would like to continue to work with you in support of finding that solution.

The SLP Councils have reviewed the current version of the LDG and note that in a number of places it contains outdated information and references (for example footnote 44) and that there are a number of technical errors including in the paragraphs in respect of s106s, the Planning Act 2008, Community Infrastructure Levy, Grampian conditions, indexation and highways that will need amendment. As well as noting outdated elements, the Local Planning Authorities have comments on various sections of the document.

For the purposes of this consultation response, we have kept comments on the LDG at a strategic context, however, request further engagement with your team on the detail (including on the points outlined above). We are committed to working together with Gloucestershire County Council to enhance the development, functionality and effectiveness of this document and acknowledge this is a difficult piece of work for the County Council and Local Planning Authorities.

Currently the Local Planning Authorities hold reservations regarding parts of the document as currently drafted. As such without addressing these concerns, we could attribute only limited weight in decision making.

One of our primary concerns pertains to the new Appendix B, specifically regarding contributions for M5 Junction 10. We find this section difficult to navigate as a non-transport specialist and it raises numerous questions, these are outlined below.

- The current local guidance could be seen as seeking a roof tax, which is unsupported by the national guidance. Planning Practice Guidance (PPG) sets out that it is not appropriate for new formulaic approaches to address the cumulative impact of infrastructure in an area to be introduced within supplementary planning documents or similar guidance. This raises fundamental questions about the soundness of attempting to secure substantial funding through guidelines that have not been subject to the same level of scrutiny as local plan policy. In Paragraph 004 of the PPG on Planning Obligations (Reference ID: 23b-004-20190901), it is stated that *“it is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination.”* This reinforces the evidence provided by the Local Planning Authorities at the M5 Junction 10 DCO examination and subsequently in advice with senior officers.
- Clarification is sought on the portion of the outstanding funding that is allocated for contingency. Is there flexibility for Gloucestershire County Council to approach this differently, perhaps by considering an alternative methodology for contingency?
- At a meeting of the [Community Infrastructure Levy \(CIL\) Joint Committee on 4th March](#) the Committee approved “up to £10 million to M5 Junction 10 scheme.” It is worth noting that the CIL Joint Committee has not discounted the possibility of future funding for M5 Junction 10, but this would be subject to a future assessment. The document should acknowledge the level of growth, via this CIL commitment, which has already contributed to M5 Junction 10.
- Regarding the interest payments, the extent of these payments should be tested to whether they are appropriate and reasonable. Has there been any consideration of the timing of J10 payments from developers? Given the scale of the sums involved, it’s possible that these payments will be delayed until a significant number of homes are built and sold.
- In section 4.1, it is stated that there is a need to “develop funding apportionment methodologies through CIL and S106, that capture all development sites.” While the wider document appears to refer to a case-by-case approach, Appendix B seems to focus exclusively on sites A4, A7, and another potential A4019 site to cover the entire funding deficit. This approach may be fundamentally flawed, departing from the principles outlined elsewhere in the document. Contributions would only be sought by the Local Planning Authorities if contributions can be justified at the point of application when assessing each application on its merits.
- In para 5.8, it notes, “The preferred methodology currently apportions that deadweight between allocations A4 and A7, but other unallocated sites which come forward may take advantage of that ‘deadweight,’ and that needs to be considered on a case-by-case basis.” Our understanding of the County Council’s approach to deadweight was that the deadweight relates to the strategic allocations and other non-strategic allocated or unallocated sites that will contribute towards a cumulative severe harm on the network in the absence of the Junction 10 scheme would need to make a proportionate contribution. To ease the confusion in the document the commentary on deadweight needs to be consistent with that approach.

In summary, as currently drafted we do not consider that the Local Planning Authorities could adequately defend the approach to M5 Junction 10 contributions should this be tested at appeal outside the strategic allocations. We have been consistent in our advice on this. In delivering planning decisions the Local Planning Authorities must be seen as acting reasonably and that S106 obligations are fully justified at the point of each

application. We hope to address these concerns collaboratively and are eager to work with you to facilitate a document that is sound.

Yours faithfully,

Nick Bryant
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