

Our Ref:  
Your Ref:

21 July 2021

[REDACTED]  
Stroud District Council - Planning Policy  
by email: [REDACTED]

Dear Mark

### **STROUD LOCAL PLAN REVIEW - PRE-SUBMISSION CONSULTATION**

Avison Young has been instructed by St Modwen Developments (Developer) and Tortworth Estate (Landowner) to submit representations in response to the above consultation.

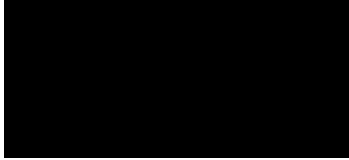
We are advising the Developer and Landowner on the promotion of a new garden village development at Buckover, South Gloucestershire (identified as a strategic development location in the former draft WoE Joint Spatial Plan). The purpose of this letter is to set out some general observations regarding the need for cross boundary co-operation in respect of highways infrastructure funding and delivery, impacts of proposed strategic-scale allocations on the strategic highways network in the M5/A38 corridor, and the implications of strategic highways interventions on plan deliverability.

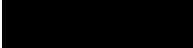

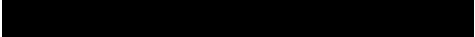
We fully support the delivery of new development in Stroud District, however we have concerns that the proposed allocations are reliant on the delivery of significant and costly highways interventions, the potential funding for which does not appear to be fully evidenced in the Plan. This raises concern that, in its current form, the draft Local Plan Review is unsound as it is not effective, as per paragraph 35c of the NPPF. However, we believe these concerns could be addressed prior to submission of the Plan to Examination, to help demonstrate to the Inspector that the Plan is sound.

Our concerns and proposed modifications are set out in more detail in the enclosed Local Plan Review Response Forms. These representations follow our previous submissions in response to the Council's Local Plan Viability Assessment Consultation in June 2020 and Additional Housing Options Consultation in December 2020.

We trust that the points made in our responses are clear and helpful, however if any further information is needed please contact me on the details below.

Yours sincerely



 **MRTPI**  
**Director - Planning, Development & Regeneration**  
  
  
**For and on behalf of Avison Young (UK) Limited**

# Part B – Please use a separate sheet for each representation

Name or Organisation: Avison Young on behalf of St Modwen Developments & Tortworth Estate

3. To which part of the Local Plan does this representation relate?

Duty to Co-operate – Statement of Common Ground with West of England Councils (18 October 2018)

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="text"/>	No	<input type="text"/>
4.(2) Sound	Yes	<input type="text"/>	No	<input type="text"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="text"/>	No	<input checked="" type="checkbox"/>

Please tick as appropriate

5. Please give details of why you consider the Local Plan is not legally compliant or is unsound or fails to comply with the duty to co-operate. Please be as precise as possible.

If you wish to support the legal compliance or soundness of the Local Plan or its compliance with the duty to co-operate, please also use this box to set out your comments.

NPPF paragraphs 24 and 25 highlight the duty to cooperate between the plan-making LPA and other prescribed bodies on strategic, cross boundary matters. The Statement of Common Ground (SOCG) between Stroud, South Gloucestershire and WECA (dated 18<sup>th</sup> October 2018) details the areas of cross-boundary co-operation between all relevant bodies. Whilst we understand that Stroud DC is continuing discussions with all relevant parties, this SOCG appears out of date, as it refers to the preparation of the now defunct Joint Spatial Plan and should therefore be updated.

The existing SOCG does not explicitly refer to collaborating on exploring how improvements to M5 J14 would be funded.

(Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

We note that this existing SOCG refers to strategic transport liaison meetings between Stroud DC, South Gloucestershire Council, Gloucestershire County Council and Highways England, as well as the sharing of *“planning application consent/ appeal details for housing and development proposals that impact upon M5 J14 and the surrounding road networks”* (para. 5.3).

We would expect these arrangements to be carried forward into an up to date SOCG, as well as explicit reference to collaborative measures (including agreed approaches to joint funding) that would facilitate the delivery of capacity improvements to M5 J14 and the surrounding road networks. These improvements are, according to the Traffic Forecasting Report (Mott Macdonald, March 2021), required to enable delivery of strategic scale housing and employment allocations proposed in the Stroud Local Plan Review (LPR).

St Modwen and the Tortworth Estate see the re-commencement of the J14 working group as a positive step towards delivery of the junction and they are keen to continue this collaborative working arrangement with the other relevant parties, including Stroud DC, into the future.

(Continue on a separate sheet /expand box if necessary)

**Please note** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions.

**After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

7. If your representation is seeking a modification to the plan, do you consider it necessary to participate in examination hearing session(s)?

**No**, I do not wish to participate in hearing session(s)

**Yes**, I wish to participate in hearing session(s)

Please note that while this will provide an initial indication of your wish to participate in hearing session(s), you may be asked at a later point to confirm your request to participate.

8. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

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Collaboration between neighbouring authorities on clearly defined matters relating to the delivery of strategic highways interventions is critical to the implementation of the LPR's spatial strategy (a fundamental aspect of the Plan). As non-compliance with the Duty to Co-operate cannot be modified at examination, we are hopeful that the Statement of Common Ground can be updated and re-agreed ahead of submission for Examination to reflect the ongoing discussions, and that a sound collaborative working strategy relating to J14 can be presented to the Inspector. St Modwen and the Tortworth Estate would be happy to contribute positively to future joint working arrangements where necessary.

We would only wish to attend the Examination hearings if the above has not been achieved, in order to input into discussions on collaboration on J14 delivery.

***Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.*

9. Signature:

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Date:

21/07/21

## Part B – Please use a separate sheet for each representation

Name or Organisation: Avison Young on behalf of St Modwen Developments & Tortworth Estate

3. To which part of the Local Plan does this representation relate?

Draft Local Plan for publication

Paragraph  Policy  Policies Map

4. Do you consider the Local Plan is :

4.(1) Legally compliant	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
4.(2) Sound	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox" value="X"/>
4 (3) Complies with the Duty to co-operate	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Please tick as appropriate

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### M5/A38 Corridor

The LPR proposes approximately 5,500 new homes plus strategic levels of employment space in the Berkeley and Wotton Clusters and at Cam and Dursley, all of which would impact M5 J14, the A38 and the surrounding road network.

Paragraph 2.3.24 of the draft Pre-submission Plan acknowledges that improvements are needed at J14 and the A38 corridor, while the Traffic Forecasting Report at section 7.7.2 (p.79) states that J14 currently experiences *“significant congestion issues in the peak periods”* and that even without the LPR allocations, would become *“significantly over-capacity”*. It goes on to state that *“the addition of Local Plan traffic further exacerbates the issue by increasing delays at both eastern and western sides of the junction.”* Regarding solutions, the Report notes that *“only a substantial junction upgrade would be capable of providing sufficient capacity for future year demand, either with or without the Stroud Local Plan allocations.”*

Sections 7.7.3 and 7.7.4 add to the above by stating that mitigation measures would be required on the A38, B4509 and Tortworth Road close to J14 in order to accommodate the demand created by the proposed LPR allocations. Section 8.3 concludes by stating that such interventions would require *“significant expense”* and that *“further consideration would need to be given as to potential funding sources.”*

It is therefore apparent that the “substantial” upgrade of J14 and improvements to the surrounding road network are required to enable to the delivery of the proposed allocation in the above locations and that possible funding sources are not evidenced.

### Plan Deliverability

While we welcome the acknowledgement that the above highways interventions are required to accommodate the proposed level of new development, we have concern that funding pathways to ensure delivery of these interventions haven’t been fully explored as part of the plan-making process.

Core Policy CP6 states that where infrastructure is to be provided by partners other than development contributions, this will be set out in the Infrastructure Delivery Plan (IDP). At p.176 of the IDP it is noted that the IDP should inform the preparation of an Infrastructure Funding Statement (IFS) which sets out the anticipated funding levels and sources (as per Planning Practice Guidance). No IFS has been prepared as part of the LPR evidence base, and we consider that the IDP provides insufficient detail on delivery costs and timescales.

The IDP recognises that these highways interventions are required (p.30-31) and states that developer contributions would be expected to contribute towards addressing network capacity issues. This is to be expected to an extent, however it is unrealistic to expect developers to fund infrastructure costing tens of millions of pounds in their entirety as this would impact the viability of their developments. The IDP does state that collaborative working will be required between Stroud DC, South Gloucestershire, Highways England and other stakeholders to resolve the capacity issues, however it does not go further to set out any potential funding streams and timescales that might help deliver the required highways infrastructure within the plan period.

Planning Practice Guidance (para 61-059-20190315) states that strategic policy-making authorities are expected to demonstrate there are reasonable prospects that strategic-scale infrastructure would be delivered during the plan period. We do not believe that the LPR Evidence Base documents related to infrastructure delivery go far enough to demonstrate that the necessary highways interventions would be delivered during the



plan period. These highways interventions are critical to the delivery of housing and employment allocations; concerns are therefore raised regarding the Plan's deliverability during the plan period and consequently the soundness of the LPR, as per para 35c of the NPPF.

It is important to highlight that we are supportive of the proposed new development in the Stroud LPR being delivered, together with the necessary infrastructure that will help unlock both proposed allocations and those that have so far not been delivered. We are willing to continue working with all relevant parties to ensure that a sound strategy for the delivery of J14 can be presented at Examination to facilitate adoption of the LPR. We believe the modifications proposed below would help to achieve this and result in a deliverable and therefore sound Plan.

Continue on a separate sheet /expand box if necessary)

6. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 5 above. (Please note that non-compliance with the duty to co-operate is incapable of modification at examination). You will need to say why each modification will make the Local Plan legally compliant or sound. It will be helpful if you are able to put forward your suggested revised wording of any policy or text. Please be as precise as possible.

In order to make the LPR sound, we suggest that an Infrastructure Funding Statement is prepared for submission to the Examination that demonstrates that potential funding options and delivery timescales for strategic highways infrastructure, including M5 J14, have been fully explored. In doing so this would demonstrate the "reasonable prospects" of delivery as required by PPG paragraph 61-059-20190315.

(Continue on a separate sheet /expand box if necessary)

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The delivery of strategic highways interventions is critical to the implementation of the LPR's spatial strategy (a fundamental aspect of the Plan). We are hopeful that through collaborative working, indicative funding pathways can be identified prior to submission to Examination that demonstrate "reasonable prospects of delivery" at this stage.

We would only wish to attend the hearing sessions if the above has not been achieved, so that we can input into any discussions around the delivery of strategic highways infrastructure.

**Please note** the Inspector will determine the most appropriate procedure to adopt to hear those who have indicated that they wish to participate in hearing session(s). You may be asked to confirm your wish to participate when the Inspector has identified the matters and issues for examination.

9. Signature:



Date: