

M42 Junction 6 Development Consent Order

Scheme Number TR010027

8.13 Statement of Common Ground with National Grid Electricity Transmission PLC

Planning Act 2008

Rule 8 (1)(e)

The Infrastructure Planning (Examination Procedure) Rules 2010

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M42 Junction 6 Development Consent Order
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STATEMENT OF COMMON GROUND WITH
NATIONAL GRID ELECTRICITY TRANSMISSION PLC

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Planning Inspectorate Scheme Reference	TR010027
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0	June 2019	Draft

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) National Grid

Signed.....

Chris Harris

Project Manager

on behalf of Highways England

Date:

Signed.....

[NAME]

[POSITION]

on behalf of National Grid

Date:

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A. Meeting Minutes 14 February 2018.

1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed M42 Junction 6 Development Consent Order ("the Application") made by Highways England Company Limited ("Highways England") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.1.2 The order, if granted, would authorise Highways England to carry out the following works:
- a new dumbbell junction approximately 1.8km south of the existing Junction 6 on the M42;
 - construction of a new 2.4km dual carriageway link road between the new junction and Clock Interchange (an existing junction on the A45);
 - modifications to the existing Clock Interchange junction;
 - upgrades to the existing Junction 6; and
 - realignments and improvements to local roads to the west of the existing M42 in proximity to the proposed bypass.
- 1.1.3 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate website.
- 1.1.4 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) National Grid.
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England.
- 1.2.3 National Grid is a Statutory Undertaker responsible for the maintenance and operation of electrical transmission assets which are within the Scheme Order Limits.
- 1.2.4 Collectively Highways England and National Grid are referred to as 'the parties'.

1.3 Terminology

1.3.1 In the table in the Issues chapter of this SoCG:

- a. “Agreed” indicates where the issue has been resolved.
- b. “Not Agreed” indicates a final position, and
- c. “Under discussion” where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.

1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to National Grid’s representation and therefore have not been considered in this document. It is recognised however that engagement between both parties will need to continue due to their joint vested interest in the area of the Scheme.

2 Record of Engagement

2.1.1 The parties have been engaged in consultation since the beginning of the proposed development. A summary of the meetings and correspondence that has taken place between Highways England and National Grid in relation to the Application is outlined in **Table 2-1**.

Table 2-1 - Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
30.10.17	Email Correspondence	Requested New Roads and Street Works Act C2 Asset Search Information
30.10.17	Email Correspondence	Received C2 Asset Search Information from National Grid
13.11.17	Email Correspondence	Sent email to National Grid requesting catenary information for electrical assets in the vicinity of the scheme
17.11.17	Email Correspondence	Received catenary information from National Grid for the electrical assets in the vicinity of the scheme.
13.12.17	Email Correspondence	Issued New Roads and Street Works Act C3 Budget Estimate to National Grid
19.12.17	Email Correspondence	Received automated response from National Grid stating that a response shall be provided within 28 working days.
08.01.18	Email Correspondence	Received email from National Grid querying the works that are taking place as part of the Scheme.
12.01.18	Email Correspondence	Highways England sent an email in response articulating the potential construction issues in relation to the A45 Eastbound to M42 Northbound free flow link and National Grid 400kV overhead assets. Requested a meeting to discuss the matters in more detail.
15.01.18	Email Correspondence	National Grid provided a response stating that National Grid would be unlikely to divert these assets due to costs and would suggest the assets be turned off instead. Provided contacts of National Grid engineer assigned and requested that they contact to arrange a meeting.
15.01.18	Telephone Call	Received telephone message from National Grid providing contact details.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
15/01/2018	Email Correspondence	Emailed National Grid's contact confirming the desire to arrange a meeting.
15.01.18	Email Correspondence	Received meeting invitation at National Grid's offices on the 14 th February 2018.
14.02.18	Meeting	Presented construction proposals to National Grid and it was confirmed that subject to the results of the ground investigations, the proposed construction methodology would allow the assets to remain live during construction. For full details of the meeting please refer to the meeting minutes appended to Appendix A.
09.03.18	Email Correspondence	National Grid provide in response as part of Statutory Consultation
12.03.18	Email Correspondence	Highways England provide response to National Grid's Statutory Consultation comments and state that this has been passed to the project team for review.
05.04.18	Email Correspondence	In response to the Statutory Consultation queries, Highways England issued to National Grid the draft protective provisions that were to form part of the Development Consent Order for comment.
13.04.18	Email Correspondence	National Grid state that the draft provisions provided do not meet their requirements and provide an alternative set of protective provisions.
05.03.19	Email Correspondence	Highways England emailed National Grid requesting contact details for their legal representative to begin discussions in relation to protective provisions.
05.03.19	Email Correspondence	National Grid requested that this request be sent via their plant protection address so that the request can be formalised. National Grid queried timescales on any proposals.
05.03.19	Email Correspondence	Highways England responded in regards to timescales and copied the plan protection email address in to the email to formalise the response.
06.03.19	Email Correspondence	Contact at plant protection requested further details in order to process the request.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
26.03.19	Email Correspondence	Highways England's legal representative contact National Grid's legal representative providing comments on the draft protective provisions provided by National Grid on the 13 April 2018.

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) Highways England and (2) National Grid in relation to the issues addressed in this SoCG.

3 Issues

3.1 Issues Raised

Table 3-1 – Record of Issues Raised

Sub-topic	National Grid Comment	Highways England Response/Actions	Status/Agreement
Design			
Protective Provisions			
	National Grid does however, object to the Authorised Works being carried out in close proximity to their apparatus in the area unless and until suitable protective provisions and related agreements have been secured to their satisfaction, to which see further at paragraph 5.	The Parties continue to engage to agree final design details (as indicated above in the above record of engagement). Once the details are finalised the Parties will be able progress matters further by means of this SoCG, protective provisions or third-party agreement as appropriate.	Under Discussion
	They also object to any compulsory acquisition powers for land or rights or other related powers to acquire land temporarily, override or otherwise interfere with easements or rights or stop up public or private rights of access being invoked which would affect their land interests, rights apparatus, or right to access and maintain their apparatus. This is unless and until suitable protective provisions and any necessary related amendments to the wording of		Under Discussion

Sub-topic	National Grid Comment	Highways England Response/Actions	Status/Agreement
	the DCO have been agreed and included in the Order.		
	<p>National Grid Electricity Transmission PLC (“NGET”) has high voltage electricity overhead transmission lines within close proximity to the authorised. Details of these assets are as follows:</p> <p>ZF (400kV) Overhead Line Route</p> <p>The overhead lines form an essential part of the electricity transmission network in England and Wales. NGET will require the Promoter to enter into crossing agreements in respect of crossings of their Apparatus.</p>		Under Discussion

APPENDIX

A. Meeting Minutes 14 February 2018

Minutes

Meeting name National Grid Assets Review	Subject Review of existing assets vs proposed scheme	Attendees James Hemingway (JCH) Martin Sankey (MS) Nathan Oliver-Taylor (NOT) Nick Bartolo (NB) Nick Russel (NR)	Circulation list James Hemingway (JCH) Martin Sankey (MS) Nathan Oliver-Taylor (NOT) Nick Bartolo (NB) Nick Russel (NR) Ian Bamforth (IB) Javaid Farooq (JF) Chris Manning (CM) Alistair Giffen (AG) Alan Darby (AD) Jonothan Pizzey (JP)	Apologies
Meeting Date 14/02/2018	Time 10:00			
Location National Grid Coleshill	Project name M42 J6 Improvement Works			
Project number HE514465	AECOM project number 60543032			
Prepared by James Hemingway				

Topic	Discussion
Introductions	JCH welcomed everyone to the meeting and provided copies of the scheme information.
Project Overview	JCH provided an overview of the M42 J6 Improvement Works and its core aims relating to works taking place at Junction 6.
Specific Items Discussed.	<ul style="list-style-type: none"> National Grid confirmed that a new tower is to be installed in June/July of 2019 just south of East Way. This tower is to raise the height of the lines in this area to accommodate the people mover that forms part of HS2's proposals. The towers in this region are 3 phase systems, therefore turning off the lowest cables to provide more space for the piling rig to install the piles safely would result in the entire pylon being turned off. The period where National Grid assets can be turned off are in the summer months between daylight saving times. Tower ZF117's lines are connected via tension, therefore any works to install the tower near East Way shall not affect the levels currently shown on the catenary graphs provided by National Grid. MS stipulated that the catenary graphs show a worst case scenario and should be treated as the reference point for any safety zones applied. JCH provided an overview of the current constructability issues relating to the A45E to M42N free flow link and the location of National Grid Assets. MS stated that no person is to go within the 5.3m safety zone of the national grid cables. However a piling rig can go to within a safety zone of 3.1m ensuring that appropriate control measures are in place for the piling works to be installed safely. MS clarified that these works would not be managed/overseen by National Grid representatives. JCH ran through the current Skanska proposals to use a Martello MP5000 restricted access piling rig. This rig has a mast height of between 5.1 to 9m. MS reviewed the catenary graphs on a worst case basis to existing ground levels and accorded that 9m should be possible when considering the 3.1m exclusion zone. JCH stated that the current proposals for the piling rig are subject to the results of ground investigation. MS provided electronic copies of National Grid Technical Guidance Note 287 for working near National Grid electricity transmission equipment.
Closing Items	Based upon the discussions held in this meeting, it appears that construction of the A45E to M42N free flow link can be completed in a safe manner when taking cognisance of National Grid's safety requirements. However further investigation and detailing is required by AECOM and Skanska to confirm whether this assumption is correct.

Ref	Action	Initial
01	AECOM to provide Skanska with 3.1m safety constraint information and existing ground levels to allow the constructability of the piling to be assessed.	JCH/CM
02	AECOM to confirm ground investigation works in the vicinity of M42 J6 to determine whether these results can be expedited to inform Skanska's constructability review.	JCH/AG
03	AECOM to circulate National Grid's Technical Note 287 to Highways England	JCH
04	AECOM to respond to National Grid when a more conclusive constructability assessment has been undertaken with regards to a 3.1m safety exclusion zone. This shall therefore inform whether a C3 Budget Estimate need be progressed.	JCH