

M42 Junction 6 Development Consent Order

Scheme Number TR010027

8.15 Statement of Common Ground with Cadent Gas Ltd

Planning Act 2008

Rule 8 (1)(e)

The Infrastructure Planning (Examination Procedure) Rules 2010

Volume 8

June 2019

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

M42 Junction 6 Development Consent Order
Development Consent Order 202[]

STATEMENT OF COMMON GROUND WITH
CADENT GAS LTD

Regulation Number	Rule 8(1)(e)
Planning Inspectorate Scheme Reference	TR010027
Document Reference	8.15
Author	Highways England and Cadent Gas Ltd

Version	Date	Status of Version
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) Cadent Gas

Signed.....

Chris Harris

Project Manager

on behalf of Highways England

Date:

Signed.....

[NAME]

[POSITION]

on behalf of Cadent Gas

Date:

Table of contents

1	INTRODUCTION	4
1.1	Purpose of this document	4
1.2	Parties to this Statement of Common Ground	4
1.3	Terminology	5
2	RECORD OF ENGAGEMENT	6
3	ISSUES	17
3.1	Issues Raised	17

Table of Tables:

Table 2.1 – Record of Engagement	6
Table 3.1 – Record of Issues Raised	17

Appendices:

- A. Meeting Minutes – 28 March 2018.
- B. Meeting Minutes – 14 March 2019.

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. a new dumbbell junction approximately 1.8km south of the existing Junction 6 on the M42;
 - b. construction of a new 2.4km dual carriageway link road between the new junction and Clock Interchange (an existing junction on the A45);
 - c. modifications to the existing Clock Interchange junction;
 - d. upgrades to the existing Junction 6; and
 - e. 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) Cadent Gas.
- 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 Cadent Gas is a statutory undertaker responsible for the maintenance and operation of gas distribution assets which are affected by the scheme proposals.
- 1.2.4 Collectively Highways England and Cadent Gas 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 Cadent Gas’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 Cadent Gas 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 Cadent
15.11.17	Email Correspondence	Highways England contacted Cadent in relation to arranging a meeting to discuss the impact of the Scheme on the Local Gas Governor based upon the details ascertained from the C2 Asset Search
27.11.17	Email Correspondence	Received email from Cadent requesting site meeting to trace pipelines and agree method of works.
29.11.17	Telephone Call	Received voicemail from Cadent Gas requesting a discussion in regards to the Local Gas Governor
29.11.17	Telephone Call	Contacted Cadent representative and was informed that discussions would be best reserved until after a C3 Budget Estimate request was submitted.
13.12.17	Email Correspondence	Issued New Roads and Street Works Act C3 Budget Estimate to Cadent Gas Plant Protection
19.12.17	Email Correspondence	Received automated response from Cadent Plant Protection stating that contact should be received within 28 working days.
28.12.17	Email Correspondence	Received follow up response to the request to have a site meeting to trace the existing assets in the area.
12.01.18	Email Correspondence	Sent email in response to request for site meeting to understand who should be contacted within Cadent in relation to diversion proposals.
17.01.18	Email Correspondence	Received email requested meeting on the 25 or 26 January

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
17.01.18	Email Correspondence	Sent email stating that these meeting dates were not possible due to project team availability.
22.01.18	Email Correspondence	Received revised dates for a site meeting
22.01.18	Email Correspondence	Responded stating that these dates were preferable and provided a preliminary agenda for the meeting in order to discuss the diversion proposals.
22.01.18	Email Correspondence	Received email stating that this sector of Cadent was not responsible for diversion works and would only be to trace the assets on site.
22.01.18	Email Correspondence	Responded stating that a meeting to trace the assets was not needed at this time as construction works are not scheduled to commence until 2020. Requested that Cadent provide contact details for the diversionary team.
22.01.18	Email Correspondence	Received response stating that this request has been forwarded to the design team.
24.01.18	Email Correspondence	Received response from Cadent requesting detailed site plan and confirmation of the C3 Budget Estimate Request.
24.01.18	Email Correspondence	Issued original C3 Budget Estimate request to Cadent once more containing site plan proposals.
30.01.18	Telephone Call	Contacted Cadent Plant Protection for an update on the C3 Budget Estimate request. Informed that a response would be provided by end of January.
05.02.18	Telephone Call	Contacted Cadent Plant Protection for an update as no information had been received. Left details with plant protection in order to arrange a meeting at the earliest opportunity.
08.02.18	Telephone Call	Contacted Cadent Plant Protection to inform that no information had yet to be received.
08.02.18	Email Correspondence	Received email from Cadent Plant Protection apologising for the delayed response, the design team responsible had been contacted to expedite.
09.02.18	Email Correspondence	Received email from Cadent Plant Protection stating that due to the high volume of projects there has been a delay and they shall update as soon as possible.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
26.02.18	Email Correspondence	Sent email to Cadent Plant Protection team requesting update and request for meeting to be arranged.
26.02.18	Email Correspondence	Received email from Plant Protection stating that the design team are continuing to review the information received and shall respond as soon as possible.
27.02.18	Email Correspondence	Received email from Plant Protection stating that low pressure and medium pressure assets shall not be affected by the works.
27.02.18	Telephone Call	Telephone call with Plant Protection challenging that the proposals would not impact the low and medium pressure assets. Action to issue the latest utility drawings to confirm. Notified that this team within Plant Protection only deals with low and medium pressure assets, the high pressure mains would be assessed by another team within Cadent.
01.03.18	Email Correspondence	Issued the latest utility plans to Cadent. Requested that the high pressure proposals are passed to the relevant team and Highways England are placed within the circulation list.
02.03.18	Email Correspondence	Sent email to Cadent requesting confirmation of the email sent on the 1 March had been received and circulated.
19.03.18	Email Correspondence	Received email from Cadent high pressure plant protection team stating that they had received notification and would like to arrange a meeting to discuss the proposals.
21.03.18	Email Correspondence	Requested whether the plant protection team had availability to attend a meeting on the 28 th March.
22.03.18	Email Correspondence	Plant Protection team confirmed that the date proposed was acceptable and a meeting room had been booked at Cadent's Offices.
26.03.18	Email Correspondence	Confirmed to Plant Protection the meeting attendees from highways England.
28.03.18	Meeting	Meeting to discuss the impacts of the Scheme of Cadent high pressure gas mains. Meeting Minutes have been appended in Appendix A for information.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
04.04.18	Email Correspondence	Issued the meeting minutes to all parties who attended.
05.04.18	Email Correspondence	Received email from Cadent's legal representative requesting details of Highways England's legal representatives.
05.04.18	Email Correspondence	Provided contact details for Highways England's legal representatives to Cadent
10.04.18	Email Correspondence	Requested from Plant Protection more details of planting restriction in the vicinity of Cadent's assets.
16.04.18	Email Correspondence	Received C3 Budget Estimate details for the high pressure diversion and protection works.
17.04.18	Email Correspondence	Cadent legal representation confirm receipt of draft protective provisions produced by Highways England. Request that protective provisions are on Cadent standard terms and request undertaking for reasonable legal costs.
18.04.18	Email Correspondence	Sent email to Cadent clarifying that the C3 Budget Estimates need to be addressed to Highways England and not Solihull Metropolitan Borough Council, who also attended the meeting held on the 28 March.
19.04.18	Email Correspondence	Highways England's legal representatives confirm receipt of Cadent protective provisions and shall seek instruction in regards to legal undertaking.
20.04.18	Email Correspondence	Sent email to Cadent requesting clarification on which estimates referred to which assets that were impacted by the Scheme.
11.05.18	Email Correspondence	Received email clarifying the estimates in relation to assets impacted by the Scheme.
11.05.18	Email Correspondence	Received additional estimate based upon the assumption that the Local Gas Governor can be decommissioned. This was caveated on the basis that this would be clarified by the detailed design study.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
15.05.18	Email Correspondence	Responded to Cadent Gas acknowledging receipt of this additional estimate and informed Cadent that this would be circulated to the relevant parties at Highways England. Requested an additional meeting in order to define appropriate diversion routes for these affected assets.
15.05.18	Email Correspondence	Received response from Cadent stating that no meeting can be arranged until the design payments identified in the C3 Budget Estimate Letters are paid.
15.05.18	Email Correspondence	Acknowledged Cadent's request for payment and provided a summary breakdown of all the payments required in relation to the diversions for confirmation.
16.05.18	Email Correspondence	Received clarification and confirmation of summary payments from Cadent.
15.06.18	Email Correspondence	Request made by Cadent Legal Representative for update in regards to diversion progress.
15.06.18	Email Correspondence	Highways England confirmed to Cadent Legal Representative that the project team had met with plant protection in regards to the diversion proposals.
15.06.18	Email Correspondence	Cadent Legal Representative confirmed receipt of update provided and highlighted the importance of completing the feasibility study and detailed design study to determine land take required for any diversions.
18.06.18	Email Correspondence	Highways England recognised Cadent's Legal Representatives concerns and stipulated that each high pressure gas main diversion would be identified by its own work number as part of the Development Consent Order and limited of deviation prescribed.
13.03.18	Email Correspondence	Cadent's Legal Representative requested update on payment for diversion studies to be progressed.
13.03.18	Email Correspondence	Highways England acknowledge Cadent's request for an update and confirm that the funding is still in the process of being approved.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
01.10.18	Email Correspondence	Cadent legal representation query whether protective provisions discussions can commence to avoid principle objection to the Development Consent order.
18.10.18	Email Correspondence	Cadent's Legal Representative requested update on payment for diversion studies to be progressed.
19.10.18	Email Correspondence	Highways England acknowledge Cadent's request for an update and confirm that the funding is still in the process of being approved. A precautionary approach has been made to the Development Consent Order in order to provide sufficient limits of deviation for any Cadent assets affected by the Scheme.
19.10.18	Email Correspondence	Cadent Legal team acknowledge highways England's response and reiterate the importance of liaising in regards to protective provisions and securing enough land within the Draft Development Consent Order to allow for any diversions.
22.10.18	Email Correspondence	Highways England's legal representative reiterate their willingness to discuss protective provisions at any subsequent meeting.
30.10.18	Email Correspondence	Cadent's legal representatives reinforce that sufficient land must be allowed within the Development Consent Order is it is to be submitted shortly.
07.11.18	Email Correspondence	Highways England's legal representative confirms that meetings would be beneficial, however confirmation of legal undertakings are still to be confirmed.
04.12.18	Email Correspondence	Received from Cadent high pressure plant protection the revised quotation letters addressed to Highways England.
05.12.18	Email Correspondence	Highways England requested that all future communication is circulated to the members of the project team who are actively engaged in discussion with Cadent.
11.12.18	Email Correspondence	Updated contracts received from Cadent, plant protection reinforced that payment for design studies needs to be made prior to Cadent mobilising.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
04.02.19	Email Correspondence	Cadent's legal representative contacted Highways England with Cadent's latest protective provisions for discussion.
06.02.19	Email Correspondence	Highways England issue updated drawings and request for C4 Detailed Design Estimate now that approval for payment has been made.
14.02.19	Email Correspondence	Highways England's legal representative contacted Cadent's legal representative in order to begin discussions in relation to protective provisions.
21.02.19	Email Correspondence	Highways England confirm that payment should now have been received.
28.02.19	Email Correspondence	Highways England request a meeting to discuss the proposals and the next steps to be taken.
28.02.19	Email Correspondence	Cadent confirm that the only date available for a meeting is the 6 March.
28.02.19	Email Correspondence	Highways England respond stating that this date is not possible and request meeting on week commencing 11 March
01.03.19	Email Correspondence	Cadent's legal representatives confirm legal undertaking now in place and are awaiting comments on protective provisions provided during 2018.
04.03.19	Email Correspondence	Cadent confirm that they would be available on the 14 March to meet with Highways England
04.03.19	Email Correspondence	Highways England confirm that the 14 March is acceptable.
06.03.19	Email Correspondence	<p>Highways England's legal representative stipulated that protective provisions are being sought with Cadent across all schemes.</p> <p>Highways England queries if the land allocate din the Development Consent Order was deemed sufficient.</p>
06.03.19	Email Correspondence	Cadent's legal representative confirmed that they are reviewing the proposals in the Draft Order and awaiting the results of the Cadent design study.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
06.03.19	Email Correspondence	Highways England's legal representative confirmed that the limits of deviation have been drawn wide enough to provide sufficient flexibility for the Cadent diversions based upon discussions thus far.
14.03.19	Meeting	Meeting held at Cadent Offices to update on scheme progress and next steps. Meeting minutes appended to Appendix A for information.
15.03.19	Email Correspondence	Part 1 of 2 emails issuing information to Cadent which was requested at the meeting held on 14 March
15.03.19	Email Correspondence	Part 2 of 2 issuing information to Cadent which was requested at the meeting held on 14 March
18.03.19	Email Correspondence	Highways England contacted Cadent following meeting providing details of Contractor responsible for the preparation of the construction programme and confirmed that all the actions from the meeting are being addressed and being prepared for issue.
18.03.19	Email Correspondence	Meeting minutes, Ground Investigation Report requested and the meeting and Presentation Slides used issued to Cadent.
21.03.19	Email Correspondence	Following meeting with Cadent it became evident that the medium pressure gas main diversion was not being reviewed and actioned. Therefore additional request made to plant protection with the updated scheme drawings and utility plans.
21.03.19	Email Correspondence	Received automated response from Cadent Plant Protections stating that they endeavour to respond between 3 days to a week following a request.
21.03.19	Email Correspondence	Cadent high pressure plant protection team confirm receipt of this information but stipulate that this would be the responsibility of a different team within Cadent.
22.03.19	Email Correspondence	Highways England respond to Cadent high pressure plant protection team noting their response and stipulate that they have been included in the response for information only.
22.03.19	Email Correspondence	Received response from Cadent MP team stating that they have received the request via plant protection but require additional drawings.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
22.03.19	Email Correspondence	Cadent Legal Representative notified of the request in relation to medium pressure diversion request and circulated to plant protection for response to be made to Highways England.
22.03.19	Email Correspondence	Cadent high pressure plant protection team confirm receipt of Highways England clarification and request if no response is received from the medium pressure team to get in touch once more.
22.03.19	Email Correspondence	Additional information requested by Cadent medium pressure plant protection issued to Cadent
26.03.19	Email Correspondence	Cadent's legal representation requested update on Highways England's position in regards to Cadent's protective provisions which were provided in 2018.
26.03.19	Email Correspondence	Cadent Legal Representatives request access to medium pressure proposals issued to Plant Protection.
26.03.19	Email Correspondence	Information issued to medium pressure plant protection also issued to Cadent Legal Representative.
26.04.19	Email Correspondence	Highways England sent email requesting confirmation that the information relating to the medium pressure gas main diversions has been received.
26.04.19	Email Correspondence	Received response from Cadent medium pressure gas team confirming receipt of information and requesting confirmation that no response has yet been provided to Highways England.
26.04.19	Email Correspondence	Confirmed to Cadent medium pressure plant protection that no response has been received.
26.04.19	Email Correspondence	Cadent medium pressure plant protection team requested reference number provided upon request.
26.04.19	Email Correspondence	Highways England confirmed that a reference code was provided when information was originally submitted in December 2017. If this is now longer suitable Highways England requested that a code be prepared by Cadent so that clarity could be provided.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
26.04.19	Email Correspondence	Cadent confirmed that they shall request a new reference code.
26.04.19	Email Correspondence	Highways England noted that a new reference shall be provided and offered to attend a meeting in regards to the medium pressure diversion proposals.
01.05.19	Email Correspondence	Automated email received by Highways England for a diversion request.
03.05.19	Email Correspondence	Highways England requested clarification that the automated response received on the 1 May is in response to Cadent raising a reference code for the medium pressure diversions.
07.05.19	Email Correspondence	Cadent medium pressure plant protection confirm that this automated response is relates to the reference being provided.
14.05.19	Email Correspondence	Received email from Cadent legal representative requesting update in relation to C3 Budget Estimate from the Cadent medium pressure plant protection team
14.05.19	Email Correspondence	Highways England provided Cadent's legal representative with the latest communication between Highways England and the Cadent medium pressure gas team.
15.05.19	Email Correspondence	Highways England requested update from Cadent for the delivery of the high pressure gas preliminary study proposals.
23.05.19	Email Correspondence	Cadent high pressure plan protection confirmed that work is still ongoing and the information should be available for an internal review in three weeks. Cadent shall provide an update as soon as possible.
23.05.19	Email Correspondence	Highways England received the C3 Budget Estimate for the Cadent medium pressure gas mains affected by the Scheme.
23.05.19	Telephone Call	Highways England contacted Cadent to highlight a number of points that need to be revised in the medium pressure gas main proposals in order to accord to proposed and existing constraints

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
23.05.19	Email Correspondence	Highways England sent an email to Cadent medium pressure protection team clarifying the points raised during the call and requested a revised estimate proposal be produced.
24.05.19	Email Correspondence	Cadent medium pressure plant protection confirmed receipt of proposals and confirmed that a revised estimate shall be provided.

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) Cadent Gas in relation to the issues addressed in this SoCG.

3 Issues

3.1 Issues Raised

Table 3.1 – Record of Issues Raised

Sub-topic	Cadent Gas Comment	Highways England Response/Actions	Status/Agreement
Design			
Protective Provisions			
	<p>Cadent is not satisfied that the acquisition of land, or the acquisition of rights over land, within which Cadent has an interest can be undertaken without there being serious detriment to Cadent’s undertaking. Appropriately worded protective provisions for the benefit of Cadent will secure this and prevent serious detriment to Cadent’s undertaking.</p>	<p>The Parties continue to engage and to agree final design details (as indicated above in the record of engagement).</p> <p>Once the details are finalised the Parties will be able to progress matters further by means of SoCG. The protective provisions already in the Order or revised Protective Provisions or a third-party agreement as appropriate.</p>	Under Discussion
	<p>At this stage in the absence of the detailed design of the diversion works Cadent cannot comment on (i) diversion route and/or (ii) whether the necessary land rights have been secured by the Draft Order. In these circumstances therefore it is essential that protective provisions on Cadent’s standard terms are agreed and included in the Draft Order to prevent the acquisition of any of their existing Apparatus. Diversion</p>		Under Discussion

Sub-topic	Cadent Gas Comment	Highways England Response/Actions	Status/Agreement
	<p>will then follow in future by agreement between the parties in accordance with the terms of the protective provisions which will require the grant of property rights before the overriding of any existing rights can occur, thus protecting Cadent's undertaking. It should be noted that any consequent program delay arising from the Promoter failing to include the necessary land or rights within the Draft Order, will be as a direct result of the Promoter's failure to commission sufficiently detailed design of the Diversions in advance of promotion of the Draft Order.</p>		
	<p>In respect of all Cadent infrastructure located within the Order limits, or in close proximity to the proposed project and associated works, Cadent will therefore require protective provisions to be put in place to ensure that:</p> <p>(a) all Cadent interests and rights of access are unaffected by the power of compulsory acquisition, grant and extinguishment of rights, survey powers and temporary use powers and temporary or permanent stopping up unless and until diverted under the protective provisions;</p> <p>(b) appropriate protection for the retained apparatus is maintained during and after construction of the project.</p>		Under Discussion

Sub-topic	Cadent Gas Comment	Highways England Response/Actions	Status/Agreement
	<p>This includes compliance with all relevant standards on safety as set out in paragraph 3 below; and</p> <p>(c) Deeds of Consent/Crossing Agreements are entered into where any work is proposed in the easement strip of Cadent, which doesn't necessitate its diversion.</p>		
	<p>Cadent has sought to engage with the Promoter since April 2018. The purpose of Cadent's engagement has been to seek to agree in advance the protective provisions ahead of the submission of the DCO and to avoid engagement in the examination process. However, there was no substantive engagement or response from the Promoter until 16 April 2019, although reasonable progress towards agreeing protective provisions is now being made. Cadent also has various concerns about the drafting of the Draft Order but will liaise with the Promoter directly to seek to resolve any such issue in the first instance. Accordingly we have not raised any of these issues in detail at this stage but reserved the right to raise these issues in due course.</p>		<p>Under Discussion</p>

Sub-topic	Cadent Gas Comment	Highways England Response/Actions	Status/Agreement
Design			
	<p>Cadent's Apparatus is affected by the Authorised Development. The Apparatus may require diversions subject to impact within the highway in the Order Limits</p>	<p>The Parties continue to engage and to agree final design details (as indicated above in the record of engagement).</p> <p>Once the details are finalised the Parties will be able to progress matters further by means of SoCG, protective provisions or third party agreement as appropriate. See wording above.</p>	<p>Under Discussion</p>
	<p>Detailed design studies have not yet been completed for the high pressure interactions and therefore the detail of the alignment of any pipeline diversions or AGI relocation are currently unknown. At present, only C3 estimates have been provided in relation to the low and medium pressure diversions. Accordingly it is not possible to accurately confirm whether these diversions will be capable of being carried out fully under the New Roads and Street Works Act 1981 or not. Where they extend beyond the adopted highway boundary, Cadent will require new land rights to be secured by the Promoter through the Draft Order for any diverted apparatus. Such rights will need to be made available to Cadent by the Promoter before any existing Apparatus is removed. This is in order to prevent an impact on the Apparatus and Cadent's undertaking, which is protected by Section 127 and s138 of the Planning Act 2008. Cadent's</p>		<p>Under Discussion</p>

Sub-topic	Cadent Gas Comment	Highways England Response/Actions	Status/Agreement
	apparatus is required for the purposes of its undertaking and it should not be authorised for acquisition where it's UK - 627130422.4 2 replacement by way of diversion and delivery of appropriate corresponding rights cannot be secured.		

APPENDICES

Appendix A - Meeting Minutes – 28 March 2018

Minutes

Meeting name Cadent High Pressure Gas Mains Review	Subject Review of existing assets vs proposed scheme	Attendees AECOM James Hemingway (JCH) Highways England Nick Russel (NR) Nick Bartolo (NB) Solihull Council Derek Lawlor (DL) Cadent Peter Talbot (PT) Tim Webley (TW) Lewis Hancock (LH) Ron Roberts (RR) Mike Hodgkinson (MH)	Circulation list AECOM James Hemingway (JCH) Javaid Farooq (JF) Ian Bamforth (IB) Highways England Nick Russel (NR) Nick Bartolo (NB) Solihull Council Derek Lawlor (DL) Cadent Peter Talbot (PT) Tim Webley (TW) Lewis Hancock (LH) Ron Roberts (RR) Mike Hodgkinson (MH) Nicola Grout (NG) Nick Pickstock (NP) David Hartshorne (DH) Robert Donovan (RD) Skanska Mark Sutton (MS)	Apologies Skanska Mark Sutton (MS)
Meeting Date 28/03/2018	Time 10:00-12:00			
Location Cadent Offices – Leicester	Project name M42 J6 Improvement			
Project number HE514465	AECOM project number 60543032			
Prepared by James Hemingway				

Topic	Discussion
Introductions	PT welcomed everyone to the meeting and introductions were made.
Project Overview	JCH provided an overview of the scheme detailing the progress that has been made since the original budget estimate submitted to Mouchel by Cadent. JCH provided a forward look ahead to the various key milestones such as DCO submission and the current proposed construction programme for the M42 Junction 6.
Cadent LHP Main Crossing the M42	<p>The first LHP main affected by the M42 Junction 6 Improvement Works discussed resides on the M42 between Friday Lane and Solihull Road. JCH confirmed that this asset would be impacted due to the introduction of the south facing slip roads for Junction 5A.</p> <p>Cadent confirmed that this LHP asset was most likely diverted on its current alignment to suit the construction of the M42. Although the section under the existing line of the M42 will be protected, there is a risk that the gas main in the existing earthworks where the slip roads shall be installed may not be protected to the same level. Subsequently Cadent are to produce a cost estimate for the protection works based upon a worst case scenario in this area and a design study for this asset will confirm the level of protection and associated works required.</p> <p>As built drawings may be available for this pipeline, however the status shall be confirmed via trial holes.</p> <p>In the meeting it was confirmed that the supply was a 23 inch main constructed in 1991. This pipeline serves different supplies to that of the local gas governor pipeline further north.</p> <p>DL recommended that AECOM provide cross sections to Cadent at this point in order to provide further detail on the scope of any protection measures.</p>
Diversion/Protection Lead in Times	<p>JCH initially raised the possibility of any diversion/protection works being conducted in 2019. Cadent confirmed that this would be challenging due to the nature of the material required to protect/divert LHP mains typically having a lead in time of at least one year. Therefore the earliest date that some protection/diversion works can be undertaken is 2020.</p> <p>For the prospective replacement of the Local Gas Governor at the M42 Junction 6, Cadent confirmed that the lead in time for any governor housing is approximately 26 weeks.</p> <p>To ensure that any Cadent works can be programmed, it is important that they are booked as early as possible to allow for material procurement, this process dictates the critical path for any Cadent LHP protection/diversion works.</p>
Cadent LHP Main Crossing Mainline Link	JCH provided an overview of the crossing of the mainline link, indicating that where the pipeline shall cross the new carriageway shall be in 7.5m in cutting. JCH explained that the reasoning behind the cutting was to minimise the visual and environmental impacts of the scheme within the green belt. Due to the position of Cadent's assets, a diversion on

Topic	Discussion
	<p>its current alignment would mean crossing both the mainline link and onslip from Catherine de Barnes roundabout.</p> <p>Cadent confirmed that the diversion of this would be necessary; however the nature of the diversion appeared relatively straightforward and would approximately affect 500m of pipeline. PT suggested the diversion would not retain its current alignment; instead it would divert further to the East and cross where the earthwork is in reduced levels of cutting.</p> <p>JCH highlighted that there will be an access track provided for a surface water attenuation system; PT confirmed that the diversion/protection works would factor this access track into any cost estimates provided.</p> <p>JCH also raised that there will be a new accommodation structure for farm vehicles installed across the mainline link in close proximity to the onslip onto the mainline link in order to re-provide a severed public access (precise location of the structure to be confirmed). Cadent requested details of this structure once it is finalised to inform the diversion/protection works, further discussions shall be required at a later date in order to ensure that any diversion of the gas main is protected during the construction of the mainline link and any associated structures.</p>
<p>Cadent LHP Main crossing the A45 and the Local Gas Governor</p>	<p>JCH provided an overview of the A45E to M42N free flow link that will be included as part of the M42 Junction 6 Improvement Works and its subsequent impact on the existing gas governor which has LHP and MP connections.</p> <p>Cadent to confirm the purpose of the gas governor and whether a diversion is required. Initial thoughts during the meeting were that the gas governor is positioned in this location to provide connection supply for the medium pressure gas mains that run east/west on the A45. It was highlighted that there is a slim chance that the asset could be removed and not replaced, however this would be subject to confirmation by Cadent.</p> <p>Cadent to confirm the pressure rating of the gas governor and associated LHP mains. Cadent raised that local gas governors tend to suffer from noise and icing issues.</p> <p>JCH tabled the idea that a relocation of the governor is likely to be undertaken along the north/south alignment of the existing gas governor which leads to two options and a further third option raised by DL:</p> <ul style="list-style-type: none"> • The Gas Governor is located further north within the N.E.C ,which has a potential to impact existing parking facilities. • The Gas Governor is re-located on the southern side of the A45 in a plot of land currently owned by the Kelly family. • The Gas Governor is re-located on the southern side of the A45 outside of the land boundary of the Kelly family. <p>With respect to diversion costs, it will likely be more expensive to relocate the Gas Governor on the southern side due to the need to also provide a connection from the medium pressure gas main. Furthermore Cadent confirmed that any diversion would need to be discussed with the medium pressure team to ensure that an accurate cost is provided. Therefore JCH recommended that a C3 budget estimate be prepared on this basis, however JCH requested that Cadent provide details of any operational & maintenance constraints with regards to the three options listed above in order to determine the most appropriate solution via a design rationale.</p> <p>JCH queried whether the replacement gas governor would be of a similar dimension to the existing asset, Cadent confirmed that the asset dimensions would be in the region of 8m x 5m.</p> <p>JCH queried the likely timescales for the diversion/protection of the local high pressure mains and gas governor in this location. Cadent did not see any issues with any protection/diversion works taking place in this region during 2021.</p> <p>DL raised that if the gas governor is positioned in the Kelly family parcel of land then an easement would be required to ensure that the asset is protected by any future development on this plot. Furthermore DL queried the minimum distance that the gas governor need be positioned away from the carriageway.</p> <p>DL queried whether it would be possible from an SMBC perspective to expedite this relocation of the gas governor and take the works offline of the M42 scheme due to the existing pinch point creating operational issues of the A45/M42 J6.</p>
<p>HS2 Combined Works</p>	<p>In the meeting it was highlighted that there is a prospective outage of the LHP line that includes the gas governor in 2019 for HS2 to undertake diversions/protection works on Cadent Assets north of the M42 Junction 6. This raised the question of whether the prospective works for the M42 Junction 6 can make use of this planned outage to undertake the works on an expedited time frame. Cadent raised that any combination of the works would be subject to material</p>

Topic	Discussion
	<p>lead in times and subsequently the scheme is close to missing this window of opportunity.</p> <p>NR raised that Ian Doust with Highways England is currently the liaison for HS2 and he shall broach the prospect of combining the works. PT to liaise with RD from Cadent's perspective in parallel.</p>
Scheduled Ancient Woodland Re-planting	<p>JCH highlighted that the position of Junction 5A and its associated south facing slip roads shall impact the scheduled ancient woodland. To mitigate these impacts there will be contiguous replanting undertaken that may come within close proximity of the existing Cadent high pressure gas mains that runs perpendicular to the M42. JCH requested that details of any tree planting guidance be provided to inform the replanting strategy.</p>
MSA	<p>Cadent representatives queried the proposals for a new service station at Junction 5A. DL noted that there is currently two prospective MSA's on the M42, one at Junction 5A and the other at Junction 4. The developer of the service station at junction 4 is yet to provide information to enable Solihull Metropolitan Borough Council to make a decision. Furthermore SMBC has been provided with legal counsel that concludes that both service stations must be considered simultaneously; therefore DL stated that a decision with regards to which MSA is likely to gain planning approval is likely to be undertaken during Q3 2018.</p> <p>Cadent requested details of the planning application submitted by the MSA developer at Junction 5A due to the presence of existing Cadent high pressure mains likely to be affected.</p>
Protective Provision articles for Development Consent Order	<p>JCH requested who would be the best contact within Cadent to provide the current draft protective provision articles for consideration. PT confirmed that Iain Long would be the best contact for a review of the existing protective provision information.</p>
Land Take Requirements/ Easements	<p>Following the discussion regarding the prospective diversions it was confirmed that the design study's to be undertaken by Cadent would identify the size of the diversions and subsequently inform any land take/ easements that would be required. JCH relayed that this information would be needed as soon as possible to ensure that the work plans for the M42 Junction 6 Development Consent Order take cognisance of any requirements.</p>

Ref	Action	Initial
01	AECOM to provide cross sections at the key areas where Cadent LHP mains require protection/diversion works. Cross-sections to clearly denote additional carriageway construction.	JCH/JF
02	Cadent to produce C3 budget estimates for the affected high pressure assets discussed during the meeting.	Cadent
03	AECOM to provide details of the location of the new structure in proximity to Catherine de Barnes onslip to the Mainline Link to inform the diversion of Cadent's assets.	JCH
04	Cadent to clarify the details of the Local High Pressure main and Gas Governor .	Cadent
05	Cadent to liaise with the medium pressure diversion team to ensure that all associated diversion costs are taken into account for the Local Gas Governor.	Cadent
06	Cadent to provide a summary of any operational and maintenance constraints for the position of the Local Gas Governor to the north/south of the A45.	Cadent
07	Cadent to confirm the minimum distance that the Local Gas Governor would need to be positioned away from the carriageway.	Cadent
08	Solihull to liaise with Cadent with regards to the potential to expedite the relocation of the Local Gas Governor.	DL
09	Highways England and Cadent to initiate the process of determining whether the M42 Junction 6 works have the potential to be undertaken during the prospectively planned deactivation of the local high pressure main in 2019 for HS2's diversion/protection works.	NR/PT
10	Cadent to supply details of any tree planting restrictions to inform the environmental mitigation of the M42 Junction 6 Improvement Works.	PT

Ref	Action	Initial
11	Solihull to provide details of the prospective MSA at Junction 5A to Cadent.	DL
12	AECOM to provide draft protective provisions to Cadent to ascertain feedback.	JCH
13	Cadent to confirm diversion routes to inform DCO work plans.	Cadent

Appendix B - Meeting Minutes – 14 March 2019

Minutes

Meeting name Cadent High Pressure Gas Mains Review	Subject Review of existing assets vs proposed scheme	Attendees AECOM James Hemingway (JCH) Highways England Nick Russell (NR) Nick Bartolo (NB) Cadent Mike Hodkinson (MH) Ron Roberts (RR) James Massey (JM) Kevin Gore (KG) Skanska Boris Moj (BM)	Circulation list AECOM James Hemingway (JCH) Javaid Farooq (JF) Ian Bamforth (IB) Nick Crocker (NC) Highways England Nick Russell (NR) Nick Bartolo (NB) Cadent Mike Hodkinson (MH) Ron Roberts (RR) James Massey (JM) Kevin Gore (KG) Skanska Mark Sutton (MS) Boris Moj (BM)	Apologies Skanska Mark Sutton (MS)
Meeting Date 14/03/2019	Time 10:30-13:00			
Location Cadent Offices – Leicester	Project name M42 J6 Improvement			
Project number HE514465	AECOM project number 60543032			
Prepared by James Hemingway				

Topic	Discussion
Introductions	MH welcomed everyone to the meeting and introductions were made
Project Overview	<p>JCH provided an overview of the scheme detailing the progress that has been made since the previous meeting that was held in March last year.</p> <p>This overview covered the changes that have been made following Statutory Consultation and that the project is now in the Pre-Examination phase of the Development Consent Order Process. The application was submitted on the 2nd January 2019 and was accepted into the pre-examination process on the 30th January 2019.</p>
Cadent LHP Main Crossing the M42	<p>The first LHP main affected by the M42 Junction 6 Improvement Works discussed at the meeting resides on the M42 between Friday Lane and Solihull Road. JCH reiterated that this asset shall be impacted due to the introduction of the south facing slip roads of Junction 5A; however since the previous meeting there has been little change to the design in this area which may impact any feasibility studies.</p> <p>JCH highlighted that the limits of deviation outlined in the proposed diversion drawings align with those which have been made in the Development Consent Order. Therefore these are the prescribed limits for any works to be undertaken in relation to Cadent assets. JCH highlighted that there is a potential for works to go outside of the limits of deviation (subject to no adverse environmental impact), however JCH stressed that the project team would need to know as soon as possible in order to instigate the changes to the application documents.</p> <p>Concerns were raised by KG in relation to the land available within the order limits in the event that a larger diversion was required. MH reiterated that the extent of land required to undertake these works shall be revealed as the design progresses. JCH highlighted that access to the asset for any works has been allowed for within the order limits on either side of the M42.</p> <p>MT outlined that their initial review of the M42 asset identified a diversion would likely be required, however following a review of the mainline link road crossing there was a discrepancy over the length of the diversion prescribed. MT confirmed he shall review the proposals once more.</p> <p>JCH highlighted that there is currently proposals to construct a new motorway service station adjacent to the new Junction 5A which would potentially impact Cadent's assets in this area on a much larger scale. However planning permission on this development has yet to be determined.</p> <p>KG queried how the MSA proposals would impact the M42 J6 scheme, JCH confirmed that the our designs have been developed so as to not preclude the MSA, nevertheless the position of the junction is broadly the same under both proposals due to the same design constraints in relation to weaving between Junctions 5 and 6.</p>
Cadent LHP Main Crossing the Mainline Link	<p>JCH provided an overview of the crossing of the mainline link, indicating that where the pipeline shall cross the new carriageway it shall be 8m in cutting. JCH explained that the reasoning behind the cutting was to minimise the visual and environmental impacts of the scheme within the green belt. Due to the position of Cadent's assets, a diversion on its current alignment would mean crossing both the mainline link and the onslip from Barbers Coppice roundabout.</p> <p>JCH provided an overview of the proposed diversion route submitted as part of the Development Consent Order,</p>

Topic	Discussion
	<p>articulating that the route was designed to avoid the accommodation bridge, minimise the depth at which Cadent's asset will be installed and share a parallel excavation with a major Severn Trent Water asset in the region.</p> <p>JCH articulated that access to the asset will be possible on either side of the cutting via a maintenance track or field access point and the limits of deviation offer a large degree of flexibility for Cadent to optimise their route.</p> <p>JM stated that the route JCH proposed seemed satisfactory based upon the constraints; however Cadent may seek to make alterations in the vicinity of the maintenance track to ensure that it is not positioned beneath the track.</p> <p>JM highlighted that despite the length of the diversion, due to the asset being positioned in the green belt the complexity of the construction would be minimal.</p>
<p>Cadent LHP Main crossing the A45 and the Local Gas Governor</p>	<p>JCH provided an overview of the A45E to M42N free flow link that will be included as part of the M42 Junction 6 Improvement Works and its subsequent impact on the existing gas governor which has LHP and MP connections.</p> <p>JCH highlighted that since the meeting last year, as part of the estimates provided the potential was raised by MH that the local gas governor could be decommissioned due to the resilience in the wider network meaning it was no longer necessary.</p> <p>MH confirmed that may be the case; however this assumption will only be clarified through the design study being progressed.</p> <p>If a relocation of the gas governor was required, MH made reference to the parcel of land on the southern side of the A45 being used. JCH agreed that this would be the most suitable position due to the potential challenge from the NEC if the governor was moved into their area of influence. However if the governor needs to be relocated this would require changes to the development consent order application documents.</p>
<p>Cost Estimates and Payment</p>	<p>MH confirmed that the payments provided by Highways England in accordance with the estimates provided had been paid and as part of the following works Cadent will seek to update the cost estimates once more.</p> <p>NR and NB requested a timeline on when payments are likely to be required in order to enable the payment to be made in a timely manner.</p>
<p>Medium Pressure Gas Mains</p>	<p>JCH articulated that since the project team last met with Cadent, a number of modifications to the design have resulted in existing medium pressure gas mains being impacted. JCH queried if MH's team would be undertaking the protection / diversion assessment.</p> <p>MH confirmed that his team would not be dealing with these assets and the contact details of the relevant team shall be provided.</p>
<p>Programme of Works</p>	<p>Following a discussion in relation to the various assets affected JCH provided an overview of the likely construction programme.</p> <p>JCH clarified that the project would be looking to build Junction 5A, the new link road and the improvements to Clock Interchange in the first 2 years from 2020-2022.</p> <p>The works to M42 Junction 6 would be completed following these works on another two year build timeline. JCH explained that this originally was a one year build; however the programme has had to be adjusted to ensure that the NEC access/egress onto the M42 Junction 6 is not adversely impacted by the construction of the A45 Eastbound to M42 Northbound free flow underpass.</p> <p>MH and JM discussed material lead in times in alignment with these proposed construction work durations and agreed that the design study needs to progress soon in order to ensure that the design is completed and the materials available for when construction starts.</p>
<p>Other Matters</p>	<p>JCH queried if MH was aware of any HS2 protection or diversion works being undertaken on any of the assets discussed during the meeting. MH responded stating that he shall contact the relevant team undertaking works for HS2 in this region to check.</p> <p>KG requested copies of the plans provided previously in AutoCAD format, JCH confirmed he shall issue this information following the meeting.</p> <p>JCH asked whether KG would also like to have cross sections of the existing assets that include both existing and proposed ground levels. KG agreed this information would be useful.</p> <p>MH queried if HD22/08 would be applied on the scheme, JCH said he shall confirm this matter with the geotechnical</p>

Topic	Discussion
	lead on the project.
	JCH to provide a copy of the ground investigation report to inform the assessments of the diversion / protection works.
	JCH offered to provide a copy of the presentation slides to Cadent.

Protective Provision articles for Development Consent Order

JCH raised the matter in relation to the undertaking of payment for protective provision discussions. MH confirmed that his colleague Vicky Cashman will want to progress these discussion now that payment has been assured.

Ref	Action	Initial
01	AECOM to provide AutoCAD files of the proposed diversion drawings	JCH
02	AECOM to provide AutoCAD files of the existing combined utility plans	JCH
03	AECOM to provide AutoCAD cross sections of the high pressure gas mains affected	JCH
04	JCh to provide a copy of the meeting presentation and the Ground Investigation Report	JCH
05	Cadent to provide contact details of the team responsible for the diversion / protection of medium pressure gas mains.	MH
06	Cadent to confirm if and diversion / protection works on these assets are required due to HS2's works.	MH
07	Cadent to progress the design of the protection / diversion works discussed.	KG
08	AECOM to provide details of Skanska's project manager in order to ensure discussions related to programming of works can be developed	JCH
09	Cadent to provide revised estimate and likely timeline for any additional payments to Highways England	MH
10	Highways England to ensure mechanism for further payments are established	NB
11	Highways England and Cadent to begin liaison in respect to protective provisions	Highways England / Cadent