

M42 Junction 6 Development Consent Order

Scheme Number TR010027

8.9(b) Statement of Common Ground with Warwickshire County Council

Planning Act 2008

Rule 8 (1)(e)

The Infrastructure Planning (Examination Procedure) Rules 2010

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Infrastructure Planning

Planning Act 2008

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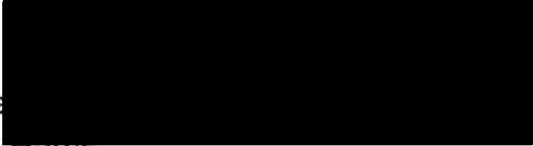
STATEMENT OF COMMON GROUND **Warwickshire County Council**

Regulation Number	Rule 8(1)(e)
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Author	Highways England and Warwickshire County Council

Version	Date	Status of Version
1	June 2019	Draft
2	September 2019	Revised Draft
3	October 2019	Final

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Warwickshire Country Council.

Signature 
Chris Harris
Project Manager
on behalf of Highways England
Date: [DATE] 09 October 2019

Signed... 
David Ayres
Assistant Director for Communities
on behalf of Warwickshire County Council
Date: 14/10/2019

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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) Warwickshire County Council.
- 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 Warwickshire County Council is one of two host local authorities that the Scheme is located within. WCC's role in relation to the DCO process derives from Section 42(1)(b) of the Planning Act 2008.

1.2.4 Collectively Highways England and Warwickshire County Council 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 Any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to Warwickshire County Council and therefore have not been the subject of any discussions between the parties. It is recognised 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 Warwickshire County Council 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)
12.08.16	Meeting	Early engagement to present details of the scheme to date and to listen to thoughts and concerns for developing the options further.
	Pre-consultation Meeting	Meetings to share further progress on the options and to listen to any thoughts or concerns prior to presenting the options at Public Consultation.
12.10.17	Email with attached letter	Requesting comments on the draft SoCC by Friday 10 November 2017
16.10.17	Email	In response to Highways Engand's email on 12.10.17 confirming that any comments on the SoCC can be covered at the forthcoming meeting.
18.10.17	Email	Response to WCC email of 16.10.17 confirming the meeting for the 21.10.17 and to emphasise that the document is a draft and that WCC's views will inform the final consultation approach and document. Confirmation that Highways England is happy to present to the LEP on 19 January 2018 at 10am at The Old Link in Warwick.
29.10.17	Email	From WCC suggesting alternative dates for the meeting on 31.10.17 due to lack of available rooms. Highways England subsequently responded via email on 01.11.17 suggesting an alternative date. WCC responded confirming the meeting to be rearranged to for the 16.11.17 and outlining that WCC is generally happy with what is proposed in the SoCC.
15.11.17	Telephone call	SoCC draft and arrange meeting

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
16.11.17	Meeting	Highways England gave an outline of the Preferred Route Scheme and progress to date regarding the preliminary design and how it will inform statutory consultation. WCC confirmed that were happy with the approach to the SoCC and that they would be happy to be a deposit point for the documents.
19.01.18	Meeting/Presentation	Meeting of the CWLEP Transport and Infrastructure Business Group
20.02.18	Email	Statutory Consultation Response in collaboration with CWLEP.
10.09.19	Email	From WCC requesting Highways England to give a presentation at the next meeting of the A46 Member Partnership in Tewkesbury on 2 October 2018 at 2pm.
11.09.18	Email	Confirmation that Highways England is happy to give a presentation on the Scheme to the A46 Partnership on 2 October 2018. The presentation was subsequently postponed until the next A46 Partnership meeting on 23 rd January due to Highways England's additional consultation meeting commitments.
05.10.18	Email	Response to additional consultation regarding future proofing, the interface with the A45 and Stonebridge Island and non-motorised users (NMUs).
19.12.18	Email	Response to WCC regarding additional consultation comments.
20.12.18	Email	Email to WCC regarding a couple of changes to the treatment of the Scheme that will impact on WCC – the recognition that WCC is classified as a 'host authority' alongside Solihull Metropolitan Borough Council (SMBC) and the implications regarding procedure that WCC will have to undertake as a host authority – namely responding to the Inspectorate to establish 'adequacy of consultation'. Request to have a meeting to explain the role of a host authority to WCC and provide further details of the DCO process.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
02.01.19	Email	Response to Highways England's email of 20.12.18 suggesting a telecon to discuss the M42J6 proposals. Query as to whether Highways England will be able to attend a meeting in Coventry on 23 Jan 2019 to provide Coventry County Council with an update on the Scheme.
12.02.19	Letter	Letter and USB stick sent to WCC with copy of the DCO submission.
14.02.19	Email	Provision of an updated Book of Reference and attached letter.
08.04.19	Meeting	Update on the Scheme and explanation of WCC's role as a Host Authority including the potential of WCC preparing a Local Impact Report for the Inspectorate.
11.04.19	Email	Summary provided of the meeting with WCC on the 08.04.19.
01.05.19	Email	From WCC stating its support for the Scheme and confirmation that WCC will not be at the meeting on 7 May with SMBC.
16.05.19	Conference Call	Update on WCC position regarding representations.
22.05.19	Email	To WCC arrange a discussion regarding WCC's draft position statement and to work together to come to an understanding that addresses issues raised on the scheme by WCC.
22.05.19	Email	Confirmation that WCC will submit the Position Statement for Deadline 1 set out by the Inspectorate. Availability for a meeting with Highways England will be provided in due course.
17.06.19	Meeting	Update on WCC's position and consideration of the draft SoCG.

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) Warwickshire County Council in relation to the issues addressed in this SoCG.

3 Issues

3.1 Issues Raised

Table 3-1 – Record of Issues Raised

Sub-topic	Warwickshire County Council Comment	Highways England Response/Actions	Status/Agreement
SoCC	Happy with the proposals set out in the draft Statement of Community Consultation. Requested that Highways England approach North Warwickshire Borough Council and Stratford upon Avon District Council.	Highways England will contact Stratford upon Avon District Council to send them the SoCC and offer a briefing. SoCC updated to include additional deposit point. NWBC already formally consulted. A meeting was set up with Stratford upon Avon on 8 January 2018. Stratford upon Avon were engaged to raise their awareness of the Scheme, but not used as a deposit point location due to their distance from the Scheme.	Agreed.
	Happy for the Warwick Library to be a deposit point for the consultation documents.	WCC added to the deposit point list. Warwick Library used as SoCC deposit point.	Agreed.
	Query as to whether the SMBC high growth traffic scenario is included within the traffic modelling as a sensitivity test.	See response for future proofing.	
PRA	WCC pleased with the decision to select Option 1 as the preferred route as it is the option that WCC initially supported.	Noted	Agreed.

Sub-topic	Warwickshire County Council Comment	Highways England Response/Actions	Status/Agreement
Design			
North-facing slips	<p>Whilst we have received some reassurance that there will be further opportunities to improve this part of the SRN following the proposed improvements detailed in the consultation, it is not clear what this could specifically involve. North-facing slips at the new Junction 5A are not currently proposed. It has been confirmed by the Project Team that it would be difficult to do so to meet motorway design standards, presumably due to the proximity of Junction 6 and associated difficulties with traffic wishing to exit conflicting with traffic joining from Junction 5A.</p>	<p>North-facing slips at Junction 5A are not included in the Scheme. During design development Highways England's traffic modelling demonstrated, based on the agreed growth scenario, that there was minimal traffic demand for north-facing slips at Junction 5A.</p> <p>The possibility of north-facing slips has not been precluded by the design of the Scheme.</p> <p>Highways England continues to work with its regional partners to support their firm growth aspirations.</p>	Agreed

Sub-topic	Warwickshire County Council Comment	Highways England Response/Actions	Status/Agreement
Traffic/Transport			
Future Proofing	WCC seeks reassurance that Highways England has undertaken further assessment work to sensitivity test a high growth scenario.	Highways England confirms that the traffic analysis undertaken to support the improvement takes account of committed development in the area. The traffic modelling also reflects proposed traffic forecast from HS2, together with changes to the highway network proposed by HS2 on the A45, A452 and Stonebridge Island. Sensitivity tests have been undertaken to assess a high-growth scenario.	Agreed
	The first phase of the Midlands Motorway Hub Study which has been undertaken for Midlands Connect has highlighted that there will be a need in the medium/long term for a further improvement of M42 Junction 6 beyond the improvements being promoted through this consultation.	Highways England confirmed that the current scheme would not prejudice future enhancements at Junction 6.	Agreed

Sub-topic	Warwickshire County Council Comment	Highways England Response/Actions	Status/Agreement
Interface with the A45 and Stonebridge Island	<p>Concern that despite the modelling work undertaken to inform the development of the Scheme, the A45/Stonebridge Island is likely to experience further growth pressures in the medium term due to increased flow of activity between the functional economies of East Birmingham/Solihull and Coventry and Warwickshire.</p>	<p>Sensitivity tests have been undertaken to assess a number of future growth scenarios including non-committed developments such as UK Central. Future and further large-scale development being brought forward beyond the commitments will need to be assessed separately, as part of the planning process.</p>	<p>Agreed</p>
	<p>WCC notes that junction operation may be affected by additional traffic using the proposed A46 Link Road at Stoneleigh to access UK Central via either the A45 or A452, and suggested that there should be discussion between Highways England and Warwickshire County Council/Coventry City Council as promoters of the A46 Link Road regarding the combined impact of both schemes on the operation of A45/A452 Stonebridge Island. WCC seeks clarification as to what extent this issue has been considered in the overall development of the Scheme.</p>	<p>Highways England liaises with WCC and Coventry City Council on the proposals for the A46 Link Road scheme at a strategic level and will continue to do so as part of the delivery of the scheme.</p>	<p>Agreed</p>

Sub-topic	Warwickshire County Council Comment	Highways England Response/Actions	Status/Agreement
NMUs	Facilities for pedestrians and cyclists are currently constrained within this area by the presence of major road and rail infrastructure, which leads to community severance and encouraging car-based trips. We welcome therefore any proposals as part of the overall scheme which aims to improve this situation particularly through improved connectivity across the A45. The potential pedestrian/cycle bridge to the west of the Clock Interchange is therefore supported.	This is noted. Highways England has developed a NMU strategy for the area impacted by the Scheme. This includes a range of measures to reduce community severance and improve connectivity across the A45. The new NMU A45 over-bridge is now located to the east of Clock Interchange following consultation with SMBC and the residents of Bickenhill. This will provide connectivity between the north and south side of the A45 corridor and provide a safer pedestrian and cyclist crossing of the A45.	Agreed
	There are several changes which seek to improve access for NMUs (no's 6, 8, 11, 13/23, 19 and 25) which are welcomed. These include alterations to the foot/cycleway provision south-west of the Clock Interchange to provide safer access to Birmingham Airport along the southern side of the A45 towards M42 Junction 6 (Change Ref 11), and a new pedestrian cycle bridge linking Church Lane, Bickenhill to facilities north of the A45 (Change Ref 13).	Noted	Agreed

Sub-topic	Warwickshire County Council Comment	Highways England Response/Actions	Status/Agreement
<p>Construction Traffic Routing</p>	<p>Concerns about construction traffic routing close to and through sensitive locations. Seeking to agree a draft Construction Management Routing Strategy as part of the DCO and for ongoing liaison and dialogue with Highways England.</p>	<p>Highways England recognise the need to work closely with customers, businesses and promoters of all projects to ensure the effective coordination of works to minimise disruption having regard to the fact the scheme involves works on the highway. In accordance with Requirement 10 of the dDCO. Highways England will produce a Traffic Management Plan in consultation with Warwickshire County Council.</p> <p>Highways England will continue the liaison with key stakeholders including Warwickshire County Council, regarding the construction programme and necessary closures and diversions throughout the construction period.</p> <p>The approach will accord with the existing routing agreement between Highways England and Warwickshire County Council that sets key principles for routing of traffic, diversions and closures.</p>	<p>Agreed</p>

Sub-topic	Warwickshire County Council Comment	Highways England Response/Actions	Status/Agreement
Traffic Management and Diversion Routes	Wish to maintain ongoing liaison with Highways England to ensure diversions and routing do not impact sensitive locations and are co-ordinated with other highway works planned in the area at the same time.	Highways England will continue the liaison with key stakeholders including Warwickshire County Council, regarding the construction programme and necessary closures and diversions throughout the construction period. The approach will accord with the existing routing agreement between Highways England and Warwickshire County Council that sets key principles for routing of traffic, diversions and closures.	Agreed
Communications Strategy	Warwickshire wish to maintain the good working relationship with Highways England to ensure all are kept informed of the construction activities, road closures etc.	Highways England will continue the liaison with key stakeholders including Warwickshire County Council, regarding the construction programme and necessary closures and diversions throughout the construction period. The approach will accord with the existing routing agreement between Highways England and Warwickshire County Council that sets key principles for routing of traffic, diversions and closures.	Agreed
Ecological Matters	Warwickshire County Council request that is consulted on ecological matters alongside Solihull MBC as set out within the Development Consent Order.	Highways England will consult with Solihull MBC as set out in the DCO and, where it appears that a matter affects Warwickshire County Council, will also consult the Council.	Agreed

Appendices

Appendix A: Warwickshire County Council Position Statement: Update on the Statement of Common Ground with Highways England. 2.09.19

POSITION STATEMENT:
Update on the Statement of Common Ground with
Highways England.
2nd September 2019

Planning Inspectorate Ref:	TR010027
Warwickshire CC Ref:	NIP1910027
Site Location:	M42 Junction 6
Scheme Description:	Application by Highways England for an Order Granting Development Consent for the M42 Junction 6
Highway Officer:	Ben Simm – Senior Development Management Officer

Warwickshire County Council has prepared this position statement to provide an update on the application and in relation to the Statement of Common Ground with Highways England. This note accords with the statement provided at the Issue Specific Hearing 4 on the 21st August 2019.

Warwickshire County Council has reviewed the response provided by Highways England to our submitted Local Impact Report. The County Council welcomes the response received and the responses provided by the applicants to the matters which have been raised.

Having reviewed the response Warwickshire County Council has comfort that through the continued joint working approach with the applicants, in accordance with the Statement of Common Ground, the matters can be addressed.

In addition, Warwickshire County Council will seek to include a mechanism which enables its consultation on ecological matters alongside Solihull MBC, relating to those matters raised within our submitted Local Impact Report. Initial discussions with Highways England have indicated that this a potential way forward for themselves.

Warwickshire County Council has concluded that this is a sensible way to gain common agreement on the ecological matters and for the process and mechanism to be agreed and set out within the Statement of Common Ground.

Therefore the County Council will withdraw from future hearings and discussions on the application, as it has been demonstrated that the project can be suitability mitigated, and the delivery of the scheme will have a negligible impact upon the operation of Warwickshire's highway network.