

M25 junction 28 improvement scheme

TR010029

9.17 Statement of Common Ground with DEFRA

Rule 8(1)(e)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

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Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010

M25 junction 28 scheme Development Consent Order 202[x]

9.17 STATEMENT OF COMMON GROUND WITH DEFRA

Rule Number:	Rule 8(1)(e)
Planning Inspectorate Scheme Reference	TR010029
Application Document Reference	TR010029/EXAM/9.17
Author:	M25 junction 28 improvement scheme, Project Team, Highways England

Version	Date	Status of Version
0	21 January 2021	Deadline 1

STATEMENT OF COMMON GROUND

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

Signed.....


Project Manager
on behalf of Highways England
Date: [DATE]

Signed.....

[NAME]
[POSITION]
on behalf of DEFRA
Date: [DATE]

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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 application ("the Application") for the proposed M25 junction 28 improvement scheme ("the Scheme") 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").
- 1.1.1 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All Application documents are available on the Planning Inspectorate website.
- 1.1.2 The 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) Department for Environment, Food and Rural Affairs (DEFRA). DEFRA hold land on behalf of the Forestry Commission.
- 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, including in respect of the Application, to be conferred upon or assumed by Highways England.
- 1.2.3 DEFRA is a Government Body and has interests in Plots 4/5, 4/6 and 4/7 on the submitted Land Plans.

1.3 Terminology

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

- “Agreed” indicates area(s) of agreement
- “Under discussion” indicates area(s) of current disagreement where resolution remains possible, and where parties continue discussing the issue to determine whether they can reach agreement by the end of the examination
- “Not agreed” indicates a final position for area(s) of disagreement where the resolution of divergent positions will not be possible, and parties agree on this point.

1.3.2 It can be assumed that any matters not specifically referred to in the Issues section of this SoCG are not of material interest or relevance to DEFRA and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to DEFRA.

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2 Record of engagement

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and DEFRA 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 table)
03/09/20	Telephone	Highways England sent an email following up on email sent 25/08/20.
25/08/20	Email	Highways England sent an email with the relevant interest plans attached seeking confirmation whether DEFRA was still in possession of the interests. No response received.
24/08/20	Email	Contact details confirmed to Highways England.
11/08/20	Email	Highways England sent an email seeking confirmation of DEFRA land interests.
11/08/20	Telephone	Follow-up to seek confirmation of the correct contact.
29/07/20	Email and telephone	Highways England sent an email to confirm details of the Land Interest Questionnaires (LIQ) and to confirm that DEFRA still hold interest over the plots being acquired for permanent rights (Plots 4/5, 4/6, 4/7).
21/07/20	Email and telephone	Highways England sent a follow-up email to confirm details of LIQ and to confirm that DEFRA still hold interest over the plots being acquired for permanent rights (Plots 4/5, 4/6, 4/7).
14/03/20	Email	Highways England sent a further email to confirm details of LIQ and to confirm that DEFRA still hold interest over the plots being acquired for permanent rights (Plots 4/5, 4/6, 4/7).

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

3 Issues

3.1 Introduction and general matters

3.1.1 This chapter sets out the 'issues' which are agreed, not agreed, or are under discussion between Network Rail and Highways England. On 12 November 2020, the Examining Authority issued a letter under Section 88 of the Planning Act 2008 and Rules 4, 6 and 9 of The Infrastructure Planning (Examination Procedure) Rules 2010 (known as the 'Rule 6 Letter'). Annex D sets out a request for Statements of Common Ground (SoCG) between Highways England and various parties, including with DEFRA. For the DEFRA, the 'Rule 6 Letter' advises that the following issues should be in the SoCG:

- Crown Land Consent.

3.1.2 Table 3-1 has been shared with DEFRA and this Interim Statement is version 1 as at 21 January 2021.

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Table 3-1 Table of issues and matters to be agreed – Version as at 21 January 2021

SoCG reference number	Document references	Relevant issue	Position as regards agreement Highways England and DEFRA and reasons for any difference in views	Matters to be addressed/agreed
1.0 Crown Land Consent				
1.4		The Secretary of State for Environment, Food and Rural Affairs has no objection to Highway England's proposed acquisition of plots 4/5, 4/6, and 4/7 in which it has an interest. A letter confirming Crown consent shall be provided before the close of Examination.	Under Discussion	A draft Statement of Common Ground has been shared with Forestry England DEFRA. A letter has been sent in December 2020 requesting crown consent.

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3.1.3 The list below states the relevant examination documents used in Table 3-2.

Table 3-2 Examination documents

Examination reference	Document title
APP-008	Highways England 2.5 Crown Land Plans
APP-021	Highways England 4.3 Book of Reference

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