

## **M54 to M6 Link Road**

**TR10054**

### **8.8 Statement of Commonality for Statements of Common Ground**

APFP Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009

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**The Infrastructure Planning  
(Applications: Prescribed Forms and  
Procedure) Regulations 2009**

M54 to M6 Link Road  
Development Consent Order 202[]

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**STATEMENT OF COMMONALITY FOR STATEMENTS  
OF COMMON GROUND**

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# 1 Introduction

## 1.1 Purpose of this Document

- 1.1.1 This Statement of Commonality for Statements of Common Ground (this “Statement”) relates to an application made by Highways England (the “Applicant”) to the Planning Inspectorate (“PINS”) under Section 37 of the Planning Act 2008 (the “2008 Act”) for a Development Consent Order (a “DCO”). If made the DCO would grant consent for the Applicant to develop the M54 to M6 Link Road (the “Scheme”). A detailed description of the Scheme can be found in Chapter 2: The Scheme of the Environmental Statement [APP-041/6.1].
- 1.1.2 This Statement has been prepared to provide the Examining Authority (ExA) with the current position on Statements of Common Ground (SoCG) between Highways England and prescribed consultees, statutory undertakers and interested parties (“other parties”) in relation to the Scheme.
- 1.1.3 It is the Applicant’s intention to update this Statement during the course of the Examination as a record of progress that is being made with the various SoCG. When sufficient progress has been made on agreements between parties, this document will also discuss areas of commonality between parties to enable efficient resolution of remaining issues.

## 1.2 Structure

- 1.2.1 The remainder of this Statement is structured as follows:
- **Section 2** details the structure of each SoCG document and provides an up to date list of SoCGs (for the relevant Examination Deadline).
  - **Section 3** provides an update on the status of each SoCG.
  - **Section 4** sets out the commonality between SoCGs and provides an overview of the position reached on key issues with respective SoCGs.
  - **Section 5** of this Statement sets out the collective position on key principal matters.

## 2 Structure of Statements of Common Ground

### 2.1 Structure

- 2.1.1 To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCG adopted a standard format in order to provide clarity to other parties and the ExA.
- 2.1.2 Each SoCG has the following structure:
- Section 1: provides an introduction to the SoCG and a description of its purpose.
  - Section 2: states the engagement that has occurred between the Applicant and other Party.
  - Section 3: sets out any issues that have arisen in relation to the Environmental Statement or in any other document relevant to the Examination, reporting on the status of each issue, i.e. whether it is agreed, still under discussion or not agreed, and any remaining actions.
  - Section 4: Where relevant this sets out any other matters not included elsewhere.
  - Appendices: which contain any relevant document not forming part of the application, including a list of initials of those who are referred to in the record of engagement and any documents that are referenced in the SoCG (e.g. emails / meeting notes / data).
- 2.1.3 **Table 2-1** lists the abbreviations used throughout all of the SoCGs.

**Table 2-1: Abbreviations**

Abbreviation	In Full
<b>CEMP</b>	Construction Environmental Management Plan
<b>CoC</b>	Chamber of Commerce
<b>CRTN</b>	Calculation of Road Traffic Noise
<b>CWC</b>	City of Wolverhampton Council
<b>DCO</b>	Development Consent Order
<b>DMRB</b>	Design Manual for Roads and Bridges
<b>EA</b>	Environment Agency
<b>EIA</b>	Environmental Impact Assessment
<b>ES</b>	Environmental Statement
<b>ExA</b>	Examining Authority
<b>FEH</b>	Flood Estimation Handbook
<b>FRA</b>	Flood Risk Assessment
<b>GCN</b>	Great Crested Newt
<b>GI</b>	Ground Investigation
<b>HAWRAT</b>	Highways Agency Water Risk Assessment Tool
<b>HB</b>	Historic Building
<b>HE</b>	Highways England
<b>HEng</b>	Historic England
<b>HEC-RAS</b>	Hydrologic Engineering Centre's River Analysis

Abbreviation	In Full
	System
<b>HEGS</b>	Hedgerow Evaluation and Grading Systems
<b>HGVs</b>	Heavy Goods Vehicles
<b>HHa</b>	Human Health Assessment
<b>HRA</b>	Habitat Regulations Assessment
<b>LA</b>	Local Authority
<b>LEP</b>	Local Enterprise Partnership
<b>LLFA</b>	Lead Local Flood Authority
<b>LVIA</b>	Landscape Visual impact Assessment
<b>MACE</b>	Multi-sensory array cart system
<b>NEng</b>	Natural England
<b>NPSNN</b>	National Policy Statement for National Networks
<b>NT</b>	National Trust
<b>OS</b>	Ordnance Survey
<b>PM</b>	Project Manager
<b>PIER</b>	Preliminary Environmental Information Report
<b>PINS</b>	Planning Inspectorate
<b>PPT</b>	PowerPoint
<b>PRoW</b>	Public Rights of Way
<b>pWFDa</b>	Preliminary Water Framework Directive Assessment
<b>S42</b>	Section 42
<b>SAC</b>	Special Area of Conservation
<b>SBI</b>	Sites of Biological Importance
<b>SCC</b>	Staffordshire County Council
<b>SSC</b>	South Staffordshire Council
<b>SoCC</b>	Statement of Community Consultation
<b>SoCG</b>	Statement of Common Ground
<b>SoS</b>	Secretary of State
<b>SRN</b>	Strategic Road Network
<b>TMP</b>	Traffic Management Plan
<b>TPO</b>	Tree Preservation Order
<b>TRO</b>	Traffic Regulation Order
<b>WCC</b>	Wolverhampton County Council
<b>WCHAR</b>	Walking, cycling & horse-riding assessment and review
<b>WFD</b>	Water Framework Directive
<b>WSI</b>	Written Scheme of Investigation

## 2.2 List of SoCGs to be submitted

- 2.2.1 Highways England began the preparation of SoCGs with a number of parties it considered beneficial to do so with during the preparation of the DCO Application, with the SoCG with Natural England submitted with the application on 30 January 2020 [APP-221/7.3]. Future iterations of the Natural England SoCG have been re-numbered as document 8.8P(B) so that it contains the same numbering system as the other SoCGs.

- 2.2.2 After submission, Highways England began the preparation of several other SoCG with further specific parties which were also requested by the ExA through the Rule 6 letter dated 20 August 2020.

**Table 2-2: Status of SoCG**

Party	Required by ExA	Current status of draft
<b>Local Authorities (LA)</b>		
Staffordshire County Council	Yes	Draft provided on 25/10/20, comments received 03/11/20 and incorporated. To the best of the Applicant's knowledge, this is an agreed draft.
South Staffordshire Council	Yes	Draft provided on 24/10/20, comments received 02/11/20 and 03/11/20 and incorporated as far as possible. To the best of the Applicant's knowledge, this is an agreed draft.
City of Wolverhampton Council	Yes	Draft provided on 24/10/20, comments received on 02/11/20 and incorporated. To the best of the Applicant's knowledge, this is an agreed draft.
Shropshire Council	Yes	Draft provided on 02/11/20, no comments yet received.
<b>Prescribed Bodies (P)</b>		
Environment Agency	Yes	First draft issued to party on 27/03/20 and second draft on 24/08/20. Comments received on 03/09/20 and 16/09/20. Third draft issued to party on 30/11/20. To the best of the Applicant's knowledge, this is an agreed draft.
Natural England	Yes	First draft issued to party on 10/01/20, with first draft issued with the DCO application on 30/01/20. Comments received on 23/03/20. Second draft issued on 15/10/20, with comments received on 27/10/20 and incorporated. To the best of the Applicant's knowledge, this is an agreed draft.
Historic England	Yes	First draft issued on 25/03/20 with comments received on 12/05/20. Second draft issued, with comments received on 21/10/20.
Hilton, Featherstone & Shareshill Parish Councils	No	First draft issued on 10/09/20, no comments received. Second draft issued on 03/11/20 when submitted to the ExA so no comments received.
<b>Land Interests and Utilities (LIU)</b>		
Allow Ltd	Yes	First draft issued to party on 08/04/20, draft discussed but no comments received. Second draft issued on 02/11/20. The submitted draft at Deadline 1 does not represent an agreed position..
William Bibbey	No	First draft issued to party on 03/11/20 so not yet reviewed by them. The submitted draft at Deadline 1 does not represent an agreed position.

Party	Required by ExA	Current status of draft
Robert Edward Rowe	No	First draft was provided to Mr Rowe on 27/07/2020. The contents of the first draft were discussed with Mr Rowe but no formal comments have been received. A second draft was provided to Mr Rowe on 03/11/2020. The submitted draft at Deadline 1 does not represent an agreed position.
Nigel Simkin and Paul Simkin	Yes	First draft was provided to Mr N & Mr P Simkin on 15/07/2020. The contents of the first draft were discussed with Mr N & Mr P Simkin but no formal comments have been received. A second draft was provided to Mr N & Mr P Simkin on 03/11/2020. The submitted draft at Deadline 1 does not represent an agreed position.
Mark Commins, Brookfield Farm and Tracey Claire Commins, The Bungalow, Brookfield Farm	No	First draft was provided to Mr Mark Commins and Ms Tracey Commins on 15/07/2020. The contents of the first draft was discussed with Mr Mark Commins and Ms Tracey Commins but no formal comments have been received. A second draft was provided to Mr Mark Commins and Ms Tracey Commins on 03/11/2020. The submitted draft at Deadline 1 does not represent an agreed position.
Michael John Alfred Byard	Yes	First draft was provided to Mr Michael Byard on 26/10/2020 with no comments received to date. This First draft is submitted at Deadline 1 and does not represent an agreed position.
Barry and Valerie Jones	Yes	First draft was provided to Mr Barry & Mrs Valerie Jones on 19/08/2020 but no comments have been received. A second draft was issued to Mr Barry & Mrs Valerie Jones on 30/10/2020. It is this second version which is submitted at Deadline 1 and does not represent an agreed position.
Ian Simkin and Adrian Simkin	Yes	First draft was provided to Mr Ian Simkin and Mr Adrian Simkin on 26/10/2020 and it is this version submitted at Deadline 1. It does not represent an agreed position.
Mrs Whitehouse & Mrs S L M Arblaster	Yes	First draft was issued to Mrs Elizabeth Whitehouse and Mrs Stella Arblaster on 16/07/2020 with no comments having been received. A second draft was issued to Mrs Elizabeth Whitehouse and Mrs Stella Arblaster on 30/10/2020 and it is this version submitted at Deadline 1. It does not represent an agreed position.
Nurton Developments (Hilton) Limited	Yes	First draft was issued to Nurton Developments Ltd on 07/10/2020. A second version was issued to reflect an additional area of land over which Nurton Developments has a Category 2 interest. It is this version that is submitted at Deadline 1. Comments were received from Nurton Developments on the first draft on 28/10/2020 but have not yet been addressed at Deadline 1. The current draft does not represent an agreed position.



Party	Required by ExA	Current status of draft
The National Trust for Places of Historic Interest or Natural Beauty	Yes	First draft was provided to NT on 23/10/2020. Minor comments on the 'Record of Engagement' were received on 02/11/2020 and have been incorporated within the Deadline 1 draft. NT are expected to provide comments on the wider issues in due course and these will be addressed in subsequent revisions during the course of the examination. The current draft does not represent an agreed position.
BT	Yes	First draft was provided to Openreach on 03/11/2020 and is the version submitted at Deadline 1. The current draft does not represent an agreed position.
Cadent Gas	Yes	First draft was provided to Cadent on 03/11/2020 and is the version submitted at Deadline 1. The current draft does not represent an agreed position.
Severn Trent Water	Yes	First draft provided to STW on 25/08/2020 with no comments received to date. A second draft was provided to STW on 03/11/2020 and is the version submitted at Deadline 1. The current draft does not represent an agreed position.
South Staffordshire Water	Yes	First draft provided to SSW on 25/08/2020 with no comments received to date. A second draft was provided to SSW on 03/11/2020 and is the version submitted at Deadline 1. The current draft does not represent an agreed position.
Western Power Distribution	Yes	First draft was provided to WPD on 03/11/2020 and is the version submitted at Deadline 1. The current draft does not represent an agreed position.
Zayo	Yes	First draft was provided to Zayo on 03/11/2020 and is the version submitted at Deadline 1. The current draft does not represent an agreed position.
Vodafone	Yes	First draft was provided to Vodafone on 03/11/2020 and is the version submitted at Deadline 1. The current draft does not represent an agreed position.
<b>Other (O)</b>		
M6 Diesel	Yes	First draft was provided to M6 Diesel on 02/09/2020. Comments were received on 02/10/2020 and incorporated into a second draft issued to M6 Diesel on 30/10/2020. The second draft is the version submitted at Deadline 1. The current draft does not represent an agreed position.
Four Ashes Limited	Yes	First draft was provided to Four Ashes Ltd on 23/10/20. Comments were received on 28/10/2020 and incorporated into a second draft issued to Four Ashes Ltd on 03/11/2020. The second draft is the version submitted at Deadline 1. The current draft does not represent an agreed position.

Party	Required by ExA	Current status of draft
St Francis Group	Yes	First draft was provided to St Francis Group on 22/10/20. Comments were received on 28/10/2020 and incorporated into a second draft issued to St Francis Group on 29/10/2020. The second draft is the version submitted at Deadline 1. The current draft does not represent an agreed position.
Staffordshire Wildlife Trust	Yes	First draft was provided to SWT on 27/10/20 with no comments having yet been received. The first draft is the version submitted at Deadline 1. The current draft does not represent an agreed position.

## 3 Status of Statements of Common Ground

### 3.1 Summary of current position

- 3.1.1 This section provides an update on the status of each SoCG. Where progress has been made with a party, the latest version of the SoCG (as at Deadline 1 on 3 November 2020) has been submitted alongside this document.
- 3.1.2 **Table 3-1** provides a high-level position and where necessary includes further detail to aid understanding for the ExA. In summary, the high-level positions used in **Table 3-1** are as follows:
- **SoCG in draft** – The SoCG has been drafted by Highways England, and has been shared with the other party.
  - **SoCG with matters outstanding** – The SoCG has been shared with the other party and comments have been received. The parties are actively working towards resolving outstanding queries.
  - **Final Signed SoCG with matters outstanding** – The final version of the SoCG has been signed by both parties, and there remain matters outstanding that Highways England and the other party agree will not be resolved during examination.
  - **Final Signed SoCG all matters agreed** – The final version of the SoCG has been signed by both parties and all matters are agreed.
- 3.1.3 Where SoCGs have been submitted at Deadline 1 with matters subject to further discussion ('SoCG with matters outstanding'), all parties will continue to review these matters in order that a final version can be provided at the earliest opportunity.

**Table 3-1: Status of SoCGs at Deadline 1, 03 November 2020**

Document Reference	Party	Position at Deadline 1 03 November 2020	Position at Deadline 3 24 November 2020	Position at Deadline 4 08 January 2021 (Revised & Updated SoCG's Due)	Position at Deadline 5 20 January 2021	Position at Deadline 6 12 February 2021	Position at Deadline 7 26 March 2021	Position at Deadline 8 07 April 2021 (FINAL SoCGS)
<b>Local Authorities (LA)</b>								
8.8 LA(A)	Staffordshire County Council	SoCG matters with outstanding						
8.8 LA(B)	South Staffordshire Council	SoCG matters with outstanding						
8.8 LA(C)	City of Wolverhampton Council	SoCG matters with outstanding						
8.8 LA(D)	Shropshire Council	SoCG in draft						
<b>Prescribed Consultees (P)</b>								
8.8 P(A)	Environment Agency	SoCG matters with outstanding						

Document Reference	Party	Position at Deadline 1 03 November 2020	Position at Deadline 3 24 November 2020	Position at Deadline 4 08 January 2021 (Revised & Updated SoCG's Due)	Position at Deadline 5 20 January 2021	Position at Deadline 6 12 February 2021	Position at Deadline 7 26 March 2021	Position at Deadline 8 07 April 2021 (FINAL SoCGS)
8.8 P(B)	Natural England	SoCG with matters outstanding						
8.8 P(C)	Historic England	SoCG with matters outstanding						
8.8P(D)	Hilton, Featherstone & Shareshill Parish Councils	SoCG in draft						
<b>Land Interests and Utilities (LIU)</b>								
8.8 LIU(A)	Allow Ltd	SoCG in draft						
8.8 LIU(B)	William Bibbey, c/o Paul Mourtton Loddors Solicitors LLP	SoCG in draft						

Document Reference	Party	Position at Deadline 1 03 November 2020	Position at Deadline 3 24 November 2020	Position at Deadline 4 08 January 2021 (Revised & Updated SoCG's Due)	Position at Deadline 5 20 January 2021	Position at Deadline 6 12 February 2021	Position at Deadline 7 26 March 2021	Position at Deadline 8 07 April 2021 (FINAL SoCGS)
8.8 LIU(C)	Robert Edward Rowe	SoCG in draft						
8.8 LIU(D)	Nigel Simkin and Paul Simkin	SoCG in draft						
8.8 LIU(E)	Mark Commins, Brookfield Farm and Tracey Claire Commins, The Bungalow, Brookfield Farm	SoCG in draft						
8.8 LIU(G)	Michael John Alfred Byard	SoCG in draft						
8.8 LIU(H)	Barry and Valerie Jones	SoCG in draft						
8.8 LIU(I)	Ian Simkin and Adrian Simkin	SoCG in draft						

Document Reference	Party	Position at Deadline 1 03 November 2020	Position at Deadline 3 24 November 2020	Position at Deadline 4 08 January 2021 (Revised & Updated SoCG's Due)	Position at Deadline 5 20 January 2021	Position at Deadline 6 12 February 2021	Position at Deadline 7 26 March 2021	Position at Deadline 8 07 April 2021 (FINAL SoCGS)
8.8 LIU(J)	Elizabeth Whitehouse	SoCG in draft						
8.8 LIU(K)	Nurton Developments (Hilton) Limited	SoCG matters with outstanding						
8.8 LIU(L)	The National Trust for Places of Historic Interest or Natural Beauty	SoCG matters with outstanding						
8.8 LIU(M)	BT	SoCG in draft						
8.8 LIU(N)	Cadent Gas	SoCG in draft						
8.8 LIU(O)	Severn Trent Water	SoCG in draft						

Document Reference	Party	Position at Deadline 1 03 November 2020	Position at Deadline 3 24 November 2020	Position at Deadline 4 08 January 2021 (Revised & Updated SoCG's Due)	Position at Deadline 5 20 January 2021	Position at Deadline 6 12 February 2021	Position at Deadline 7 26 March 2021	Position at Deadline 8 07 April 2021 (FINAL SoCGS)
8.8 LIU(P)	South Staffordshire Water	SoCG in draft						
8.8 LIU(Q)	Western Power Distribution	SoCG in draft						
8.8 LIU(R)	Zayo	SoCG in draft						
8.8 LIU(S)	Vodafone	SoCG in draft						
<b>Other</b>								
8.8 O(A)	M6 Diesel	SoCG with matters outstanding						



Document Reference	Party	Position at Deadline 1 03 November 2020	Position at Deadline 3 24 November 2020	Position at Deadline 4 08 January 2021 (Revised & Updated SoCG's Due)	Position at Deadline 5 20 January 2021	Position at Deadline 6 12 February 2021	Position at Deadline 7 26 March 2021	Position at Deadline 8 07 April 2021 (FINAL SoCGS)
8.8 O(B)	Four Ashes Limited	SoCG in draft						
8.8 O(C)	St Francis Group	SoCG matters outstanding with						
8.8 O(D)	Staffordshire Wildlife Trust	SoCG matters outstanding with						

## 4 Commonality

4.1.1 This section of the Statement will provide a summary of principal issues covered in the SoCGs and demonstrate where there is commonality in the topics or matters. This section has been provided at Deadline 1 to enable the ExA to comment on the format to ensure it is as useful as possible.

4.1.2 **Table 4-1** is presented in such a way to show topics covered within the various SoCGs, how these are relevant to each other party, and a position for each topic, as follows:

	Matter agreed
	Matter subject to further discussion
	Matter not agreed

4.1.3 Where a matter is not relevant to the other party, it is not included within the SoCG and therefore shown as blank in **Table 4-1**

4.1.4 As per **Table 3-1** above as several SoCG's have only recently been issued to parties it is the Applicant's intention to revise this Statement of Commonality and complete **Table 4-1** at Deadline 3.

Table 4-1: Table of Commonality (draft table to be completed at a later deadline)

SoCG Ref.	(part)	Party	Topics																							
			Cumulative	Climate	Road Drainage & Water Environment	Population & Health	Noise & Vibration	Material Assets & Waste	Geology & Soils	Biodiversity	Landscape & Visual	Cultural Heritage	Air Quality	EIA Methodology	Assessment of Alternatives	Planning Policy	Traffic Impact & Management	Transport – Non-Motorised	Weight Restriction on A460	Design and Engineering	CEMP and Associated Documents	Other Consents and Licenses	Protective Provisions	Draft DCO	Principle of Development	
LA(A)		SCC																								
LA(B)		SSC																								
LA(C)		CWC																								
LA(D)		SC																								
P(A)		Environment Agency																								
P(B)		Natural England																								
P(C)		Historic England																								
P(D)		Hilton, Featherstone and Shareshill Parish Councils																								
LIU(A)		Allow Limited																								
LIU(B)		William Bibbey																								
LIU(C)		Robert Edward Rowe																								
LIU(D)		Nigel and Paul Simkin																								
LIU(E)		Mark Commins and Tracey Commins																								
LIU(G)		Michael John Alfred Byard																								
LIU(H)		Barry and Valerie Jones																								
LIU(I)		Ian Simkin and Adrian Simkin																								
LIU(J)		Elizabeth Whitehouse																								
LIU(K)		Nurton Limited																								
LIU(L)		The National Trust for Places of Historic Interest or Natural Beauty																								
LIU(M)		BT																								
LIU(N)		Cadent Gas																								
LIU(O)		Severn Trent Water																								
LIU(P)		South Staffordshire Water																								

SoCG Ref.	(part)	Party	Topics																						
			Cumulative	Climate	Road Drainage & Water Environment	Population & Health	Noise & Vibration	Material Assets & Waste	Geology & Soils	Biodiversity	Landscape & Visual	Cultural Heritage	Air Quality	EIA Methodology	Assessment of Alternatives	Planning Policy	Traffic Impact & Management	Transport – Non-Motorised	Weight Restriction on A460	Design and Engineering	CEMP and Associated Documents	Other Consents and Licenses	Protective Provisions	Draft DCO	Principle of Development
LIU(Q)		Western Power Distribution																							
LIU(R)		Zayo																							
LIU(S)		Vodafone																							
O(A)		M6 Diesel																							
O(B)		Four Ashes Limited																							
O(C)		St Francis Group																							
O(D)		Staffordshire Wildlife Trust																							

## **5 Principal Matters**

- 5.1.1 The following section will provide a narrative on the specific topic areas which are the subject of on-going discussion with key stakeholders. This section will provide the ExA with a summary of the position on each technical matter with this section to be arranged by topic. Where relevant, cross referencing will be made to specific SoCGs.
- 5.1.2 At this stage of the Examination, Highways England is awaiting feedback from a number of parties on the first draft SoCG. Accordingly, Section 5 will be completed as part of a revised Statement of Commonality at Deadline 3.