

M54 to M6 Link Road
TR010054

**8.80(C) Draft Statement of Common
Ground with St Francis Group**

Regulation 5(2)(q)

Planning Act 2008

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

Volume 8

November 2020

Infrastructure Planning

Planning Act 2008

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

**M54 to M6 Link Road
Development Consent Order 202[]**

**8.8O (C) Draft Statement of Common Ground with
St Francis Group**

Regulation Number	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010054
Application Document Reference	TR010054/APP/8.8O(C)
Author	M54 to M6 Link Road Project Team and Highways England

Version	Date	Status of Version
1 (P03)	03/11/2020	Issue to the ExA for Deadline 1

STATEMENT OF COMMON GROUND

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

Signed.....
Andrew Kelly
Project Manager
on behalf of Highways England
Date: [DATE]

Signed.....
[NAME]
[POSITION]
on behalf of St Francis Group
Date: [DATE]

DRAFT

Table of contents

Chapter	Pages
1 Introduction	1
1.1 Purpose of this document.....	1
1.2 Parties to this Statement of Common Ground	1
1.3 Terminology	1
2 Record of Engagement	2
3 Issues	5
3.1 Introduction and General Matters.....	5
3.2 Issues.....	5

List of Tables

Table 2-1: Record of Engagement.....	2
Table 3-1: Issues	5

List of Appendices

Appendix A: Personnel

1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground ('SoCG') has been prepared in respect of an application for a Development Consent Order ('the Application') under section 37 of the Planning Act 2008 ('PA 2008') for the proposed M54 to M6 Link Road ('the Scheme') made by Highways England Company Limited ('Highways England') to the Secretary of State for Transport ('Secretary of State').
- 1.1.2 This SoCG does not seek to replicate information that is available elsewhere within the Application documents. All documents are available on the Planning Inspectorate website.
- 1.1.3 This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties and where agreement has not (yet) been reached. SoCG are an established means in the planning process of allowing all parties to identify and focus on specific issues that may need to be addressed during the Examination.
- 1.1.4 **This SoCG has been drafted by Highways England based on correspondence with St Francis Group and their representatives during the development of the Scheme. The draft was provided to St Francis Group on 22 October 2020, with comments received on 28 October 2020. These comments have been addressed as far as possible, with the SoCG re-issued on 29 October 2020. However, this draft has not been agreed and represents Highways England's understanding of the position.**
- 1.1.5 **Highways England will continue to work to finalise the contents of this SoCG at the earliest opportunity as the Application proceeds through the Examination process.**

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by Highways England as the applicant and St Francis Group ('SFG').
- 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 SFG are the owners of the Royal Ordnance Factory at Featherstone in South Staffordshire ('ROF Featherstone'). ROF Featherstone is a Strategic Employment Site allocated for employment uses in the South Staffordshire Local Plan, and is located to the north of the M54 between Junctions 1 and 2. SFG is a leading regeneration specialist in the UK and an expert in brownfield development.

1.3 Terminology

In the tables in the Issues chapter of this SoCG, 'Not Agreed' indicates a final position. 'Under discussion' indicates where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. 'Agreed' indicates where the issue has been resolved.

2 Record of Engagement

2.1.1 A summary of the key meetings and correspondence that has taken place between Highways England and SFG 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
01/04/2020	Email sent from SE to AK	Requesting data and information used in traffic forecasts for the Scheme, , with reference to the TAR (dated January 2020).
08/04/2020	Email from AK to SE	Acknowledging email, assuring that query is being looked into.
24/04/2020	Email from SE to AK	Asking for update on requested information.
30/04/2020	Email from AK to SE	Reply sent detailing a response to each query. This noted that the ROF development was deemed to be dependent upon the Scheme.
01/05/2020	Email from SE to AK	Thanks for response. Request for further information.
04/05/2020	Email from AK to SE	AK says he will discuss with his supplier. Suggests call in early June.
04/05/2020	Email from SE to AK	States information is needed sooner than June. Asks for costs to supply data.
06/05/2020	Email from SE to AK	Request for update on previous email. Poses another query about core scenario traffic forecasts and whether the ROF development is included in the core scenario forecasts.
12/05/2020	Email sent from BB to SE	Providing clarity on status of ROF Development site with regards to its inclusion within the traffic forecasts.
13/05/2020	Email sent from SE to BB	Requesting confirmation that data will include traffic forecasts and traffic count data requested and noting that further consideration will be given by SFG to HE's clarification of its status in the traffic forecasts.
20/05/2020	Email sent from SE to BB	Seeking confirmation of email sent 13/05/2020.
28/05/2020	Email sent from BB to SE	Confirmation the data requested would be provided.
17/08/2020	Email sent from AL to AP, SE and RR	Informed SE and AP of proposed changes to the M54 to M6 link road and provided a link to the documents published by the Planning Inspectorate.
20/08/2020	Meeting between AECOM, SFG and i-	Discussed need to increase dialogue between SFG and HE, the ROF Featherstone application, traffic modelling,

	transport (RR, AL, AP and SE)	ROF Featherstone access, potential capacity issues at M54 J2 and the M54 to M6 link road Examination.
24/08/2020	Email from HE to AP and SE and letter to SFG address	Notification of consultation on changes to DCO application.
26/08/2020	Email from AL to AP, SE	AL provided draft meeting minutes from the meeting on 20/08/20 for review. Queried whether a traffic signal model had been produced for the M54 J2 and whether this could be used to agree modelling parameters.
28/08/2020	BC issue from HE to i-transport	HE provided requested data to i-transport. However, i-transport was unable to obtain this information so it was issued again as below.
09/09/2020	WeTransfer issue from SE to BB	Traffic counts and traffic forecasts supplied by HE to i-Transport.
09/09/2020	SE email to BB	Confirming receipt of requested data. Further request for 2039 forecasts from model and minor queries in regard to data supplied.
09/09/2020	Meeting between HE, South Staffordshire Council, Staffordshire County Council and St Francis Group (SB, RR, AL, AK, GK, KH, SP, JC, WS, ND, AP, SE)	Discussion included: - relationship between ROF Featherstone development and M54 to M6 Link Road, including traffic modelling and impact on M54 J2 - progress of ROF Featherstone planning application - Proposed DCO changes.
15/09/2020	Email from AL to meeting attendees.	AL provided minutes and actions from meeting on 09/09/20.
17/09/2020	Email from SE to AL	SE provided comments on 20/08/20 meeting minutes, provided an indicative programme for ROF Featherstone's infrastructure works and confirmed that M54 J2 LINSIG model was currently being updated. Once complete, this would be shared.
28/09/2020	Email from AK to SE	Apologising for delay in issuing additional traffic data.
01/10/2020	Email from HE to SFG	Traffic data issued to SFG (via SE).
01/10/2020	Email from SE to AL	Confirming receipt of additional data.
12/10/2020	Email from SE to AL (cc RR, AK, BB, PT, DJ, AP)	Email providing TN providing i-Transport's results of analysis on M54 Junction 2 for HE review.

22/10/2020	Email from AL to SE and AP	Email providing draft SoCG for SFG to review
28/10/2020	Email from SE to AL	Email providing SFG comments on draft SoCG.
28/10/2020	Phone call between SE and AL	Phone call to discuss comments provided and how best to work towards agreement.
29/10/2020	Teleconference between AL, RR, DE, NP, AM and SE	Discussion on SoCG and high level discussion on i-Transport's results of analysis of M54 Junction 2.

- 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) SFG in relation to the issues addressed in this SoCG.

DRAFT

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 SFG and Highways England.

3.2 Issues

3.2.1 The table below shows those matters which have been agreed or yet to be agreed by the parties.

Table 3-1: Issues

Issue	St Francis Group’s Position	Highways England’s Position	Status	Agreement likely? (app) ¹	Agreement likely? (IP)
Support for principle of Scheme (RR-029)	SFG wishes to express overall support for the M54-M6 Improvement Scheme (the Scheme) which will increase the overall attractiveness of the ROF Featherstone site by providing enhanced strategic access from the motorway network.	Highways England is grateful for SFG's support and agrees that the link road will increase the attractiveness of the ROF Featherstone site.	Agreed	Agreed	Agreed
Planning status of ROF	The ROF Featherstone site is allocated in South Staffordshire Council’s (SSC) 2018 Site	Highways England recognises the importance of ROF Featherstone for the delivery of employment land in the area and its status as	Agreed	Agreed	Agreed

¹ Indication on likelihood that the matter will be agreed by the close of the Examination period as rated by the applicant (app) and the Interested Party (IP). Dark green = agreed, Light green = high likelihood of agreement, orange = medium likelihood of agreement, red = low likelihood of agreement.

M54 to M6 Link Road

Statement of Common Ground: St Francis Group

Featherstone (RR-029)	Allocations Document as a key employment development that will deliver a significant level of jobs, in an employment cluster that includes the i54 site, of regional significance.	an allocated Strategic Employment Site in the Local Plan.			
ROF Featherstone and whether it is 'dependent' on the link road	<p>SFG state that the ROF Featherstone site is not 'dependent' on the delivery of the link road project and can proceed without it.</p> <p>HE did not make contact with SFG to request a view as to whether the ROF development is dependent upon the Scheme. Had they done so then SFG would have confirmed this is not the case.</p>	<p>Highways England requested a view from SSC on whether the ROF Featherstone site was dependent upon the link road when the traffic model for the Scheme was being built. Ed Fox (19 March 2019) at SSC confirmed that the ROF Featherstone development is dependent on the Scheme.</p> <p>This confirmation was sought by Highways England in March 2019 to ensure that the traffic model took into account the correct development coming forward. It is standard practice to seek this confirmation from the local authority as opposed to the developer.</p> <p>Highways England has not yet been provided with a draft Transport Assessment for the ROF Featherstone development. A planning application for the ROF Featherstone development would be submitted to South Staffordshire Council, who on highways matters would be guided in their decision making by the views of Staffordshire County Council (SCC) and Highways England. It would be for the local authorities concerned to determine whether the application can proceed in advance of/ without the M54 to M6 link road</p>	Under discussion	Medium	

M54 to M6 Link Road

Statement of Common Ground: St Francis Group

		<p>and in modelling ROF Featherstone as dependent development, Highways England would express a view on the acceptability or otherwise of the impacts of ROF Featherstone on the strategic highway network but not the local highway network.</p> <p>However, data provided to date suggests that ROF Featherstone would increase traffic on the A460 Cannock Road, which is already over capacity. The M54 to M6 link road would significantly reduce traffic on the A460. Highways England understands that SCC has concerns over whether the local road network can accommodate traffic from the ROF Featherstone development in the absence of the M54 to M6 link road scheme and, therefore, whether the development can be fully occupied before the M54 to M6 link road is completed.</p> <p>In the above context, Highways England is of the view that modelling ROF Featherstone as dependent development was the correct approach to the traffic model.</p>			
ROF Featherstone has not been included in the traffic forecasts (RR-029)	SFG has concerns that the ROF Featherstone allocated site has not been included in the Core Scenario used in the traffic forecasts of the Scheme. SFG considers it is vital that the traffic generated by the ROF Featherstone site (and other	ROF Featherstone was not included in the core scenario traffic forecasts. Traffic modelling/allocation and inclusion of development sites has been undertaken in line with the Department for Transport's Transport Appraisal Guidance (TAG). At the time that our uncertainty log was developed, it was confirmed with Ed Fox (19 March 2019) at SSC that the	Under discussion	Medium	

M54 to M6 Link Road

Statement of Common Ground: St Francis Group

	<p>strategic sites/allocations) is included in the design of the Scheme and the assessments of its effects on the wider highway network.</p> <p>SFG notes that the Transport Assessment Report submitted to the Examining Authority for the Scheme (TR010054 Volume 7 document 7.4 TAR) identifies the ROF site on its Figure 4.3 as 'More Than Likely' and that its following paragraph 4.3.13 notes "the development sites with the higher certainty levels of Near Certain (NC) and More Than Likely (MTL) were included in the Core scenario traffic Forecasts". However, SFG now understands that this is not the case and is concerned regarding the implications of this, which are yet to be evaluated (as the position has only just been made clear).</p>	<p>ROF Featherstone development was dependent on the Scheme.</p> <p>TAG unit M4 (https://www.gov.uk/government/publications/t-ag-unit-m4-forecasting-and-uncertainty) sets out the criteria for "The Without-Scheme Forecast" in Section 7.4 and the "With-Scheme Forecast" in Section 7.5. Paragraph 7.5.1 states: "... <i>housing or other developments that depend on the scheme must not be included in the with-scheme forecasts</i>". Note: The TAG Unit emphasises "must not" in bold text. This is because a primary purpose of the traffic model is to evaluate the environmental impacts and economic business case of the Scheme. If a development is dependent, it would be excluded from both the 'do minimum' case and the 'do something' case, effectively disassociating the trips generated (and the development's related environmental effects) of the ROF Featherstone development from the construction of the link road. Including dependent development only in the 'Do-Something' case would skew the assessment incorrectly and would have meant that the road Scheme would not have been appraised in line with central government's guidance.</p> <p>Highways England confirms that, at the time the assumptions were being finalised (March 2019) for developments to be included in the traffic</p>			
--	---	--	--	--	--

M54 to M6 Link Road

Statement of Common Ground: St Francis Group

		<p>model, SSC confirmed at that time that there was significant uncertainty on the access for the ROF Featherstone site, which would have made it difficult to model, even if it had not been excluded for the above reason. Highways England received confirmation of the preferred access route from SCC in May 2020.</p> <p>The figure within the Transport Assessment Report was incorrect and was corrected in a revised version submitted to the ExA on 29 May 2020 [AS-039/7.4]. Highways England apologise for this error and the confusion caused. ROF Featherstone has never been included in the traffic model for the above reasons.</p> <p>However, the trip-end growth forecasts in the traffic model for the link road are from the DfT's National Trip End Model (NTEM), which includes an allowance for population growth and economic growth within each local planning authority area. Therefore, the traffic associated with economic growth in the area is nevertheless considered as part of the general growth model. Each time a development site is specifically modelled, the trip-end growth across the remainder of the District is reduced; which is done to avoid double-counting of trip growth. Modelling individual sites is therefore likely to give greater accuracy by predicting where trips will join a network but will not</p>			
--	--	--	--	--	--

M54 to M6 Link Road
Statement of Common Ground: St Francis Group

		<p>necessarily result in greater forecasts of the amount of traffic on the network. Therefore, even if ROF Featherstone had not been dependent development and detail on the access had been known in Spring 2019 such that the site was included in the traffic model, this would be unlikely to significantly alter the strategic traffic model produced for the link road Scheme.</p> <p>The traffic model requires a period of 4-5 months for forecasting and 3-4 months for the appraisal process, therefore even if it were thought to be an appropriate or proportionate solution, it would not be possible to rebuild the traffic model to include ROF Featherstone within the timeframes of the DCO Examination.</p> <p>Highways England is working with SFG to look at alternative ways to address SFG's particular junction concern below.</p>			
<p>Impacts of the Scheme on M54 Junction 2 (RR-029)</p>	<p>a/ SFG has concerns regarding the potential impacts of the M54 to M6 link road at Junction 2 (J2) of M54 and whether the Scheme itself results in the need for improvements in capacity.</p> <p>b/ SFG has a particular concern over the capacity of M54 J2 at the A449 south of the junction heading to and from</p>	<p>a/ The Scheme does not lead to the need for improvements in capacity to M54 Junction 2.</p> <p>b/ Highways England agree that no contribution will be sought from the developers of ROF Featherstone for any improvements to M54 J2 in the event that SFG's TA demonstrates, to the satisfaction of Highways England as highway authority for M54 J2, that there are no issues at the junction in the</p>	<p>Under discussion</p>	<p>High</p>	

M54 to M6 Link Road

Statement of Common Ground: St Francis Group

	<p>Wolverhampton. The information provided by Highways England (28 August 2020) confirmed that the DCO scheme link road would increase traffic flows on the east-facing slip roads at the junction and that data provided by HE indicated that with the link road (but without ROF Featherstone), this part of the junction was close to capacity. The concern is to ensure that the effects of the DCO scheme, which increases flows at M54 J2, does not stifle or place unduly high costs on the ROF development which would otherwise not be the case without the DCO scheme.</p> <p>SFG wishes to work with the Scheme's promoters, Highways England, to resolve these matters and is confident that they can be resolved in advance of the examination of the Scheme's proposed DCO.</p>	<p>opening year of the ROF Featherstone development.</p> <p>It is understood from the e-mail from Steve Eggleston on 17 September 2020 that the ROF Featherstone development is likely to be open in part by 2022, with the M54 to M6 link road construction due to complete in 2024.</p> <p>It is Highways England's view that the Scheme will support the development of ROF Featherstone. On the assumption that SFG is correct that their development will be open prior to the Scheme and will not lead to capacity issues in the opening year, the Scheme would not 'stifle' or 'place unduly high costs' on the ROF Featherstone development.</p> <p>Highways England received a Technical Note from St Francis Group on 12 October 2020 setting out their analysis of the traffic impacts on the road network with the ROF Featherstone development and M54 to M6 link in place. Highways England is considering this currently and will continue to engage St Francis Group on this matter to seek an agreement prior to the close of Examination</p>			
Articles and Requirements	N/A	The Applicant has not received any comments on the Articles or Requirements on the draft DCO from St Francis Group	Under discussion	High	

Appendix A – Personnel

Initials	Name	Role or Discipline	Organisation
AK	Andrew Kelly	Project Manager	Highways England
BB	Bryan Bradley	Assistant Project Manager	Highways England
SE	Steve Eggleston	Partner	i-Transport LLP (representing St Francis Group)
AL	Alison Leeder	DCO and Planning Lead	Aecom
AP	Andy Plant	Design & Planning Director	St Francis Group
GK	Gerard Kelly	Senior Project Manager	Highways England
HE	Highways England	Used when referring to Highways England or correspondence sent from the M54-M6 Link Road mailbox.	
JC	James Chadwick	Planning Policy Officer	Staffordshire County Council
KH	Kelly Harris	Lead Planning Manager	South Staffordshire Council
ND	Nick Dawson	Connectivity Strategy Manager	Staffordshire County Council
PT	Patrick Thomas	Development Control	Highways England
RR	Rob Ramshaw	Project Manager	Aecom
SP	Sarah Plant	Assistant Team Manager	South Staffordshire Council

SB	Steve Beech	Project Director	Link Connex
WS	Will Spencer	Highways	Staffordshire County Council