

M54 to M6 Link Road

TR010054

**8.8 LA(C) Draft Statement of Common
Ground with City of Wolverhampton
Council**

APFP 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[]**

**8.8 LA(C) Draft Statement of Common Ground with
City of Wolverhampton Council**

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

Version	Date	Status of Version
1 (P02)	24/10/2020	Draft for CWC review
2 (P03)	02/11/2020	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) City of Wolverhampton Council.

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

Signed.....
[NAME]
[POSITION]
on behalf of City of Wolverhampton Council
Date: [DATE]

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

List of Tables

Table 2-1: Record of Engagement.....	2
Table 3-1: Issues	6

List of Appendices

Appendix A: Initials and details of individuals involved

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 ('the Application') for a Development Consent Order ('Order') 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' or 'HE') to the Secretary of State for Transport ('Secretary of State').
- 1.1.2 This SoCG does not seek to replicate information which 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 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.
- 1.1.4 **This SoCG has been drafted by Highways England based on correspondence with City of Wolverhampton Council during the development of the Scheme and records Highways England's current understanding of the matters agreed and not agreed. The draft was provided to City of Wolverhampton Council on 24 October 2020 and comments received and incorporated on 2 November 2020.**
- 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 (1) Highways England as the applicant and (2) City of Wolverhampton Council ('CWC').
- 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 The CWC is a host planning authority for the Scheme, although only a very small area of the Order limits lies within the local authority area, namely the area near M54 Junction 2. Wolverhampton is the nearest city to the Scheme.

1.3 Terminology

- 1.3.1 In the tables in the Issues chapter of this SoCG, 'Not Agreed' indicates a final position. 'Under discussion' indicates where issues 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.
- 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 CWC, 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 CWC.

2 Record of Engagement

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and the CWC in relation to the Application is outlined in Table 2-1. A list of initials, names and details of those in Table 2-1 is included as Appendix A of this document.

Table 2-1: Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes
06/12/2018	Email from NP (Aecom) to MP (CWC)	Regarding uncertainty log for the traffic modelling.
05/02/2019	Email from TB (Amey) to JP (CWC)	Asking for assistance with engagement of businesses prior to the statutory public consultation in spring 2019.
02/04/2019	Email from TB (Amey) to RC, MP (CWC)	Requesting contact details for the SoCC consultation.
02/04/2019	Email from MP (CWC) to TB (Amey)	Sending CWC contact details.
05/04/2019	Email from TB (Amey) to MP (CWC)	Requesting confirmation of Stephen Alexanders and Ian Culley's address.
08/04/2019	Letter (emailed) from AK (HE) to SA (CWC)	Requesting comments/amendments on SoCC.
03/05/2019	Email from KV (HE) to VK (CWC)	Asking for an update on CWC's comments on Statement of Community Consultation.
07/05/2019	Email from VK (CWC) to KV (HE)	Providing CWC's comments on Statement of Community Consultation.
07/05/2019	Email from VK (CWC) to HE	Submitting CWC comments on the draft SoCC.
08/05/2019	Email from TB (Amey) to VK (CWC)	Summarising a telephone call to confirm the leaflet drop area includes properties on the A460 to the south of the M54 J1 and around the junction of Cannock Road and Underhill Lane.
08/05/2019	Email from TB (Amey) to SA (CWC)	Asking for name of Director at CWC to invite to VIP Launch Session for the Scheme.
20/05/2019	Letter from AK (HE) to VK (CWC)	Enclosing a table identifying how CWC's comments were considered in developing and finalising the SoCC and attaching the finalised SoCC.
22/05/2019	Letter from AK (HE) to SA (CWC)	Referring to CWC's comments on SoCC and attaching a table illustrating action taken and a copy of the final SoCC, in confidence.

Date	Form of correspondence	Key topics discussed and key outcomes
23/05/2019	Letter from HE to CWC	Letter providing notice of the statutory consultation from 24 May 2019 to 5 July 2019.
03/06/2019	Email from TB (Amey) to MP (CWC)	Enquiring whether CWC had received formal notification on the statutory consultation.
11/11/2019	Letter from HE to CWC	Letter notifying CWC of non-statutory supplementary consultation, 11 November 2019 – 11 December 2019.
20/12/2019	Email from TP (AECOM) to VK (CWC)	Attaching the draft noise and air quality chapters of the ES for review and comment.
20/12/2019	Email from VK (CWC) to TP (AECOM)	Confirming receipt of noise and air quality drafts.
08/01/2020	Email from VK (CWC) to TP (AECOM)	Including comments on the noise & air quality chapters of the ES. Offering to make comments on the not yet submitted figures/appendices of same reports. Requesting that a list of Wolverhampton Development Plan policies be referenced in the noise and air quality chapters.
21/01/2020	Email from AL (AECOM) to VK (CWC)	Attaching draft DCO for review prior to submission.
23/01/2020	Email from VK (CWC) to AL (AECOM)	Advising that draft DCO has been shared with highway colleagues and stating a clearer understanding of its content and wording will be evident following submission of the DCO application.
09/03/2020	Letter from HE to CWC	Letter and section 56 notice provided.
17/04/2020	Letter from HE to CWC	Letter notifying of extension to Relevant Representation period due to Covid-19.
29/07/2020	Email from AK (HE) to VK (CWC)	Providing notification of proposed design changes.
03/08/2020	Email from RI (CWC) to AK (HE)	Requesting what temporary traffic management arrangements would be required and what plans had been made to assess the implications.
04/08/2020	Email from AL (AECOM) to VK (CWC)	Following up on previous notification of design changes sent 29/07/2020. Suggesting dated for a meeting to discuss impacts predicted.
04/08/2020	Email from VK (CWC) to AL (AECOM)	Confirming that temporary traffic management would be a key consideration. VK left holding note to confirm dates for meeting.
04/08/2020	Email from AL (AECOM) to VK (CWC)	AL (Aecom) emailed VK with design changes to be discussed at meeting. Confirming traffic management plans were still being drafted.

Date	Form of correspondence	Key topics discussed and key outcomes
05/08/2020	Email from VK (CWC) to AL (AECOM)	Confirming meeting date for 19/08/2020.
05/08/2020	Email from AK (HE) to RI (CWC)	Confirming no long-term temporary traffic management arrangements were anticipated to be necessary.
19/08/2020	Meeting with AK (HE); AL, RR, AMc (AECOM); SB (Linkconnex); VK, RI (CWC); TW (Gowling)	Meeting to discuss DCO progress, notification of design changes and adequacy of approach to consultation.
19/08/2020	Email from AL (AECOM) to VK and RI (CWC)	Providing minutes from meeting on 19/08/2020.
19/08/2020	Email from RI (CWC) to AL (AECOM)	Providing comments on meeting minutes.
24/08/2020	Letter from HE to CWC	Letter notifying of consultation on proposed DCO changes.
25/08/2020	Email from AL (AECOM) to RI and VK (CWC)	Providing finalised meeting minutes of 19/08/2020.
04/09/2020	Email from VK (CWC) to AL (AECOM)	Providing final CWC comments on the proposed consultation process. Requesting a list of companies in the north of Wolverhampton notified of the scheme to be shared with the council.
08/09/2020	Email from AL (AECOM) to VK (CWC)	Providing list of haulage businesses located in Wolverhampton notified of the scheme changes.
24/08/2020	Email from HE to CWC	Providing attached letter notifying CWC on the consultation for the proposed design changes.
22/09/2020	Email from VK (CWC) to AL (AECOM)	Providing CWC's review of the proposed design changes. Requesting on-going engagement with CWC and HE regarding the Traffic Management Plan to continue.
24/10/2020	Email from AL to VK	Providing draft SoCG for comment.
31/10/2020	Email from AL to VK	Email confirming draft will be submitted as written on 3 November 2020 with emphasis that it is an initial draft.
02/11/2020	Email from VJ to AL	Email providing comments on SoCG, commented that it looks 'largely okay'.

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) CWC 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 CWC and Highways England.
- 3.1.2 The letter provided to Highways England by the Planning Inspectorate on the 20 August 2020 under Section 88 of the PA 2008 (as amended) and The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 6 (hereafter referred to as the 'Rule 6 Letter'), sets out the issues that The Planning Inspectorate want Highways England and the relevant parties to address in their SoCG. Specifically, Annex F sets out the parties that the Planning Inspectorate wants Highways England to produce a SoCG with and the issues that they want to see addressed, namely:
1. Water environment effects, including any permits required from CWC as lead local flood authority (LLFA)
 2. Transport and traffic effects
 3. Landscape and visual effects
 4. The effect of noise and vibration
 5. Socio-economic effects
 6. The draft Order provisions and requirements including future procedures for approval of details
- 3.1.3 These issues are addressed in turn in Table 3-1, with a preceding section on general issues and a final section on other matters. However, given that only a very small area of the Order limits is within the CWC area, the discussion on some of these topics has been limited.

3.1.4 Table 3-1 shows those matters which have been agreed or yet to be agreed by the parties. Matters have been grouped as per those key matters identified by the ExA within their Rule 6 letter. The document reference column is included where the matter pertains to a specific section of a document submitted as part of the Application or following submission.

Table 3-1: Issues

Document	Subject	City of Wolverhampton Council Comments	Highways England Response	Status	Agreement likely (App) ¹	Agreement Likely (IP) ²
RR-018	Support for the Scheme	CWC considers that the proposal can make a significant contribution in terms of relieving traffic pressure around M54 Junction 2 and improving access opportunities for existing (i54, Four Ashes) and future development sites. Access to the M6 North would be significantly improved from the Wolverhampton area. The proposal will assist in keeping the right traffic on the right roads, improving safety which largely within Staffordshire, and supporting the continued regeneration and economic growth in the City of Wolverhampton, by improving journey time reliability and connectivity”.	Agreed	Agreed	Agreed	Agreed

¹ Indication on likelihood that the matter will be agreed by the close of the Examination period as rate 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.

² Interested Party. In this case City of Wolverhampton Council

Environmental Statement [TR010054/APP/6.1]	Environmental Statement: approach	The parties agree with the findings of the Environmental Statement, including the proposed study areas (in relation to all technical disciplines); the limits of deviation (i.e. the Rochdale Envelope parameters); the assigned sensitivity of receptors; the assigned magnitude of impacts; the significance of residual effects (in relation to all technical disciplines), the proposed mitigation measures; and the application of expert judgements and assumptions.		Under discussion	High	
N/A	Water environment	HE and CWC agreed that given that only very limited works lie within the CWC area, Staffordshire County Council is the relevant LLFA for the Scheme. CWC does not have any concerns related to the water environment.		Under discussion	High	
Outline Traffic Management Plan [TR010054/APP/7.5] Email 03/08/2020	Temporary traffic management	CWC request clarity on the temporary traffic management arrangements are to operate within Wolverhampton during construction of the Scheme.	HE does not anticipate that there will be any long-term temporary traffic management ('TTM') in the CWC area and it is possible that no TTM will be required in CWCs area during construction. Should TTM be required in the CWC area, we do not consider that TTM applications will be necessary as the draft Order makes provision for HE to undertake TTM subject to compliance with certain requirements. In particular, Article 12 of the draft Order provides that HE may for the purposes of carrying out the authorised development temporarily stop up, alter, divert or restrict use of any street for which it is the highway authority. HE may do the same for streets for which it is not the highway authority with the consent of the relevant highway authority (such	Under discussion	High	

			<p>consent not to be unreasonably withheld or delayed although reasonable conditions may be imposed).</p> <p>Further, Article 16 of the draft Order provides HE with powers to regulate traffic on roads for which it is not the traffic authority subject to consultation, notice being given and consent being obtained from the traffic authority (such consent not to be unreasonably withheld or delayed). These powers include the ability for HE to (i) revoke, amend or suspend traffic regulation orders, (ii) permit, prohibit or restrict stopping, waiting, loading, etc., (iii) authorise use of a road for parking, (iv) provide for direction or priority of traffic and (v) permit of prohibit access. This effectively means that HE can, subject to certain limitations, make traffic regulation orders on another authority's roads as if HE were the traffic authority for that road.</p> <p>The full details of traffic management proposals will be developed as part of a traffic management plan to discharge requirement 10 of the Order so no detailed plans of proposals are yet available.</p> <p>Highways England will work with local highway authorities to discharge requirement 10, including</p>			
--	--	--	--	--	--	--

			development of temporary traffic management arrangements. The Secretary of State would also consult the relevant local highway authority when deciding whether to discharge requirements. Therefore, even where full details cannot be developed now, we can provide reassurance that CWC will have full involvement in the development of the Traffic Management Plan.			
N/A	Landscape and visual effects	CWC does not have any comments to make on this topic beyond the question below. HE accepts this position given the limited landscape and visual impact on the CWC area and the fact that only a very small area of the Order limits is within the CWC area.		Under discussion	High	
RR018c Comments on SoCG 02/11/2020	Viewpoints	We would like to further understand the environmental implications if any adverse impact would arise on the WV10 – Pendeford, Fordhouses and Bushbury Landscape Character Area, and upon Bushbury Hill as it is within the area of Theoretical Visibility. Although the scheme will change traffic patterns to the north of the city, the scheme is unlikely to cause significant adverse effects in respect of Noise or Air Quality during construction or once operational upon residents within the Wolverhampton area. We note the Environmental	The scale and extent of theoretical visibility of the Scheme in Landscape Character Area (LCA) WV10 Pendeford, Fordhouses and Bushbury LCA is very limited and localised to the immediate north of the LCA, covering locations which may already have views of the existing M54. The Zone of Theoretical Visualisation (ZTV) is theoretical and presents the worst case and although some allowance is made for screening by vegetation in the model it is likely to be conservative and demonstrate greater visibility than actually exists. Therefore, based on the ZTV, indirect effects (derived from views of a change in landscape character rather than a direct change in the landscape	Under discussion	High	

		Statement accompanying this application covers a number of key local impacts which are matters that will need detailed consideration predominantly by South Staffordshire Council and Staffordshire County Council, with some input from the City of Wolverhampton Council.	characteristics) are unlikely to be experienced in the Pendleford, Fordhouses and Bushbury LCA. Scheme elements nearest to this character area (and therefore most likely to influence the LCA) are undergoing only minor changes to elements such as signage. Therefore, the effects on this LCA were not required to be assessed further within the ES as no significant effects are anticipated. With regards to the views from Bushbury Hill, the hill is situated more than 1km away from the Scheme boundary; it is considered that the Scheme is likely to form only a minor element of views beyond 1km of the Scheme boundary due to viewing distance.			
Environmental Statement Chapter 11: Noise and Vibration [TR010054/APP/6.1]	Noise and vibration	CWC requested that draft noise and vibration and air quality chapters of the Environmental Statement were sent to CWC in advance of the Application being submitted.	Chapters were sent to CWC in December 2019 and comments provided with thanks in January 2020. Comments were incorporated into the final version of the Environmental Statement chapters.	Under discussion	High	
N/A	Socio-economic effects	The parties agree that the Scheme would support the continued regeneration and economic growth in the City of Wolverhampton, by improving journey time reliability and connectivity.		Agreed	Agreed	Agreed
Outline Traffic Management Plan [TR010054/APP/7.5]	Minimising socio-economic effects of	In October 2020 HE submitted a request to the Examining Authority for a set of Scheme changes, including a change that would require a temporary three-week closure of the M54 Junction 1 during the construction period. This would reduce the construction period and		Agreed	Agreed	Agreed

M54 to M6 Link Road

Statement of Common Ground: City of Wolverhampton Council

	traffic management proposals at M54 Junction 1	remove the need for long term traffic management on the M54. CWC raised the need to work with local businesses to minimise the impact of the closure. CWC also suggested that future consultation on the Traffic Management Plan could include Wolverhampton Football Club. HE agree with these points and will continue to liaise with CWC to develop the Construction Traffic Management Plan.			
N/A	Articles and Requirements		The Applicant has not received any comments on the Articles or Requirements on the draft DCO from CWC.	Under discussion	High

Appendix A - Initials and details of individuals involved

Initials	Name	Role or Discipline	Organisation
AK	Andrew Kelly	Project Manager	Highways England
AL	Alison Leeder	Planner and DCO Lead	AECOM
AMc	Alastair McNeill	Highways lead	AECOM
IC	Ian Culley	Lead planning manager	CWC
MP	Marianne Page	Transport strategy	CWC
RR	Rob Ramshaw	Project Manager	AECOM
SA	Stephen Alexander	Head of Planning	CWC
SB	Steve Beech	Project Director	LinkConnex
TB	Tom Bennett	Former Project Manager	Amey
TP	Tamara Percy	Environmental Lead	AECOM
TW	Toni Weston	Legal	Gowlings
VK	Vijay Kaul	Senior Planning Officer	CWC