

M54 to M6 Link Road

TR010054

8.8 LIU(I) Draft Statement of Common Ground with Ian Simkin & Adrian Simkin

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

M54 to M6 Link Road
Development Consent Order 202[]

**8.8 LIU(I) Draft Statement of Common Ground with
Ian Simkin & Adrian Simkin**

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Planning Inspectorate Scheme Reference	TR010054
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Author	M54 to M6 Link Road Project Team and Highways England

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1 (P02)	November 2020	Issue to 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) Ian Simkin & Adrian Simkin.

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

Signed.....
[NAME]
[POSITION]
on behalf of Ian Simkin & Adrian Simkin
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 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' 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, 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 version of the SoCG has been drafted by Highways England based on correspondence with Mr Ian Simkin and Mr Adrian Simkin during the development of the Scheme and records Highways England's current understanding of the matters agreed and not agreed.**
- 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) Ian Simkin & Adrian Simkin ('Landowner').
- 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 Ian Simkin & Adrian Simkin are the freehold owners of plots 6/37,6/23, 6/25,6/29, 6/30 & 6/31 as identified on the Land Plans (Application documents reference 2.2) and in the Book of Reference (Application document reference 4.3).

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 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.
- 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 Ian Simkin & Adrian Simkin, 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 Ian Simkin & Adrian Simkin.

2 Record of Engagement

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and Ian Simkin & Adrian Simkin in relation to the Application is outlined in Table 2-1.

Table 2-1: Record of Engagement

Date	Form of correspondence	Key topics discussed
12/10/2017	Meeting	Meeting to discuss potential land take requirements, route options and current land use.
22/02/2019	Meeting	Meeting to discuss proposed route and land take requirements prior to statutory S42 consultation.
23/05/2019	Letter pack from Gateley Hamer (GH) to landowner	S42 consultation pack. Included Land Interest Plans showing areas of land ownership and areas of land that may be required for the Scheme and the Order limits. The draft Environmental Masterplan was also made available online, indicating initial thoughts on areas required for environmental mitigation.
03/10/2019	Letter from GH to landowner	Land by agreement letter sent.
11/11/2019	Letter sent from GH to landowner	Supplementary consultation documents arrived with landowners including revised plans showing areas proposed for permanent and temporary land acquisition. Also included links to revised Environmental Masterplan and General Arrangement Plan to help explain the reasons for land acquisition.
02/12/2019	Meeting	Meeting to discuss supplementary consultation and permanent/temporary land take requirements.
24/01/2020	Letter from HE to landowner and agent	Letter providing scheme update and suggesting preparation of SoCG.
28/01/2020	Letter from land agent	Summary of objections and representations.
09/03/2020	Letter and Notice from HE to landowner and agent	Section 56 letter and Notice notifying persons of accepted Application arrived with landowner and agent.
17/04/2020	Letter and email from HE to landowner and agent	Updated Section 56 letter and Notice notifying persons of accepted Application and extension of relevant representative period due to Covid19.
01/06/2020	Letter from HE to landowner and agent	S56 – Additional relevant representation.

15/07/2020	Email to land agent	Email with following attachments; Letter containing response to landowner/agent representations, Heads of Terms and Mitigation Technical Note.
29/07/2020	Email to agent	Notification of change request.
21/08/2020	Letter from HE to landowner and agent	Supplementary consultation letter sent.
07/09/2020	Email from SLB to SB	Question raised regarding environmental masterplan key.
14/09/2020	Email from SB to SLB	Proposed draft land plans sent to landowner and agent with additional information on plan key indicating soil storage area and meeting invitation to land agent.
15/09/2020	Email from SLB to SB	Confirmation of receipt of draft plans and confirmed contact would be in due course should their clients wish to have a meeting.
21/09/2020	Consultation response via online response form	Response to consultation on proposed DCO changes, via online response form.

- 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) Ian Simkin & Adrian Simkin 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 Ian Simkin & Adrian Simkin 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, including a reference number for each matter, and the date and method by which it was agreed (if relevant).

Table 3-1: Issues

Issue	Document	Landowner comment	Highways England Response	Status	Agreement likely? (app) ¹	Agreement likely? (IP)
Proposed environmental mitigation	Land agent's Relevant Representation RR-033 and letter received from Bagshaws on 28/01/2020	The permanent acquisition of plots 5/26, 5/27 and 6/25 for environmental mitigation is objected to, as the comprises an arable field parcel of Land Classification Grade 3a. The loss of good quality agricultural land is contrary to scheme guidelines and the NPPF.	Plot 6/23 is required for a number of Works (35, 36 and 39) which all relate to the realignment of M6 Junction 11 and the construction of the new M6 Junction 11 circulatory carriageway. This land is also required for works to realign the existing PRow Saredon 13. Plots 5/26, 5/27 and 6/25 were required permanently for ecological mitigation. However, as a result of further ecological surveys and changes to the design to reduce the ecological impact	Under discussion	High	

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.

		<p>The permanent acquisition of plots 5/26, 5/27, 6/25 and 6/23 for environmental mitigation is objected to as it is considered excessive for the offsetting of only approximately 0.79 ha of arable land being taken for the road construction and we do not accept that the extent of the land proposed to be taken for mitigation, at 3.504 ha, is necessary and proportionate for environmental mitigation.</p>	<p>of the Scheme, HE has proposed to change the Environmental Masterplan [proposed changes versions AS-086 to AS-092/6.2] [so that environmental mitigation is no longer present on these plots and the plots are therefore not required to be acquired on a permanent basis. This change will be implemented if accepted by the Examining Authority. The northern part of plot 6/25 is still required temporarily for soil storage during construction, but would be reinstated to its previous condition and returned to the landowner after construction.</p> <p>One reason that this land was selected for removal from the Environmental Masterplan was in recognition of its status as Best and Most Versatile (BMV) agricultural land as highlighted by Messrs Simkin' representation made on 28/01/2020 as well as Natural England.</p>			
	Land agent's Relevant Representation RR-033	<p>If it is held that land has to be taken for environmental mitigation, then we would welcome the opportunity to discuss terms of the retention of the freehold, but</p>	<p>Should the design changes submitted on 9 October 2020 be accepted by the Examining Authority, no land owned by Ian and Adrian Simkin would be permanently acquired for the sole purpose of environmental mitigation. Should the changes not be accepted by the Examining Authority, Highways</p>	Under discussion	Medium	

		subject to a management agreement for the management of the land in an environmentally beneficial way to help satisfy environmental mitigation requirements of the scheme.	England is willing to continue discussions on the potential management arrangements post construction, to be secured via agreement. Any agreement would need to ensure that landowner adheres to maintenance requirements in line with that required on the DCO, if made.			
	Land agent's response to the consultation on changes to the DCO	(With regards to Change 7) We agree with the proposed reduction in order limits at this location, which removes the south eastern section of my client's land at plot 6/25. In addition, we welcome the removal the species-rich grassland habitat creation across the whole plot, following the review of the extent of mitigation across the scheme. On review of the Environmental Masterplan overview revision plan, the remainder of plot 6/25,	The Environmental Masterplan published for consultation on 24 August 2020 showed a pink/ purple outline on plot 6/25. This area would be used for temporary soil storage during the construction of the Scheme. This boundary is not shown on the Environmental Masterplan issued with the Scheme changes on 9 October 2020. As recognised by the landowner, the area covered by plot 6/25 located to the south-east of M6 Junction 11 is proposed to be significantly reduced by the Scheme changes. This means that plot 6/25 is significantly smaller on the revised Land Plans submitted on 9 October 2020 than in the current Land Plans [AS-007/2.2]. If changes are accepted by the Examining Authority,	Under discussion	Medium	

		which remains to be acquired temporarily, has an unexplained outlined area within, absent of a reference to it on the legend. Therefore, we cannot comment any further until such time as clarification of what the pink outlined area represents is provided to us, which was requested from HE on the 7th September 2020.	this plot would also only be required on a temporary basis. Clarification on the purpose of the area outlined in pink/ purple was provided via email to the land agent on 14/09/2020. It was also annotated on the plan published on 24 August showing the changes to the Masterplan (comment EM3).			
Compensation	Letter from Bagshaws, 28/01/2020	'Our clients have been approached by a number of developers for commercial development of this land and as such would be claiming hope value if permanent acquisition is required.'	Compensation values will be determined by the District Valuer. Highways England sent draft Heads of Terms to the landowners dated 15/07/2020 and have received no response to date.	Under discussion	Medium	
Land take requirements	Land agent's Relevant Representation RR-033 and letter received from Bagshaws	Messrs Simkin object to the acquisition of [6/23] where there is the proposed acquisition of the entire road frontage of the field parcel along the A460 with no	Highways England will seek to retain access to the adjacent land from the lay-by. The land take along the A460 is required to accommodate any changes to the existing layby. As per the current scenario, 3rd party land ownership will be maintained from the back of the lay-	Under discussion	Medium	

	dated 28/01/2020	provision for access and turning agricultural vehicles or for any other future uses.	by with access provided to match the current arrangement.			
Grazing requirements	Letter from Bagshaws, 28/01/20. Also mentioned in land agent's Relevant Representation	The new scheme boundary of 6/23 and 6/20a to be used temporarily in the road scheme, will negate the ability of the remaining field area to be used for arable production, due to the small and unworkable shape created. This field may accordingly only be suitable for grazing and as such will require the provision of a water supply.	Please note that plot 6/20a (as identified during the November 2019 Supplementary Consultation) is now plot 6/37 in the Land Plans (P02) submitted as part of the Application. Plot 6/37 (formerly 6/20a) is required temporarily for a working area alongside the existing slip road, which is to be realigned. We will continue to discuss accommodation works with landowners as the project progresses.	Under discussion	Medium	
Bridleway realignment	Letter from Bagshaws, 28/01/20	Plot 6/31 is shown as a narrow blue line on the road scheme plan and detailed in your interest schedule to be required temporarily and rights to be acquired permanently. We can only assume this relates to the proposed position of a public bridleway, however, it	Plot 6/31 is in the correct position. The blue shaded area indicated the rights area required for the realignment of the bridleway. This is indicated as a corridor to include the horizontal limits of deviation for the adjacent highway which accounts for the slight variation in marked location. The proposed location is as per the Draft Environmental Masterplan (as	Under discussion	Medium	

		does not appear to sit in the correct position on the Draft Environmental Masterplan dated 8th November 2019, revision PO9. When scaled off the bridleway was in an entirely different position to that shown on the road scheme plan.'	presented at November 2019 supplementary consultation) which currently sits within Plot 6/23 however as the route runs alongside the bottom of the embankment it is necessary to provide a corridor to account for the horizontal limits of deviation therefore the blue area shown is the edge of the corridor.			
	Land agent's response to the consultation on changes to the DCO, also raised in land agent's Relevant Representation RR-033 and letter received from Bagshaws dated 28/01/2020	(With regards to Change 7) We note the previously objected to acquisition of plot 6/31, for the provision of a bridleway, Saredon BW13, which terminates at M6 Junction 11, still remains as part of the scheme on both the revised land plans and Environmental Masterplan overview revision plan. The Bridleway is not used, and has been unused for many years, it is	The bridleway is a PRoW and the Applicant is required by policy and legislation to retain connectivity of PRoW where possible. Lack of use is not sufficient justification by itself to extinguish a PRoW. The Scheme seeks to maintain existing levels of non-motorised user connectivity as a minimum requirement. The route currently connects into M6 Junction 11 where crossing facilities are provided to enable connectivity over the M6. The Scheme proposes to improve the crossing facilities for non-motorised users at M6 Junction 11. This route provides a connection between M6 Junction 11 and Great Saredon therefore it is anticipated that this route will be required to be re-instated and	Under discussion	Medium	

		considered dangerous and therefore, we feel unnecessary to be reinstated within the road scheme, especially as the increased road noise and proximity to traffic will not be expected to increase its use. As part of the Environmental Statement (ES), the 2017 walking, cycling and horse riding (WCH) survey results showed no recorded users of this particular public right of way for the duration of the data collection period (Environmental Statement Chapter 12 [TR010054/APP/6.1]). The Environmental Statement Chapter 2 [TR010054/APP/6.1] sets out that the Environmental Masterplan includes measures to 'ensure	upgraded, where required, to an acceptable standard to address any safety concerns.			
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		the connectivity of PRoW and other routes used by pedestrians and cyclists are maintained', this is in opposition with the survey results. The route, Saredon BW13 is not used, as evidenced in Chapter 12 of the ES and therefore should be removed, as opposed to realigned, as part of The Scheme. No evidence has been provided by HE to justify the acquisition of these rights.				
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Rationale for permanent land take	Land agent's Relevant Representation RR-033 and letter received from Bagshaws dated 28/01/2020	Messrs Simkin object to the acquisition of plots 6/29 and 6/30 as we consider them to be surplus to the scheme and they are not being acquired for the development, or incidental to, the construction of the highway. They are situated to the Eastern side of the hedge from the highway and upon reference to the Works Plans will not be impacted by, or necessary for, the scheme. A narrow strip of land will be acquired for species rich grassland Environmental Mitigation which will be impractical (and virtually impossible) to manage on an ongoing basis.	Highways England can confirm that plots 6/29 and 6/30 are being required for Work no. 39 which is for the realignment and widening of the A460 southbound by a single lane from the M6 toll merge to M6 Junction 11 and the widening of the A460 northbound carriageway by a single lane from M6 Junction 1, tapering back down to two lanes ahead of the M6 Toll overbridge as set out within the Statement of Reasons [APP-021/4.1]. No environmental mitigation is proposed on either parcel. Both plots are required for the construction of the highway.	Under discussion	Medium	
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Articles and Requirements	N/A	N/A	The Applicant has not received any comments on the Articles or Requirements on the draft DCO from Messrs Simkin.	Under discussion	High	
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DRAFT

Appendix A: Initials and details of individuals involved

Initials	Name	Role or Discipline	Organisation
AK	Andrew Kelly	Project Manager	Highways England
CB	Christine Baggott	Landowners representative	Bagshaws
JH	Jon Harvey	Stakeholder manager	AECOM
SB	Sam Blaize	Principal Surveyor	Gateley Hamer
SD	Simon Davis	District Valuer	Valuation Office Agency
SLB	Suzanna Layton-Busch	Landowners representative	Bagshaws
TB	Tom Bennett	Previous stakeholder Manager	Amey