

## **M54 to M6 Link Road**

**TR010054**

### **8.8 LIU(M) Draft Statement of Common Ground with Openreach Ltd**

APFP Regulation 5(2)(q)

Planning Act 2008

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

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Infrastructure Planning

Planning Act 2008

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

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

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<b>Regulation Number</b>	Regulation 5(2)(q)
<b>Planning Inspectorate Scheme Reference</b>	TR010054
<b>Application Document Reference</b>	8.8 LIU(M)
<b>Author</b>	M54 to M6 Link Road Project Team and Highways England

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
1 (P01)	03.11.2020	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) Openreach Ltd.**

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

Signed.....  
**[NAME]**  
**[POSITION]**  
**on behalf of Openreach Ltd**  
**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') 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. SoCG 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 Openreach during the development of the Scheme and records Highways England's current understanding of the matters agreed and not agreed.**
- 1.1.5 **The draft was provided to Openreach on 03 November 2020 and 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 Openreach Ltd.
- 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 Openreach Ltd, part of the BT Group Plc, is the main provider for the UK's digital network and manager of a large portion of the communications infrastructure around the UK.

## 1.3 Terminology

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

## 2 Record of Engagement

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and Openreach 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
30/10/2018	Email from EOB (Amey) to cybd@openreach.co.uk	Representatives of Highways England request a C3 Budget Estimate.
05/11/2018	Email from DM (Amey) to RG (Openreach)	Representatives of Highways England request for C3 Budget Estimate.
14/11/2018	Email from JP (Openreach) to DM (Amey)	Openreach request more detailed plans of the scheme.
20/11/2018	Email from JP (Openreach) to DM (Amey)	Openreach issue a letter requesting payment to enable additional planning time.
20/11/2018	Email from DM (Amey) to JP (Openreach)	Representatives of Highways England issue draft proposed scheme plans.
20/11/2018	Email from JP (Openreach) to DM (Amey)	Openreach return noting that the plans do not provide enough information to produce an accurate estimate. The scheme falls outside requirements for a free C3 estimate and proposes to send letter requesting consultancy fee.
20/11/2018	Email from DM (Amey) to JP (Openreach)	Representatives of Highways England attach more detailed draft proposed scheme plans. Requesting letter for consultancy fee, and level of detail required to produce C3 estimate.
29/05/2019	Email from DM (Amey) to RG (Openreach)	Request for C4 estimate.
17/09/2019	Meeting	Meeting between representatives of Highways England and Openreach to discuss the diversion proposals.
03/10/2019	Email from JP (Openreach) to NF (Highways England)	Openreach requested topographic survey information to locate a number of chambers.
12/11/2019	Meeting	Meeting between representatives of Highways England and Openreach to discuss the diversion proposals.
23/12/2019	Email from JP (Openreach) to NR (Highways England) forwarded to GS-P (AECOM)	Attaching C4 estimate for Phase A.
23/12/2019	Email from JP (Openreach) to NR (Highways England)	Attaching C4 estimate for Phase B.

Date	Form of correspondence	Key topics discussed and key outcomes
	forwarded to GS-P (AECOM)	
23/12/2019	Email from JP (Openreach) to NR (Highways England) forwarded to GS-P (AECOM)	Attaching C4 estimate for Phase C.
23/12/2019	Email from JP (Openreach) to NR (Highways England) forwarded to GS-P (AECOM)	Attaching C4 estimate for Phase D.
03/01/2020	Email from S-PG (AECOM) to BC (Openreach)	Attaching draft Protective provisions relating to Openreach and the Public Consultation Brochure.
07/10/2020	Email from JCH (AECOM) to JP (Openreach)	Requested details of where Openreach would require trail pits of their existing assets to confirm diversion routes and design.

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) Openreach 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 Openreach 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	Comment	Highways England Response	Status	Agreement likely? (app) <sup>1</sup>	Agreement likely? (IP)
Protective Provisions		Highways England has issued to Openreach a copy of the Draft Protective Provisions contained in Schedule 9 of the Draft Development Consent Order. Highways England is currently awaiting comment from Openreach in relation to the content of these Protective Provisions and will work collaboratively with Openreach to ensure the protective provisions meet the requirements of both parties.	Awaiting Initial Response	High	
Openreach Diversion Hilton Lane		All diversion and protection works will be agreed with Openreach in accordance with the new Roads and Street works Act	Under discussion	High	

<sup>1</sup> 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.



Openreach Diversion M6 Junction 11		1991 to ensure that works are completed to the satisfaction of Openreach.			
Openreach Diversion M54 Junction 1					
Articles and Requirements	N/A	The Applicant has not received any comments on the Articles or Requirements on the draft DCO from Openreach	Under discussion	High	

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## Appendix A - Personnel

Initials	Name	Role or Discipline	Organisation
GS-P	Gehan Sri-Pathmanathan	Engineer	AECOM
DM	David MacMillan	Engineer	Amey (on behalf AECOM)
EOB	Emily O'Brien	Engineer	Amey (on behalf AECOM)
DT	Dyfan Thomas	Highways Lead	Amey (on behalf AECOM)
NR	Nick Russell	Utilities Manager	Highways England
AM	Alastair McNeill	Highways Lead	AECOM
DL	Dave Last	Design Lead	AECOM
JCH	James Hemingway	Engineer	AECOM
JP	Jonathan Potts	Project Engineer	Openreach
RG	Ryan Grogan	Project Engineer	Openreach
NF	Natalie Fitzsimmons	Utilities Support	Highways England
NR	Nick Russell	Utilities Manager	Highways England