

M54 to M6 Link Road
TR010054

**8.8LIU(R) Draft Statement of Common
Ground with Zayo**

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[]**

**8.8 LIU(R) Draft Statement of Common Ground with
Zayo**

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

Version	Date	Status of Version
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) Zayo.

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

Signed.....
[NAME]
[POSITION]
on behalf of Zayo
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 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 Zayo 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 Zayo 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 (1) Highways England as the Applicant and (2) Zayo.
- 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 Zayo is a privately held company providing communication infrastructure services, including fibre and bandwidth connectivity.

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 Zayo, 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 Zayo.

2 Record of Engagement

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and Zayo 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 (the topics should align with the issues table)
30/10/2018	Email from EOB (Amey) to zayodiversion@jsmgroup.com	Highways England representatives request a C3 Budget Estimate.
31/10/2018	Email from PW (Zayo) to EOB (Amey)	Zayo respond stating that the masterplan provided does not provide enough information to provide a C3 Budget Estimate.
05/11/2018	Email from DM (Amey) to PW (Zayo)	Representatives of Highways England requested a site visit or meeting to discuss diversion works proposed.
06/11/2018	Email from PW (Zayo) to DM (Amey)	Zayo provide Design Fee payment quote for C4 Detailed Estimate and attached payment details.
29/05/2019	Email from DM (Amey) to PW (Zayo)	Representatives of Highways England request a C4 Detailed Estimate.
02/10/2019	Meeting	Meeting to discuss the developments to the detailed design since the C4 was originally requested.
07/01/2020	Email from CG (Zayo) to GS-P (AECOM)	Zayo issued C4 draft scheme and Detailed Estimate and payment details for new duct that is required.
14/01/2020	Email from GS-P (AECOM) to CG & PW (JSM Group)	Representatives of Highways England issued draft Protective Provisions pertinent to Zayo and the latest public consultation brochure.
10/01/2020	Email from CG (Zayo) to GS-P (AECOM)	Zayo issued C4 draft scheme and Detailed Estimate and payment details for all civils works.
03/09/2020	Email from JH (AECOM) to CG (Zayo)	Representatives of Highways England issued revised designs for an updated C4 Estimate.
16/09/2020	Email from CG (Zayo) to JH (AECOM)	Confirmation of receipt of the request and queried whether additional information can be provided.
17/09/2020	Email from JH (AECOM) to CG (Zayo)	Representatives of Highways England issued additional design information.
17/09/2020	Email from CG (Zayo) to JH (AECOM)	Zayo request additional information in digital format.
18/09/2020	Email from JH (AECOM) to CG (Zayo)	Representatives of Highways England issued information requested in digital format.

18/09/2020	Email from CG (Zayo) to JH (AECOM)	Confirmation of receipt of digital information.
07/10/2020	Email from JH (AECOM) to CG (Zayo)	Representatives of Highways England issued request for confirmation of any additional trial pits to be undertaken to inform the detailed design.
13/10/2020	Email from PW (Zayo) to JH (AECOM)	Zayo issued revised budget estimate for the proposals at M6 Junction 11.

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

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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 Zayo 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) ¹	Agreement likely? (IP)
Zayo Diversion M6 Junction 11	No comments received to date	Highways England will continue to work collaboratively with Zayo to ensure the diversion proposals meet the requirements of Zayo.	Under discussion	High	
Zayo Diversion M54 Junction 1	No comments received to date	Highways England will continue to work collaboratively with Zayo to ensure the diversion proposals meet the requirements of Zayo.	Under discussion	High	
Protective Provisions	No comments received to date	Highways England has issued to Zayo a copy of the Draft Protective Provisions contained in Schedule 9 of the Draft Development Consent Order. Highways England is currently awaiting comment from Zayo in relation to the content of these Protective Provisions and will work collaboratively with Openreach to ensure	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.

		the protective provisions meet the requirements of both parties.			
Articles and Requirements	N/A	The Applicant has not received any comments on the Articles or Requirements on the draft DCO from Zayo.	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)
CG	Colin Gare	Project Manager	Zayo
PW	Paul Wilson	Project Manager	Zayo
JH	James Hemingway	Highways Lead	AECOM

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