

M54 to M6 Link Road

Draft Statement of Common Ground with Cadent Gas Limited

HE514465-BAM-DCO-M54_ZZ_ZZ_Z-RP-DC-0009

November 2020

Notice

This document and its contents have been prepared and are intended solely for Highways England's information and use in relation to the M54 to M6 Link Road project. AECOM assumes no responsibility to any other party in respect of, arising out of or in connection with this document and/or its contents

Document Control

Document Title	Draft Statement of Common Ground with Cadent Gas Limited
Document Reference	HE514465-BAM-DCO-M54_ZZ_ZZ_Z-RP-DC-0009
Author	M54 to M6 Link Road Project Team and Highways England
Document Status	Initial Draft for Internal Comment

Prepared for:

Highways England

38 Colmore Circus
2 Colmore Square
Birmingham
B4 6BN
United Kingdom

Prepared by:


AECOM

Royal Court
Basil Close
Chesterfield
Derbyshire
S41 7SL

Revision History

Version	Dates	Status	Description	Author
P01	03.11.2020	S2	First Draft	James Hemingway

AECOM Approvals

Version	Role	Name	Signature	Date
P01	Author	James Hemingway		03.11.2020
	Checker	Alastair McNeill	AM	03.11.2020
	Approver	Rob Ramshaw	RR	03.11.2020

Highways England Reviewers

Version	Title	Name	Signature	Date
P01	<PROJECT ROLE>	<NAME>	<SIGNATURE>	<XX.XX.XX>

Highways England Approval

Version	Title	Name	Signature	Date
P01	<PROJECT ROLE>	<NAME>	<SIGNATURE>	<XX.XX.XX>

M54 to M6 Link Road
TR010054

**8.8 LIU(N) Draft Statement of Common
Ground with Cadent Gas Limited**

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 LIU(N) Draft Statement of Common Ground with
Cadent Gas Limited**

Regulation Number	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010054
Application Document Reference	8.8 LIU(N)
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) Cadent Gas Limited.

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

Signed.....
[NAME]
[POSITION]
on behalf of Cadent Gas Limited
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	4
3.1 Introduction and General Matters.....	4

List of Tables

Table 2-1: Record of Engagement.....	2
Table 3-1: Issues	4

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 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 Openreach during the development of the Scheme and records Highways England's current understanding of the matters agreed and not agreed.~~
- 1.1.4 The draft was initially provided to Cadent Gas Limited on ~~03-05~~ 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 Cadent Gas Limited.
- 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 ~~Cadent Gas Limited owns, operates and maintains the largest natural gas distribution network in the United Kingdom.~~
- 1.2.3 [Cadent Gas Limited as a licensed gas transporter owns and manages four of the eight gas distribution networks in the UK: West Midlands, North West England, East of England, North London, supplying gas to around 11 million homes](#)

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.

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 Cadent Gas Limited, 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 Cadent Gas Limited.~~

2 Record of Engagement

2.1.1 A summary of the key meetings and correspondence that has taken place between Highways England and Cadent Gas Limited 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 plantprotection@cadentgas.com	Representatives of Highways England request a C3 Budget Estimate.
29/05/2019	Email from DM (Amey) to RB (Cadent)	Representatives of Highways England request a C3 Budget Estimate.
20/11/2018	Email from DM (Amey) to CW (Cadent)	Representatives of Highways England issue draft proposed scheme plans.
21/02/2019	Email from RB (Cadent) to DM (Amey) and EOB (Amey)	Cadent issue a C3 Budget Estimate provided.
02/05/2019	Meeting	Meeting held to discuss the diversion proposals.
29/05/2019	Email from DM (Amey) to RB (Cadent)	Representatives of Highways England request a C4 Detailed Estimate.
25/07/2019	Email from DT (Amey) to TW (Cadent) and RB (Cadent)	Representatives of Highways England issue plans of the high-pressure gas main diversion.
05/08/2020		Advanced payment for C4 Stage made by HE to Cadent
16/08/2019	Email from GS-P (AECOM) to TW (Cadent) and RB (Cadent)	Representatives of Highways England issued cross section plans of the proposed highway alignment.
16/09/2019	Meeting	Meeting to discuss diversion route proposals.
26/09/2019	Email from DL (AECOM) to MH (Cadent and NR (Highways England))	Representatives of Highways England issued meeting minutes following meeting held on 16/09/2019 .
22/10/2019	Email from MH (Cadent) to AM (AECOM)	Design study kick-off meeting minutes.
23/10/2019	Email from CW (Cadent) to DT (Amey)	Cadent contact Highways England representatives to discuss site visit arrangements.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the issues table)
13/01/2020	Email from GS-P (AECOM) to MH (Cadent)	Representatives of Highways England issued draft protected provisions to Cadent.
23/01/2020	Email from TB (Cadent) to GS-P (AECOM)	Cadent issue preferred diversion route plans to Highways England.
12/02/2020	Email from GS-P (AECOM) to TB (Cadent)	Highways England issue to Cadent land take plans.
17/02/2020	Email from MH (Cadent) to GS-P (AECOM)	Cadent issue to Highways England the draft design study and revised project estimate. The Design Study at C4 Stage established that the Cadent Alrewas-Ebstress High-Pressure Pipeline would NOT be affected by Major Highway Works within an existing boundary, therefore NRSWA section 84 and 85 would not apply to this particular project.
24/02/2020	Email from GS-P (AECOM) to MH (Cadent)	Request from Highways England to halt the progress of internal Cadent approval for commencement of Phase 2 and 3 until further instruction
02/04/2020	Email from NR (Highways England) to MH (Cadent)	Request from Highways England to recommence Phase 2 and 3 approvals process within Cadent
24/09/2020	Email from NR (Highways England) to MH (Cadent)	Highways England requested copy of the formal offer to progress detailed design and secure works agreement
28/09/2020	Email from MH (Cadent) to NR (Highways England)	Cadent confirm that they are going through the internal process to generate the agreement and will issue as soon as a draft is available.
07/10/2020	Email from JCH (AECOM) to MH (Cadent)	Representatives of Highways England requested details of where trial holes would need to be conducted on their existing apparatus to confirm the design so that it can be incorporated into a survey being commissioned.
15/10/2020	Email from MH (Cadent) to JCH (AECOM)	Cadent confirm they are currently in the process of preparing a Customer Agreement. Advice provided at a high level for locations to inspect.

- 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) Cadent Gas Limited 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 Cadent Gas Limited and Highways England.

Table 3-1: Issues

Issue	Comment	Highways England Response	Status	Agreement likely? (app) ¹	Agreement likely? (IP)
Diversion of High-Pressure Pipeline – Diversion Route (RR-010b)	Highways England requires a section of Cadent's high pressure gas pipeline to be diverted, but these diversions have as Cadent cannot operate their apparatus in compliance with national standards if the road scheme goes ahead. This diversion has not yet reached detailed design stage and so the positioning, land and rights required for the gas diversion included within the DCO may not fully encompass Cadent's requirements.	Highways England has liaised with Cadent through preliminary design to provide information to allow Cadent to prepare detailed design (C4) proposals for the affected assets. Highways England will continue to work collaboratively with Cadent to ensure that any diversions required are developed in agreement with Cadent.	Under discussion	High	
Diversion of High-Pressure Pipeline – Environmental Considerations (RR-010b)	Cadent's high pressure gas pipeline is affected in two sections by the proposed road scheme. The first section is covered by sheet 3 of the works plans and the pipeline would predominantly	Highways England will continue to work collaboratively with Cadent to ensure that any proposed planting does not create long term maintenance or access	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.

Issue	Comment	Highways England Response	Status	Agreement likely? (app) ¹	Agreement likely? (IP)
	be within work no. 75 (hedgerow and species rich grassland). Hedgerow planting over or in close proximity to the high-pressure pipeline would need to be carefully designed and agreed with Cadent to ensure it didn't restrict access to maintain the pipeline. The second section is shown by sheet 4 of the works plans and the proposed diversion of the high-pressure pipeline is indicated by work no. 68. A section of the proposed diversion runs through work no. 79 (woodland planting). It would not be acceptable to plant trees over the diverted high-pressure pipeline as it would remove access and the roots could damage the pipeline.	issues. Version 2 of the Environmental Masterplan [AS-086 to 092/6.2] submitted to the ExA on 9 October has been updated to address the concerns raised in relation to woodland and hedgerow planting over and in close proximity to the gas main diversion route. No dense tree planting is proposed within 10m of the utilities diversion in line with Cadent's guidance note on Tree planting restrictions near gas pipes.			
Rights provided to Cadent in the Development Consent Order (RR-010b)	Cadent will not decommission its existing apparatus and/or commission new apparatus until it has sufficient land and rights in land (to its satisfaction) to do so, whether pursuant to the DCO or otherwise. Highways England must provide Cadent with adequate easement land rights for relocated apparatus which include rights to retain, lay,	Highways England has developed the Land Plans and Development Consent Order Application to take cognisance of the requirements of Cadent and will await feedback from Cadent in respect to the provisions that are currently offered.	Under discussion	High	

Issue	Comment	Highways England Response	Status	Agreement likely? (app) ¹	Agreement likely? (IP)
	construct, inspect, maintain, protect, use, replace, renew and decommission				
Operation and Maintenance of Cadent Assets – Access (RR-010a)	Cadent's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the order limits should be maintained at all times and access to inspect such apparatus must not be restricted.	Highways England has developed the Land Plans and Development Consent Order Application to take cognisance of the requirements of Cadent and will await feedback from Cadent in respect to the provisions that are currently offered.	Under discussion	High	
Operation and Maintenance of Cadent Assets – Statutory Obligations (RR-010b)	It is important that sufficient rights are granted to allow Cadent to maintain its gas distribution network in accordance with its statutory obligations.	Highways England has developed the Land Plans and Development Consent Order Application to take cognisance of the requirements of Cadent and will await feedback from Cadent in respect to the provisions that are currently offered.	Under discussion	High	
Protective Provisions – Apparatus and Land Interests (RR-010a)	The documentation and plans submitted for the above proposed scheme have been reviewed in relation to impacts on Cadent's existing apparatus located within this area, and Cadent has identified that it will require adequate protective provisions to	Highways England has issued draft Protective Provisions to Cadent and is in ongoing discussions to ensure that both parties come to agreement on the Provisions provided in the Development Consent Order	Under discussion	Medium	

Issue	Comment	Highways England Response	Status	Agreement likely? (app) ¹	Agreement likely? (IP)
	be included within the DCO to ensure that its apparatus and land interests are adequately protected and to include compliance with relevant safety standards.	Application.			
Protective Provisions – Statutory Undertaking (RR-010c)	Adequate protective provisions for the protection of Cadent’s statutory undertaking have not yet been agreed between the parties.	Highways England has issued draft Protective Provisions to Cadent and is in ongoing discussions to ensure that both parties come to agreement on the Provisions provided in the Development Consent Order Application.	Under discussion	Medium	
Articles and Requirements Schedule 5: Purpose for which rights over land may be acquired	N/A In respect of the plots required for the diversion of Cadent’s apparatus, the purpose for which rights over land may be acquired is listed in Schedule 5 of the Draft Order as “to construct, operate, access and maintain a diversion to an existing high pressure gas main and associated infrastructure”. This is not broad enough to cover the rights that Cadent will require for its Apparatus. Cadent requires the permanent acquisition of adequate rights to Cadent’s satisfaction over the land where the gas pipelines are proposed to be diverted to.	The Applicant has not received any comments on the Articles or Requirements on the draft DCO from Cadent Gas Limited. This has been addressed by Highways England’s revised dDCO submitted at Deadline 2.	Under discussion	High	

Issue	Comment	Highways England Response	Status	Agreement likely? (app) ¹	Agreement likely? (IP)
	<p>Cadent requires the purpose to be amended to read: “to construct, operate, access, maintain, protect and decommission a diversion to an existing high pressure gas main and associated infrastructure”. (emphasis added)</p>				

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
RB	Ryan Bentley	Integrity Engineer	Cadent
CW	Cymma Wara	Plant Protection Co-ordinator	Cadent
TW	Tim Webley	Design Engineer	Cadent
MH	Mike Hodgkinson	Project Co-ordinator	Cadent
TB	Tom Bowling	Design Engineer Senior Land Officer	Cadent
<u>VC</u>	<u>Vicky Cashman</u>	<u>Senior Consents Officer</u>	<u>Cadent</u>