

M54 to M6 Link Road
TR010054

**8.8LIU(P) Draft Statement of Common
Ground with South Staffordshire Water**

APFP Regulation 5(2)(q)

Planning Act 2008

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

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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(P) Draft Statement of Common Ground with
South Staffordshire Water**

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| Author | M54 to M6 Link Road Project Team and Highways England |

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| 2 (P02) | Nov 2020 | Issue to ExA for Deadline 1 |
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STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) South Staffordshire Water.

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

Signed.....
[NAME]
[POSITION]
on behalf of South Staffordshire Water
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 South Staffordshire Water during the development of the Scheme and records Highways England's current understanding of the matters agreed and not agreed.**
- 1.1.5 A first draft was provided to South Staffordshire Water on 25 August 2020, and no comments have been received. A second draft has been issued on the 03 November 2020, and no comments have been received. 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) South Staffordshire Water ("SSW").
- 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 SSW supplies drinking water to approximately 1.3m people and approximately 35,000 commercial customers over 1,500 square km in the West Midlands, South Staffordshire, South Derbyshire, North Warwickshire and North Worcestershire areas.

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 SSW, 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 SSW.

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2 Record of Engagement

2.1.1 A summary of the key meetings and correspondence that has taken place between Highways England and SSW 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 DM (Amey) to records enquiries (SSW) | Highways England representative issued a request for a C3 Budget Estimate. |
| 20/11/2018 | Email from DM (Amey) to AM (SSW) | Highways England representative issued additional detailed draft proposed scheme plans to inform the C3 Budget Estimate. |
| 20/11/2018 | Email from DM (Amey) to AM (SSW) | Highways England representative issued more detailed draft proposed scheme plans as requested from meeting. |
| 23/11/2018 | Email from AM (SSW) to DM (Amey) | SSW inform Highways England that the plans provided do not provide enough information, request for CAD drawings for closer interrogation. |
| 02/01/2019 | Email from DM (Amey) to AM (SSW) | Highways England representatives issued the requested CAD drawings of the scheme layout. |
| 18/01/2019 | Email from DM (Amey) to AM (SSW) | Highways England representatives provided additional long section information in relation to Hilton Lane Overbridge. |
| 18/01/2019 | Email from DM (Amey) to AM (SSW) | Highways England representatives provided additional drawing information on general arrangement and options at Dark Lane. |
| 18/01/2019 | Email from DM (Amey) to AM (SSW) | Highways England representatives issued long section drawing of chainage 2300 – 3000. |
| 15/04/2019 | Meeting | Meeting to discuss the diversion options proposed by SSW. |
| 29/05/2019 | Email from DM (Amey) to AM (SSW) | Highways England representatives issued a request for C4 Detailed Estimate. |
| 16/08/2019 | Email from GS-P (AECOM) to AM (SSW) | Highways England representatives issued cross-section drawings of the proposed highway alignment. |
| 12/09/2019 | Meeting | Meeting to discuss design fix and outline any variation and also, to confirm C4 timelines. |
| 26/09/2019 | Email from DL (AECOM) to DT (Amey), GS-P (AECOM) and AMN (AECOM) | Highways England representatives issued meeting minutes capturing actions for both parties. |

| Date | Form of correspondence | Key topics discussed and key outcomes |
|------------|---|--|
| 22/10/2019 | Email from AM (SSW) to GS-P (AECOM) | SSW provided comments regarding Hilton Lane and Dark Lane by adding depths to utilities drawings and the distance between the highway boundary and top of ditch and considerations of existing utilities. |
| 15/01/2020 | Email from GS-P (AECOM) to AM (SSW) | Highways England representatives issued the draft Protective Provisions and public consultation brochure for consideration. |
| 13/07/2020 | Email from AM (SSW) to DL (AECOM) | SSW provided an update on the C4 Detailed Estimate status. |
| 19/08/2020 | Meeting | Meeting held to discuss the latest progress on the C4 Detailed Design Estimate and provide an update on the latest Scheme Changes which are to be consulted upon as part of the Development Consent Order Application. |
| 25/08/2020 | Email from DL (AECOM) to AM (SSW) | Email issuing meeting minutes from the 19 th August meeting and first draft SOCG. Clarification provided on elements of scheme change due to DCO considerations. |
| 17/09/2020 | Call between DL (AECOM) and AM (SSW) | Request for further information by SSW. |
| 21/09/2020 | Email from JH (AECOM) to AM (SSW) | Supplied responses to queries received on 17 th September. |
| 23/09/2020 | Email from AM (SSW) to JH (AECOM) | Representatives of SSW confirmed receipt of information and queried dimensions sizes of one asset. |
| 23/09/2020 | Email from JH (AECOM) to AM (SSW) | Representatives of Highways England provided clarity on the dimensions. |
| 30/09/2020 | Email from JH (AECOM) to AM (SSW) | Requested update on whether SSW have reviewed the draft Statement of Common Ground issued on the 25 th August 2020 (no comments received to date). |
| 05/11/2020 | Email from JH (AECOM) to AM (SSW) | Revised version of Statement of Common Ground that was submitted to the ExA for Deadline 1 provided. Requested update on whether SSW have reviewed the draft Statement of Common Ground issued on the 25 th August 2020 (no comments received to date). |
| 25/11/2020 | Email from Gowling to Shakespeare Martineau | Revised protective provisions and explanation of changes. |
| 02/12/2020 | Deadline 3A Submission | CT Planning on behalf of South Staffordshire Water plc - Comments on the Changes accepted on 29 October 2020 |
| 03/12/2020 | Email from Shakespeare | Identification of areas of concern for SSW. |

| Date | Form of correspondence | Key topics discussed and key outcomes |
|------|------------------------|---------------------------------------|
| | Martineau to Gowling | |

- 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) SSW 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 SSW 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 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) |
|--|--|--|------------------|--------------------------------------|------------------------|
| South Staffordshire Potable Water Diversion near Hilton Lane | SSW need to ensure that the proposed diversion of the existing 24-inch potable water main is confirmed | Highways England will work collaboratively with SSW to ensure that the diversion proposal meets their requirements. | Under discussion | High | |
| South Staffordshire Potable Water Diversion connection | The proposed connection point for the diversion needs to be confirmed by on site surveys. | Highways England will complete the necessary survey work and will liaise with SSW to ensure that the survey scope captures their requirements. | 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, pink = low likelihood of agreement.

| Issue | Comment | Highways England Response | Status | Agreement likely? (app) ¹ | Agreement likely? (IP) |
|---|--|---|------------------|--------------------------------------|------------------------|
| Continuity of Supply | There is no option that can be delivered where there is no risk to the maintenance of supply and levels of service to the 4,700 existing customers in the Penkridge area as well as those additional customers resulting from Development Plan commitments. Until a satisfactory design solution has been achieved for maintaining water supplies to the Penkridge area, SSW will object to the proposed M54-M6 link | Highways England will work collaboratively with SSW to ensure that the phasing of the diversion proposals factors in the requirement for a continuity of supply. | Under discussion | High | |
| Construction | Any works required to be carried out on SSW's assets must be planned and implemented to avoid risk of supply interruption or contamination, damage to the integrity of the water or sewerage networks, or environmental damage. | All diversion and protection works will be agreed with SSW in accordance with the new Roads and Street works Act 1991 to ensure that works are completed in accordance to SSW's satisfaction. | Under discussion | High | |
| Protective Provision – Continuity of Supply | Whilst Schedule 9 Part 1 of the draft DCO contains provisions for the protection of electricity, gas, water and sewerage undertakers, SSW wishes to ensure that it will remain able to deliver its essential public services at all times during the implementation of the works. | Highways England is actively engaging with SSW to ensure that protective provisions are agreed and will continue to provide updates on the status of these discussions throughout the course of the DCO examination period | Under discussion | Medium | |
| Protective Provision – Statutory Powers | It is essential to SSW that in the event of any alteration to or relocation of its assets, such work is carried out pursuant to SSW's statutory powers, so as to ensure that both existing and new water supply and sewerage assets unquestionably form part of SSW's statutory undertaking | Highways England is actively engaging with SSW to ensure that protective provisions are agreed and will continue to provide updates on the status of these discussions throughout the course of the DCO examination period. | Under discussion | Medium | |

| Issue | Comment | Highways England Response | Status | Agreement likely? (app) ¹ | Agreement likely? (IP) |
|---|--|---|------------------|--------------------------------------|------------------------|
| Protective Provision – Continuity of Public Service | SSW may therefore seek additions to the provisions contained in Schedule 9 Part 1, or alternatively to seek to conclude an agreement with Highways England, incorporating appropriate provisions to enable SSW to ensure that delivery of its statutory functions and essential public services are not put at risk. | Highways England is actively engaging with SSW to ensure that protective provisions are agreed and will continue to provide updates on the status of these discussions throughout the course of the DCO examination period. | Under Discussion | Medium | |
| Articles and Requirements | N/A | The Applicant has not received any comments on the Articles or Requirements on the draft DCO from South Staffordshire Water, apart from those already noted above. | Under Discussion | Medium | |
| Change 1 | This change to the scheme affects an area where we do not have any assets nor are looking to install any diverted assets. | Noted. | Agreed | Agreed | Agreed |
| Change 2 | The change to the scheme here will affect our proposals as it relates to the width of the link road. Despite comments in the statement of common ground, this was not discussed in our last review meeting, we noticed the change in subsequent documentation and have asked for further information and an updated CAD proposal. We have received the CAD proposal and incorporated into our design drawing. We have not received a drawing that shows the cross section of the drainage through the verge to determine any clash with our pipeline or if we are required to non-standard cover as a result of the presence of this drainage. | Noted. We will continue to work alongside SSW to develop the detailed estimate for the scheme. Required information will be provided to inform the design. | Under discussion | High | |

| Issue | Comment | Highways England Response | Status | Agreement likely? (app) ¹ | Agreement likely? (IP) |
|----------|--|--|------------------|--------------------------------------|------------------------|
| Change 3 | This change to the scheme affects an area where we do not have any assets nor are looking to install any diverted assets. | Noted. | Agreed | Agreed | Agreed |
| Change 4 | This change to the scheme affects an area where we do not have any assets nor are looking to install any diverted assets. | Noted. | Agreed | Agreed | Agreed |
| Change 5 | The change to the scheme here will affect our current proposals as it relates to the alignment of Hilton Lane. Our existing main is located within this section and there are some proposed diversionary works also within this section. Our works will have to be undertaken prior to any of the construction activities at this location so is dependent upon programme alignment to avoid any clashes or delays. Historical option of a diversion route via Hilton Lane overbridge has not been taken forward, as agreed by both HE & SSW, so have been not judged for impact in regard to this change. | Noted. The historic option to divert the asset via the Hilton Lane overbridge was discounted due to the size of the main being unable to locate this within the bridge deck structure. We will continue to work alongside SSW to develop the programme for the detailed estimate for the scheme. | Under discussion | High | |
| Change 6 | This change to the scheme affects an area where we do not have any assets nor are looking to install any diverted assets. | Noted. | Agreed | Agreed | Agreed |

| Issue | Comment | Highways England Response | Status | Agreement likely? (app) ¹ | Agreement likely? (IP) |
|----------|---|--|------------------|--------------------------------------|------------------------|
| Change 7 | The changes found on available plans do not appear to impact upon the position of current assets or proposed diversion works, however confirmation from the HE would ideally like to be sought in this regard. In particular the environmental master plan shows existing woodland remaining that either is a direct clash or very adjacent to our proposed diversion scheme. We require separate dialogue with the HE around the environmental impact of our work, the mitigation works as a consequence of habitat loss caused by the diversion works and future access arrangements that may be impacted by retention of existing habitat/vegetation or the planting of new. | Noted. We will continue to work alongside SSW to develop the detailed estimate for the scheme. Required information will be provided to inform the design. | Under discussion | High | |

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Appendix A Initials and details of individuals involved

| Initials | Name | Role or Discipline | Organisation |
|----------|------------------------|--------------------|---------------------------|
| AM | Andrew Morris | Diversion Lead | South Staffs Water |
| AMN | Alastair McNeill | Highways Lead | AECOM |
| GS-P | Gehan Sri-Pathmanathan | Highways Engineer | AECOM |
| DM | David MacMillan | Highways Engineer | Amey (on behalf of AECOM) |
| DT | Dyfan Thomas | Highways Lead | Amey (on behalf of AECOM) |
| DL | David Last | Principal Engineer | AECOM |
| JH | James Hemingway | Highways Lead | AECOM |