

M54 to M6 Link Road
TR010054
8.8LIU(R) 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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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) Statement of Common Ground with
Zayo**

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Author	M54 to M6 Link Road Project Team and Highways England

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1(P01)	03.11.2020	Issue to ExA for Deadline 1
2	January 2021	Issue to ExA for Deadline 4

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: 08/01/21

Signed 
Paul Wilson
Project Manager Diversionary Works
on behalf of Zayo
Date: 16/12/20

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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 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.

1.2 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
30/10/2018	Email from EOB (Amey) to zayodiversions@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.
05/11/2020	Email from JH (AECOM) to PW (Zayo)	Draft statement of Common Ground Issued to Zayo for review.
16/12/2020	Email from PW (Zayo) to JH (AECOM)	Zayo issued signed version of Draft Statement of Common Ground.

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.

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
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.	Agreed	Agreed
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.	Agreed	Agreed
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	Agreed	Agreed

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.

		collaboratively with Openreach to ensure 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.	Agreed	Agreed

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