

## M54 to M6 Link Road

TR10054

### 8.8 Statement of Commonality for Statements of Common Ground

APFP Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009  
Volume 8

January/November 2021

Infrastructure Planning

Planning Act 2008

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

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

---

**STATEMENT OF COMMONALITY FOR STATEMENTS  
OF COMMON GROUND**

---

<b>Planning Inspectorate Scheme Reference</b>	<del>TR0100054</del> <a href="#">TR010054</a>
<b>Application Document Reference</b>	8.8
<b>Author:</b>	M54 to M6 Link Road Project Team, Highways England

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
P01	November 2020	Issue to the ExA for Deadline 1
<a href="#">P02</a>	<a href="#">January 2021</a>	<a href="#">Issue to the ExA for Deadline 4</a>

## CONTENTS

<b>1</b>	<b>Introduction</b> .....	<b>1</b>
1.1	Purpose of this Document .....	1
1.2	Structure .....	1
<b>2</b>	<b>Structure of Statements of Common Ground</b> .....	<b>2</b>
2.1	Structure .....	2
2.2	List of SoCGs to be submitted .....	3
<b>3</b>	<b>Status of Statements of Common Ground</b> .....	<b>98</b>
3.1	Summary of current position .....	98
<b>4</b>	<b>Commonality</b> .....	<b>1645</b>
<b>5</b>	<b>Principal Matters</b> .....	<b>1948</b>

# 1 Introduction

## 1.1 Purpose of this Document

- 1.1.1 This Statement of Commonality for Statements of Common Ground (this "Statement") relates to an application made by Highways England (the "Applicant") to the Planning Inspectorate ("PINS") under Section 37 of the Planning Act 2008 (the "2008 Act") for a Development Consent Order (a "DCO"). If made, the DCO would grant consent for the Applicant to develop the M54 to M6 Link Road (the "Scheme"). A detailed description of the Scheme can be found in Chapter 2: The Scheme of the Environmental Statement [APP-041/6.1].
- 1.1.2 This Statement has been prepared to provide the Examining Authority (ExA) with the current position on Statements of Common Ground (SoCG) between Highways England and prescribed consultees, statutory undertakers and interested parties ("other parties") in relation to the Scheme.
- 1.1.3 It is the Applicant's intention to update this Statement during the course of the Examination as a record of progress that is being made with the various **SoCGs**. When sufficient progress has been made on agreements between parties, this document will also discuss areas of commonality between parties to enable efficient resolution of remaining issues.

## 1.2 Structure

- 1.2.1 The remainder of this Statement is structured as follows:
- **Section 2** details the structure of each SoCG document and provides an up to date list of SoCGs (for the relevant Examination Deadline).
  - **Section 3** provides an update on the status of each SoCG.
  - **Section 4** sets out the commonality between SoCGs and provides an overview of the position reached on key issues with respective SoCGs.
  - **Section 5** of this Statement sets out the collective position on key principal matters.

Formatted: Indent: Left: 0 cm, First line: 0 cm, Space After: 0 pt

Formatted: Indent: Left: 0 cm, First line: 0 cm, Space After: 0 pt



## 2 Structure of Statements of Common Ground

### 2.1 Structure

2.1.1 To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the ~~SoCGs~~ adopted a standard format in order to provide clarity to other parties and the ExA.

~~Each SoCG has the following structure:-~~

- ~~• Section 1: provides an introduction to the SoCG and a description of its purpose.~~
- ~~• Section 2: states the engagement that has occurred between the Applicant and other Party.~~
- ~~• Section 3: sets out any issues that have arisen in relation to the Environmental Statement or in any other document relevant to the Examination, reporting on the status of each issue, i.e. whether it is agreed, still under discussion or not agreed, and any remaining actions.~~
- ~~• Section 4: Where relevant this sets out any other matters not included elsewhere.~~
- ~~• Appendices: which contain any relevant document not forming part of the application, including a list of initials of those who are referred to in the record of engagement and any documents that are referenced in the SoCG (e.g. emails / meeting notes / data).~~

2.1.2 Table 2-1 lists the abbreviations used throughout all of the SoCGs.

**Table 2-1: Abbreviations**

Abbreviation	In Full
<b>CEMP</b>	Construction Environmental Management Plan
<b>CoC</b>	Chamber of Commerce
<b>CRTN</b>	Calculation of Road Traffic Noise
<b>CWC</b>	City of Wolverhampton Council
<b>DCO</b>	Development Consent Order
<b>DMRB</b>	Design Manual for Roads and Bridges
<b>EA</b>	Environment Agency
<b>EIA</b>	Environmental Impact Assessment
<b>ES</b>	Environmental Statement
<b>ExA</b>	Examining Authority
<b>FEH</b>	Flood Estimation Handbook
<b>FRA</b>	Flood Risk Assessment
<b>GCN</b>	Great Crested Newt
<b>GI</b>	Ground Investigation
<b>HAWRAT</b>	Highways Agency Water Risk Assessment Tool
<b>HB</b>	Historic Building

Formatted: Indent: Left: 1.99 cm, First line: 0 cm, Space After: 0 pt

Formatted: Font: Not Bold

Formatted: Font: Not Bold

Formatted: Indent: Left: 1.99 cm, Space Before: 0 pt, Tab stops: Not at 1.99 cm

Abbreviation	In Full
<b>HE</b>	Highways England
<b>HEng</b>	Historic England
<b>HEC-RAS</b>	Hydrologic Engineering Centre's River Analysis System
<b>HEGS</b>	Hedgerow Evaluation and Grading Systems
<b>HGVs</b>	Heavy Goods Vehicles
<b>HHA</b>	Human Health Assessment
<b>HRA</b>	Habitat Regulations Assessment
<b>LA</b>	Local Authority
<b>LEP</b>	Local Enterprise Partnership
<b>LLFA</b>	Lead Local Flood Authority
<b>LVIA</b>	Landscape Visual impact Assessment
<b>MACE</b>	Multi-sensory array cart system
<b>NEng</b>	Natural England
<b>NPSNN</b>	National Policy Statement for National Networks
<b>NT</b>	National Trust
<b>OS</b>	Ordnance Survey
<b>PM</b>	Project Manager
<b>PIER</b>	Preliminary Environmental Information Report
<b>PINS</b>	Planning Inspectorate
<b>PPT</b>	PowerPoint
<b>PRoW</b>	Public Rights of Way
<b>pWFDa</b>	Preliminary Water Framework Directive Assessment
<b>S42</b>	Section 42
<b>SAC</b>	Special Area of Conservation
<b>SBI</b>	Sites of Biological Importance
<b>SCC</b>	Staffordshire County Council
<b>SSC</b>	South Staffordshire Council
<b>SoCC</b>	Statement of Community Consultation
<b>SoCG</b>	Statement of Common Ground
<b>SoS</b>	Secretary of State
<b>SRN</b>	Strategic Road Network
<b>TMP</b>	Traffic Management Plan
<b>TPO</b>	Tree Preservation Order
<b>TRO</b>	Traffic Regulation Order
<b>WCC</b>	Wolverhampton County Council
<b>WCHAR</b>	Walking, cycling & horse-riding assessment and review
<b>WFD</b>	Water Framework Directive
<b>WSI</b>	Written Scheme of Investigation

## 2.2 List of SoCGs to be submitted

- 2.2.1 Highways England began the preparation of SoCGs with a number of parties it considered beneficial to do so with during the preparation of the DCO Application,

Formatted: Indent: Left: 1.99 cm, Space Before: 0 pt, Tab stops: Not at 1.99 cm

Formatted: Left, Indent: First line: 0 cm, Space Before: 0 pt

with the SoCG with Natural England submitted with the application on 30 January 2020 [APP-221/7.3]. Future iterations of the Natural England SoCG have been re-numbered as document 8.8P8 P(B) so that it contains the same numbering system as the other SoCGs.

- 2.2.2 After submission, Highways England began the preparation of several other SoCGs with further specific parties which were also requested by the ExA through the Rule 6 letter dated 20 August 2020. Table 2-2 lists all the SoCG under preparation and the stage of production.
-



**Table 2.2-2: Status of SoCGs**

Party	Required by ExA	Current status of draft
<b>Local Authorities (LA)</b>		
Staffordshire County Council	Yes	Draft provided on 25/10/20, comments received 03/11/20 and incorporated <u>into the version submitted at Deadline 1. A revised version was issued to SCC on 04/01/21, with comments received on 07/01/21.</u> <u>A revised version is submitted at Deadline 4.</u> To the best of the Applicant's knowledge, this is an agreed draft.
South Staffordshire Council	Yes	Draft provided on 24/10/20, comments received 02/11/20 and 03/11/20 and incorporated <u>as far as possible into the draft submitted at Deadline 1.</u> <u>A revised version was issued to SSC on 09/12/20, with comments received on 06/01/21 and 08/01/21. All comments have been incorporated into the version issued at Deadline 4.</u> To the best of the Applicant's knowledge, <u>this the version submitted at Deadline 4</u> is an agreed draft.
City of Wolverhampton Council	Yes	Draft provided on 24/10/20, comments received on 02/11/20 and incorporated <u>into the best of the Applicant's knowledge, this is an agreed draft submitted for Deadline 1. There remains little left to discuss with CWC and a revised draft is not submitted for Deadline 4.</u>
Shropshire Council	Yes	Draft provided on 02/11/20, <u>no</u> and submitted at Deadline 1. <u>No comments have been received so this document was not re-submitted at Deadline 4. The Applicant does not believe there are any areas of discussion outstanding with Shropshire Council but is awaiting confirmation.</u>
<b>Prescribed Bodies (P)</b>		
Environment Agency	Yes	First draft issued to party on 27/03/20 and second draft on 24/08/20. Comments received on 03/09/20 and 16/09/20. Third draft issued to party on <u>30/03/11/20</u> , <u>and submitted at Deadline 1.</u> <u>A revised version was issued on 22/12/20 and was submitted at Deadline 4.</u> To the best of the Applicant's knowledge, this is an agreed draft.
Natural England	Yes	First draft issued to party on 10/01/20, with first draft issued with the DCO application on 30/01/20. Comments received on 23/03/20. Second draft issued on 15/10/20, with comments received on 27/10/20 and incorporated <u>into the versions submitted at Deadline 4.</u> <u>A revised version was issued on 16/12/20, comments have been received and incorporated.</u> To the best of the Applicant's knowledge, <u>this the version submitted at Deadline 4</u> is an agreed draft.
Historic England	Yes	First draft issued on 25/03/20 with comments received on 12/05/20. Second draft issued, with comments received on 21/10/20. <u>To the best of the Applicant's knowledge the draft submitted at Deadline 1 was an agreed draft.</u> <u>A revised version was issued on 18/12/20 comments were received on 22/12/20 and have been incorporated. One minor update was agreed under separate correspondence with HE on 05/01/21 and has been incorporated. To the best of the Applicant's knowledge, the version submitted at Deadline 4 is an agreed draft.</u>
Hilton, Featherstone & Shareshill Parish Councils	No	First draft issued on 10/09/20, no comments received. Second draft issued on 03/11/20 when submitted to the ExA <u>so no comments received at Deadline 1.</u> <u>This was not an agreed draft but the Applicant's understanding of the position.</u> <u>A revised draft was issued on 11/12/20 which incorporated Written Rep submissions. No comments have been received and this SoCG has not been submitted at Deadline 4.</u>

Formatted: Font: Arial, 12 pt, Not Italic, Font color: Auto, English (United States), Not Expanded by / Condensed by

Formatted: English (United States)

Formatted: Caption, Indent: Left: 0.75 cm, Hanging: 1.23 cm, Space Before: 0 pt, Keep with next

Formatted: Font: Arial, 12 pt, Not Italic, Font color: Auto, English (United States), Not Expanded by / Condensed by

Formatted Table

Party	Required by ExA	Current status of draft
<b>Land Interests and Utilities (LIU)</b>		
Allow Ltd	Yes	First draft issued to party on 08/04/20, draft discussed but no comments received. Second draft issued on 02/11/20. -The submitted draft at Deadline 1 <del>does</del> not represent an agreed position-. <u>Comments were received on 03/11/20.</u>  <u>A significant number of issues remaining outstanding with Allow Ltd, with discussions likely to move on following reviews of information submitted by both parties at Deadline 4. Given that agreement has not be reached on many of the key issues, a revised draft has not been submitted at Deadline 4.</u>
William Bibbey	No	First draft issued to party on 03/11/20 <del>so not yet reviewed by them.</del> The submitted draft at Deadline 1 <del>does</del> not represent an agreed position. <u>Comments were received on 09/11/20. The revised version submitted at Deadline 4 incorporates these comments.</u>
Robert Edward Rowe	No	First draft was provided to Mr Rowe on 27/07/2020. The contents of the first draft were discussed with Mr Rowe but no formal comments <del>have been</del> were received. A second draft was provided to Mr Rowe on 03/11/2020. The submitted draft at Deadline 1 <del>does</del> not represent an agreed position. <u>A revised version has been submitted at Deadline 4 to take into account comments received on 09/12/20 and to show how discussions have moved on.</u>
Nigel Simkin and Paul Simkin	Yes	First draft was provided to Mr N & Mr P Simkin on 15/07/2020. The contents of the first draft were discussed with Mr N & Mr P Simkin but no formal comments have been received. A second draft was provided to Mr N & Mr P Simkin on 03/11/2020. The submitted draft at Deadline 1 <del>does</del> not represent an agreed position. <u>Comments were received on 10/12/20 and are being reviewed. A revised draft is not submitted at Deadline 4.</u>
Mark Commins, Brookfield Farm and Tracey Claire Commins, The Bungalow, Brookfield Farm	No	First draft was provided to Mr Mark Commins and Ms Tracey Commins on 15/07/2020. The contents of the first draft was discussed with Mr Mark Commins and Ms Tracey Commins but no formal comments <del>have had</del> been received. A second draft was provided to Mr Mark Commins and Ms Tracey Commins on 03/11/2020. The submitted draft at Deadline 1 <del>does</del> not represent an agreed position. <u>The revised version issued at Deadline 4 takes into account comments received on 25/11/20 and 02/12/20.</u>
Michael John Alfred Byard	Yes	First draft was provided to Mr Michael Byard on 26/10/2020 <del>with no comments received to date. This First. The first</del> draft is submitted at Deadline 1 <del>and does</del> not represent an agreed position. <u>The revised version submitted at Deadline 4 takes account of the comments received on 30/10/20 and comments made during the meeting on 23/11/20.</u>
Barry and Valerie Jones	Yes	First draft was provided to Mr Barry & Mrs Valerie Jones on 19/08/2020 but no comments <del>have been</del> were received. A second draft was issued to Mr Barry & Mrs Valerie Jones on 30/10/2020. <del>It is this second version which is</del> <u>This was</u> submitted at Deadline 1 <del>and does.</del> <u>Comments were received on 10/12/20. These comments are being reviewed, a revised draft has not represent an agreed position been submitted at Deadline 4.</u>

M54 to M6 Link Road  
Statement of Commonality

Party	Required by ExA	Current status of draft
Ian Simkin and Adrian Simkin	Yes	<p>First draft was provided to Mr Ian Simkin and Mr Adrian Simkin on 26/10/2020- <del>and it is this</del>, which was submitted at Deadline 1.</p> <p><del>Comments were received on 03/11/20 which have been incorporated into the version submitted at Deadline 4. It 4. This document also documents discussions arising from meetings and e-mail correspondence since this date, including on the change to the Land Plans accepted into the Examination on 7 January 2021. The draft submitted at Deadline 4 was submitted to the landowner on 6 January 2021 but as no comments have yet been received it does not represent an formally agreed position.</del></p>
Mrs Whitehouse & Mrs S L M Arblaster	Yes	<p>First draft was issued to Mrs Elizabeth Whitehouse and Mrs Stella Arblaster on 16/07/2020 with no comments <del>having been</del> received. A second draft was issued to Mrs Elizabeth Whitehouse and Mrs Stella Arblaster on 30/10/2020 <del>and it is this version, which was</del> submitted at Deadline 1. <del>It does</del></p> <p><del>Comments were received on 10/12/20 and these are being reviewed. A revised draft was not represent an agreed positions submitted at Deadline 4.</del></p>
Nurton Developments (Hilton) Limited	Yes	<p>First draft was issued to Nurton Developments Ltd on 07/10/2020. A second version was issued to reflect an additional area of land over which Nurton Developments has a Category 2 interest. It is this version that <del>is was</del> submitted at Deadline 1.</p> <p>Comments were received from Nurton Developments on the first draft on 28/10/2020 <del>but</del>. <del>These comments were incorporated into a revised draft issued to Nurton on 22 December 2020. No comments have not yet been addressed received on this second draft but as it incorporates Nurton's previous comments, the revised version has been submitted</del> at Deadline 4. The current draft does not represent an agreed position.</p>
The National Trust for Places of Historic Interest or Natural Beauty	Yes	<p>First draft was provided to NT on 23/10/2020. Minor comments on the 'Record of Engagement' were received on 02/11/2020 and <del>have been were</del> incorporated within the Deadline 1 draft. <del>NT are expected to provide</del></p> <p><del>Further comments were provided on the wider issues in due course 11/12/20 and these will be addressed in subsequent revisions during the course of the examination. The current are incorporated into the draft does not represent an agreed positions submitted at Deadline 4. It is anticipated that a signed SoCG can be provided shortly after Deadline 4.</del></p>
BT	Yes	<p>First draft was provided to Openreach on 03/11/2020 and is the version submitted at Deadline 1. <del>The current</del> This draft <del>does did</del> not represent an agreed position.</p> <p><del>No comments have been received so no draft was submitted at Deadline 4.</del></p>
Cadent Gas	Yes	<p>First draft was provided to Cadent on 03/11/2020 and <del>is was</del> the version submitted at Deadline 1. <del>The current draft does</del> Comments were provided on 25/11/20 and have been incorporated. Further information was provided on 07/01/21 and is being reviewed. Therefore, this SoCG has not represent an agreed position <del>been</del> submitted at Deadline 4.</p>
Severn Trent Water	Yes	<p>First draft provided to STW on 25/08/2020 with no comments received to date. A second draft was provided to STW on 03/11/2020 and <del>is was</del> the version submitted at Deadline 1. The current draft does not represent an agreed position.</p> <p><del>No comments have been received so no draft was submitted at Deadline 4.</del></p>

M54 to M6 Link Road  
Statement of Commonality

Party	Required by ExA	Current status of draft
South Staffordshire Water	Yes	First draft provided to SSW on 25/08/2020 with no comments received <del>to date</del> by <u>Deadline 1</u> . A second draft was provided to SSW on 03/11/2020 and <del>is</del> <u>was</u> the version submitted at Deadline 1.  <del>The current draft does not represent an agreed position</del> <u>SoCG has been updated for Deadline 4, taking into account comments made in SSW's submission to the ExA.</u>
Western Power Distribution	Yes	First draft was provided to WPD on 03/11/2020 and is the version submitted at Deadline 1. The current draft does not represent an agreed position. <u>No comments have been received so no draft was submitted at Deadline 4.</u>
Zayo	Yes	First draft was provided to Zayo on 03/11/2020 and is the version submitted at Deadline 1. <del>The current draft does not represent an agreed position</del> <u>A signed version with comments was received on 16/12/20, and therefore a final version has been submitted at Deadline 4.</u>
Vodafone	Yes	First draft was provided to Vodafone on 03/11/2020 and <del>is</del> <u>was</u> the version submitted at Deadline 1. <del>The</del> <u>This</u> current draft <del>does</del> <u>did</u> not represent an agreed position. <u>No comments have been received so no draft was submitted at Deadline 4.</u>
<b>Other (O)</b>		
M6 Diesel	Yes	First draft was provided to M6 Diesel on 02/09/2020. Comments were received on 02/10/2020 and incorporated into a second draft issued to M6 Diesel on 30/10/2020. The second draft <del>is</del> <u>was</u> the version submitted at Deadline 1. <del>The current draft does, but did</del> not represent an agreed position. <u>Comments were received on 15/12/20, and a revised version has therefore been submitted at Deadline 4. To the best of the Applicant's knowledge, this represents an agreed draft.</u>
Four Ashes Limited	Yes	First draft was provided to Four Ashes Ltd on 23/10/20. Comments were received on 28/10/2020 and incorporated into a second draft issued to Four Ashes Ltd on 03/11/2020. The second draft <del>is</del> <u>was</u> the version submitted at Deadline 1. <del>The current draft does not represent an agreed position</del> <u>No version was submitted at Deadline 4.</u>
St Francis Group	Yes	First draft was provided to St Francis Group on 22/10/20. Comments were received on 28/10/2020 and incorporated into a second draft issued to St Francis Group on 29/10/2020. The second draft <del>is</del> <u>was</u> the version submitted at Deadline 1. <del>The current</del> <u>This</u> draft <del>does</del> <u>did</u> not represent an agreed position. <u>Following meetings and e-mail discussions the SoCG was updated and sent to St Francis Group for review on 6 January 2020. Discussions on outstanding matters are ongoing and it was agreed not to issue an updated draft SOCG at Deadline 4.</u>
Staffordshire Wildlife Trust	Yes	First draft was provided to SWT on 27/10/20 with no comments having yet been received. The first draft <del>is</del> <u>was</u> the version submitted at Deadline 1. <del>The current draft does not represent</del> <u>A revised version has been submitted at Deadline 4, which incorporates comments made by SWT. To the best of the Applicant's knowledge this is an agreed position draft.</u>

Formatted: Font: Not Bold

Formatted: Font: Not Bold

## 3 Status of Statements of Common Ground

### 3.1 Summary of current position

3.1.1 This section provides an update on the status of each SoCG. ~~Where progress has been made with a party, the latest version of the SoCG (as at Deadline 1 on 3 November 2020) has been submitted alongside this document.~~

3.1.2 Table 3-1 provides a high-level position and where necessary includes further detail to aid understanding for the ExA. In summary, the high-level positions used in Table 3-1 are as follows:

- **SoCG in draft** – The SoCG has been drafted by Highways England, and has been shared with the other party.
- **SoCG with matters outstanding** – The SoCG has been shared with the other party and comments have been received. ~~The parties are actively working towards resolving outstanding queries.~~
- **Final Signed SoCG with matters outstanding** – The final version of the SoCG has been signed by both parties, and there remain matters outstanding that Highways England and the other party agree will not be resolved during examination.
- **Final Signed SoCG with all matters agreed** – The final version of the SoCG has been signed by both parties and all matters are agreed.

3.1.3 Where SoCGs have been submitted at ~~Deadline 1~~ with matters subject to further discussion ('SoCG with matters outstanding'), all parties will continue to review these matters in order that a final version can be provided at the earliest opportunity.

Formatted: Font: Not Bold

Formatted: Font: Not Bold

**Table 3-1: Status of SoCGs at Deadline ~~1, 03 November 2020~~, 8 January 2021**

Document Reference	Party	Position at Deadline 1 03 November 2020	Position at Deadline 3 24 November 2020	Position at Deadline 4 08 January 2021 (Revised & Updated <del>SoCGs</del> SoCGs Due)	Position at Deadline 5 20 January 2021	Position at Deadline 6 12 February 2021	Position at Deadline 7 26 March 2021	Position at Deadline 8 07 April 2021 (FINAL <del>SoCGs</del> SoCGs)
<b>Local Authorities (LA)</b>								
8.8 LA(A)	Staffordshire County Council	SoCG matters outstanding with	<del>SoCG matters outstanding</del> with	<del>SoCG matters outstanding</del> with				
8.8 LA(B)	South Staffordshire Council	SoCG matters outstanding with	<del>SoCG matters outstanding</del> with	<del>SoCG matters outstanding</del> with				
8.8 LA(C)	City of Wolverhampton Council	SoCG matters outstanding with	<del>SoCG matters outstanding</del> with	<del>SoCG matters outstanding</del> with				
8.8 LA(D)	Shropshire Council	SoCG in draft	<del>SoCG in draft</del>	<del>SoCG in draft</del>				
<b>Prescribed Consultees (P)</b>								

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Document Reference	Party	Position at Deadline 1 03 November 2020	Position at Deadline 3 24 November 2020	Position at Deadline 4 08 January 2021 (Revised & Updated <u>SoCG's</u> <u>SoCGs</u> Due)	Position at Deadline 5 20 January 2021	Position at Deadline 6 12 February 2021	Position at Deadline 7 26 March 2021	Position at Deadline 8 07 April 2021 (FINAL <u>SoCG's</u> <u>SoCGs</u> )
8.8 P(A)	Environment Agency	SoCG with matters outstanding	<u>SoCG with matters outstanding</u>	<u>SoCG with matters outstanding</u>				
8.8 P(B)	Natural England	SoCG with matters outstanding	<u>SoCG with matters outstanding</u>	<u>SoCG with matters outstanding</u>				
8.8 P(C)	Historic England	SoCG with matters outstanding	<u>SoCG with matters outstanding</u>	<u>SoCG with matters outstanding</u>				
8.8P(D)	Hilton, Featherstone & Shareshill Parish Councils	SoCG in draft	<u>SoCG in draft</u>	<u>SoCG in draft</u>				
<b>Land Interests and Utilities (LIU)</b>								
8.8 LIU(A)	Allow Ltd	SoCG in draft	<u>SoCG with matters outstanding</u>	<u>SoCG with matters outstanding</u>				

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Document Reference	Party	Position at Deadline 1 03 November 2020	Position at Deadline 3 24 November 2020	Position at Deadline 4 08 January 2021 (Revised & Updated <u>SoCG's/SoCGs</u> Due)	Position at Deadline 5 20 January 2021	Position at Deadline 6 12 February 2021	Position at Deadline 7 26 March 2021	Position at Deadline 8 07 April 2021 (FINAL <u>SoCGs/SoCGs</u> )
8.8 LIU(B)	William Bibbey, c/o Paul Mourton Lodders Solicitors LLP	SoCG in draft	<u>SoCG in draft</u> with <u>matters</u> <u>outstanding</u>	<u>SoCG in draft</u> with <u>matters</u> <u>outstanding</u>				
8.8 LIU(C)	Robert Edward Rowe	SoCG in draft	<u>SoCG in draft</u>	<u>SoCG in draft</u> with <u>matters</u> <u>outstanding</u>				
8.8 LIU(D)	Nigel Simkin and Paul Simkin	SoCG in draft	<u>SoCG in draft</u>	<u>SoCG in draft</u> with <u>matters</u> <u>outstanding</u>				
8.8 LIU(E)	Mark Commins, Brookfield Farm and Tracey Claire Commins, The Bungalow, Brookfield Farm	SoCG in draft	<u>SoCG in draft</u>	<u>SoCG in draft</u> with <u>matters</u> <u>outstanding</u>				
8.8 LIU(G)	Michael John Alfred Byard	SoCG in draft	<u>SoCG in draft</u>	<u>SoCG in draft</u> with <u>matters</u> <u>outstanding</u>				

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic



Document Reference	Party	Position at Deadline 1 03 November 2020	Position at Deadline 3 24 November 2020	Position at Deadline 4 08 January 2021 (Revised & Updated SoCG's SoCGs Due)	Position at Deadline 5 20 January 2021	Position at Deadline 6 12 February 2021	Position at Deadline 7 26 March 2021	Position at Deadline 8 07 April 2021 (FINAL SoCG's SoCGs)
8.8 LIU(H)	Barry and Valerie Jones	SoCG in draft	<u>SoCG in draft</u>	<u>SoCG with matters outstanding</u>				
8.8 LIU(I)	Ian Simkin and Adrian Simkin	SoCG in draft	<u>SoCG with matters outstanding</u>	<u>SoCG with matters outstanding</u>				
8.8 LIU(J)	Elizabeth Whitehouse	SoCG in draft	<u>SoCG in draft</u>	<u>SoCG with matters outstanding</u>				
8.8 LIU(K)	Nurton Developments (Hilton) Limited	SoCG with matters outstanding	<u>SoCG with matters outstanding</u>	<u>SoCG with matters outstanding</u>				
8.8 LIU(L)	The National Trust for Places of Historic Interest or Natural Beauty	SoCG with matters outstanding	<u>SoCG with matters outstanding</u>	<u>SoCG with matters outstanding</u>				
8.8 LIU(M)	BT	SoCG in draft	<u>SoCG in draft</u>	<u>SoCG in draft</u>				

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Document Reference	Party	Position at Deadline 1 03 November 2020	Position at Deadline 3 24 November 2020	Position at Deadline 4 08 January 2021 (Revised & Updated SoCG's/SoCGs Due)	Position at Deadline 5 20 January 2021	Position at Deadline 6 12 February 2021	Position at Deadline 7 26 March 2021	Position at Deadline 8 07 April 2021 (FINAL SoCGs/SoCGs)
8.8 LIU(N)	Cadent Gas	SoCG in draft	<u>SoCG in draft</u>	<u>SoCG with matters outstanding</u>				
8.8 LIU(O)	Severn Trent Water	SoCG in draft	<u>SoCG in draft</u>	<u>SoCG in draft</u>				
8.8 LIU(P)	South Staffordshire Water	SoCG in draft	<u>SoCG in draft</u>	<u>SoCG with matters outstanding</u>				
8.8 LIU(Q)	Western Power Distribution	SoCG in draft	<u>SoCG in draft</u>	<u>SoCG in draft</u>				
8.8 LIU(R)	Zayo	SoCG in draft	<u>SoCG in draft</u>	<u>Final signed SoCG with all matters agreed</u>				
8.8 LIU(S)	Vodafone	SoCG in draft	<u>SoCG in draft</u>	<u>SoCG in draft</u>				

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Document Reference	Party	Position at Deadline 1 03 November 2020	Position at Deadline 3 24 November 2020	Position at Deadline 4 08 January 2021 (Revised & Updated <u>SoCG's SoCGs</u> Due)	Position at Deadline 5 20 January 2021	Position at Deadline 6 12 February 2021	Position at Deadline 7 26 March 2021	Position at Deadline 8 07 April 2021 (FINAL <u>SoCG's SoCGs</u> )
<b>Other</b>								
8.8 O(A)	M6 Diesel	SoCG with matters outstanding	<u>SoCG with matters outstanding</u>	<u>SoCG with matters outstanding</u>				
8.8 O(B)	Four Ashes Limited	SoCG in draft	<u>SoCG with matters outstanding</u>	<u>SoCG with matters outstanding</u>				
8.8 O(C)	St Francis Group	SoCG with matters outstanding	<u>SoCG with matters outstanding</u>	<u>SoCG with matters outstanding</u>				
8.8 O(D)	Staffordshire Wildlife Trust	SoCG with matters outstanding	<u>SoCG with matters outstanding</u>	<u>SoCG with matters outstanding</u>				

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

Formatted: Font: Not Italic

## 4 Commonality

4.1.1 This section of the Statement ~~will provide~~provides a summary of principal issues covered in the SoCGs and ~~demonstrate~~demonstrates where there is commonality in the topics or matters. ~~This section has been provided at Deadline 1 to enable the ExA to comment on the format to ensure it is as useful as possible.~~

Formatted: Indent: Left: 0 cm, First line: 0 cm

4.1.2 Table 4-1 is presented in such a way to show topics covered within the various SoCGs, how these are relevant to each other party, and a position for each topic, as follows:

Formatted: Font: Not Bold

	Matter agreed
	Matter subject to further discussion
	Matter not agreed

~~4.1.3 At Deadline 4, the Applicant is still awaiting feedback from a number of parties on draft SoCGs issued at Deadline 1. For clarity, where the Applicant considers matters have a high degree of certainty of being agreed and is awaiting the parties confirmation that this is the case, these are marked as 'Green' within Table 4-1.~~

Formatted: Font: Not Bold, Not Italic

4.1.4 Where a matter is not relevant to the other party, it is not included within the SoCG and therefore shown as blank in Table 4-1.

~~As per Table 3-1 above as several SoCG's have only recently been issued to parties it is the Applicant's intention to revise this Statement of Commonality and complete Table 4-1 at Deadline 3.~~

Formatted: Centered, Indent: Left: 1.99 cm, First line: 0 cm

Table 4-1: Table of Commonality (draft table to be completed at a later deadline)Deadline 4)

SoCG Ref.	(part)	Party	Principle of Development	Draft DCO	Protective Provisions	Other Consents and Licenses	CEMP and Associated Documents	Design and Engineering	Compulsory Purchase/ Land Acquisition	Weight Restriction on A460	Transport – Non-Motorised	Traffic Impact & Management	Planning Policy	Assessment of Alternatives	EIA Methodology	Air Quality	Cultural Heritage	Landscape & Visual	Biodiversity	Geology & Soils	Material Assets & Waste	Noise & Vibration	Population & Health	Road Drainage & Water Environment	Climate	Cumulative
LA(A)		SCC																								
LA(B)		SSC																								
LA(C)		CWC																								
LA(D)		SC																								
P(A)		Environment Agency																								
P(B)		Natural England																								
P(C)		Historic England																								
P(D)		Hilton, Featherstone and Shareshill Parish Councils																								
LIU(A)		Allow Limited																								
LIU(B)		William Bibbey																								
LIU(C)		Robert Edward Rowe																								
LIU(D)		Nigel and Paul Simkin																								
LIU(E)		Mark Commins and Tracey Commins																								
LIU(G)		Michael John Alfred Byard																								
LIU(H)		Barry and Valerie Jones																								
LIU(I)		Ian Simkin and Adrian Simkin																								
LIU(J)		Elizabeth Whitehouse																								
LIU(K)		Nurton Limited																								
LIU(L)		The National Trust for Places of Historic Interest or Natural Beauty																								
LIU(M)		BT																								
LIU(N)		Cadent Gas																								
LIU(O)		Severn Trent Water																								
LIU(P)		South Staffordshire Water																								

M54 to M6 Link Road  
Statement of Commonality

SoCG Ref.	(part)	Party	Principle of Development	Topics																						
				Draft DCO	Protective Provisions	Other Consents and Licenses	CEMP and Associated Documents	Design and Engineering	Compulsory Purchase/ Land Acquisition	Weight Restriction on A460	Transport – Non-Motorised	Traffic Impact & Management	Planning Policy	Assessment of Alternatives	EIA Methodology	Air Quality	Cultural Heritage	Landscape & Visual	Biodiversity	Geology & Soils	Material Assets & Waste	Noise & Vibration	Population & Health	Road Drainage & Water Environment	Climate	Cumulative
LIU(Q)		Western Power Distribution																								
LIU(R)		Zayo																								
LIU(S)		Vodafone																								
O(A)		M6 Diesel																								
O(B)		Four Ashes Limited																								
O(C)		St Francis Group																								
O(D)		Staffordshire Wildlife Trust																								

## 5 Principal Matters

5.1.1 The following section ~~will provide~~provides a narrative on the specific topic areas which are the subject of on-going discussion with key stakeholders- (i.e. there is not yet agreement). This section ~~will provide~~provides the ExA with a summary of the position on ~~each technical matter~~the outstanding matters, with this section ~~to be~~ arranged by topic. Where relevant, cross referencing will be made to specific SoCGs.

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

5.1.2 At this stage of the Examination, Highways England is awaiting feedback from a number of parties on the first draft SoCG. ~~Accordingly, Section 5 will be completed as part of a revised Statement of Commonality at Deadline 3, as set out within Table 3-1 above. It is the Applicant's view that many matters will shortly be agreed and there is a high degree of confidence of this as demonstrated by the rating given within each SoCG. The focus for Section 5 is on those issues which are less certain to be agreed.~~

Formatted: Font: Not Bold, Not Italic

Formatted: Font: 12 pt

5.1.3 Accordingly, Section 5 will be the subject of further revision at subsequent deadlines.

### Draft DCO

5.1.4 The SoCG as drafted at Deadline 1 with SCC sets a clear expectation that the majority of matters relating to the Draft DCO are either already agreed or have a high likelihood of being agreed. However, it is acknowledged that the Applicant is still awaiting comments from SCC in respect of specific Articles and Requirements.

5.1.5 This is with one notable exception in relation to protective provisions. The Applicant acknowledges that on other DCOs SCC has agreed specific protective provisions with the Applicant, but the but considers this not to be necessary in this instance due principally to the Applicant being another highway authority where they have significant experience of undertaking works in line with the requirements of DMRB. The Applicant is discussing further with SCC how this concern can be resolved and it is anticipated that a solution is likely to be found.

5.1.6 SSC raised two points on the draft DCO on 06 January 2021 and 8 January 2021. The Applicant has not yet considered these points but will do so following Deadline 4. Apart from those points, SSC does not raise any points themselves but supports SCC in the points made by the County Council.

5.1.7 Discussions with both NEng, and the EA are at an advanced stage with discussions around the SoCG having taken place over a number of years and iterations. For both there is almost complete agreement on both the content and means of securing the OEMP, but the Applicant has not received specific comments on the exact wording of Articles and Requirements.

5.1.8 No comments or feedback has been received to date from Historic England in respect of the dDCO or the exact wording of Articles and Requirements.

5.1.9 In the case of the Statutory Undertakers there are outstanding issues to be resolved but these principally relate to protective provisions which is discussed in

greater detail below.

5.1.10 In respect of all other parties the Applicant can confirm that no specific comments on Article or Requirement wording has been provided, although discussions are ongoing.

#### **Protective Provisions**

5.1.11 The Applicant is working with the Statutory Undertakers to agree the scope and content of protective provisions. The Applicant is taking account of representations made at Deadline 1 from Statutory Undertakers and will seek to continue those discussions during the remainder of the Examination.

5.1.12 As noted above, the Applicant is awaiting clarification from SCC regarding any necessary protective provisions to allow the Applicant to undertake works on the SCC network. The Applicant considers that this issue is capable of being resolved during the remainder of the Examination.

#### **CEMP & Associated Documents**

5.1.13 Discussions with the host authorities, NEng, EA and HE regarding the content of the CEMP are on-going, however it is considered at this stage there is a high degree of probability that all matters can be agreed.

5.1.14 In respect of Robert Edward Rowe [8.8LIU(C)] discussions are ongoing in relation to the Outline Traffic Management Plan and its production. The landowner has expressed a desire to review its content. At the time of writing the Applicant has directed the landowner to the revised version submitted on 09 October 2020 [AS-116/7.5] and is awaiting feedback.

#### **Design & Engineering**

5.1.15 A number of detailed design issues are under discussion with parties, some of which we hope to resolve by the end of the Examination and others the Applicant believes are not crucial to resolve at this stage. A number of issues are actively being discussed with SCC, with the latest update provided in the SoCG submitted at Deadline 4. A meeting is proposed on 13 January 2021 to look to close out as many of these issues as possible.

5.1.16 A number of detailed design issues are also under discussion with landowners, particularly around boundary treatments. The SoCG submitted at Deadline 4 provide an update on these discussions, many of which the Applicant believes can be resolved to the satisfaction of both parties.

5.1.17 There are two outstanding design related matters with Nurton [8.8/LIU(K)] which remain outstanding. These are namely the provision and design of ponds and in respect of bridge design (Hilton Land and accommodation bridge). Both issues have been discussed extensively and unfortunately the Applicant does not anticipate that these matters will be agreed between the parties.

#### **Compulsory Acquisition**

5.1.18 In respect of landowners from which land is to be compulsorily acquired all parties currently object to the acquisition of land with the exception of the National Trust.

5.1.19 The issues associated with the objections to land acquisition will be the subject of subsequent hearing sessions.



5.1.20 However, the majority of the concerns relate to the amount of land which is being acquired which is to deliver environmental mitigation and the associated ecological justification underpinning this assessment and associated masterplan.

**Weight restriction on A460**

5.1.21 SCC is of the opinion that HGV movements post construction could exceed that forecast in the traffic model because they will continue to use, as they have done historically, the fuel station M6 Diesel. SCC's specific point is not the amount of HGV movements or that these movements will lead to unacceptable effects, but that without a restriction the Scheme would not be as effective as it would be with them incorporated.

5.1.22 Accordingly, SCC's position is that a weight restriction on the A460 should be included within the DCO. Such a measure would safeguard against future use of the A460 by HGVs. The weight restriction would extend from south of M6 Diesel to Dark Lane.

5.1.23 SSC and the Parish Council's agree with and support SCC's position.

5.1.24 The Applicant remains of the view that the Scheme will achieve its aim to significantly reduce the number of HGVs when compared with the existing situation and there is no justification for a weight restriction to be implemented. There are also issues around how this would work practically and enforcement. Equally, the Applicant acknowledges that the number of residual HGV movements is not opposed by SCC and under all scenarios considered, even taking of specific data provided by M6 Diesel there is a significant reduction once the Scheme has been implemented.

5.1.25 The Applicant also considers that the A460 is a road that is maintained and managed by SCC and without compelling evidence to the contrary remains unconvinced that any further intervention is necessary as a direct result of the Scheme. Should improvements be necessary from a local perspective post Scheme operation then SCC could consider the implementation of options using its existing powers.

5.1.26 M6 Diesel supports the Applicant's position on this.

5.1.27 The ExA requested that SCC set out details of their proposed weight restriction by Deadline 4 and how the draft DCO could be altered to incorporate the request. The Applicant will review this information on receipt.

**Ecological Mitigation/Land Acquisition**

5.1.28 As noted above, a number of parties, including Allow Ltd, object to the Scheme based on the amount of land which is to be the subject of compulsory purchase powers where the need for the land is not directly related to the construction of the Link Road.

5.1.29 Allow Ltd also object to the Applicant's decision-making process in the selection of land parcels on which to provide mitigation as well as the justification and process for the calculation of the amount of mitigation land is required, particularly in relation to woodland planting. In particular, Allow Ltd object to the amount and location of planting on Plot 5/2.

5.1.30 Similar views are expressed by many of the other landowners whose land is to be the subject of compulsory acquisition, albeit the extent of their objections is limited

to the amount of land to be acquired.

- 5.1.31 The Applicant's view is that all land within the Order limits which is to be acquired is necessary to deliver the Scheme as the proposed mitigation is essential to address significant environmental impacts arising from the Scheme.
- 5.1.32 Equally, the proposed mitigation as a whole has been discussed at length with statutory consultees with support being given the approach from key bodies such as NEng and EA. SSC and SCC agree that the proposed mitigation is the minimum to mitigate the impact of the Scheme and both parties are requesting an increase in measures to enhance biodiversity to deliver biodiversity net gain. The issue of biodiversity net gain has also been raised by NEng and the EA. In contrast to landowners, all four bodies agree that no mitigation can be removed from the Scheme and an increase would be beneficial. SWT also supports delivery of biodiversity net gain.
- 5.1.33 The Applicant, following the conclusion of additional ecological survey effort in 2020, has revisited its mitigation and where possible it has made minor alterations which has reduced the amount of land to be acquired. These changes were accepted by the ExA on the 29 October 2020. These changes resulted in an improvement of the Scheme in terms of its performance when assessed using the biodiversity metric.
- 5.1.34 Changes to reduce the planting were welcomed by the respective landowners, but both SSC and the Parish Councils have questioned whether planting could be retained on some plots, especially the plot to the south of Dark Lane. The Applicant is of the view that the compulsory acquisition of plots removed from compulsory acquisition cannot be justified if all other mitigation is retained but is discussing with Allow Ltd whether some planting could be relocated from Plot 5/2 to that plot. At this stage, the Applicant has no intention to change the areas or location of any environmental mitigation proposed.

Formatted: Left, Right: 0 cm, Space Before: 0 pt, Tab stops: 5 cm, Left + Not at 1.99 cm