

M54 to M6 Link Road TR010054

8.8 O(B) Draft Statement of Common Ground with Four Ashes Limited

APFP Regulation 5(2)(q)

Planning Act 2008

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

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Infrastructure Planning

Planning Act 2008

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

M54 to M6 Link Road
Development Consent Order 202[]

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Version	Date	Status of Version
P02(2)	29/10/20	Issue to the 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) Four Ashes Limited

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

Signed.....
Peter Frost
Managing Director
on behalf of Four Ashes Limited
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 that 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 and where agreement has not (yet) been reached. SoCG are an established means in the planning process of allowing all parties to identify and 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 Four Ashes Limited during the development of the Scheme and records the matters agreed and not agreed.**
- 1.1.5 **The draft was provided to Four Ashes Limited on 23 October 2020, with comments received on 28 October 2020 and incorporated. We are in discussion with Four Ashes to resolve the remaining issues. 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 Four Ashes 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 Four Ashes Limited are the promoters of the West Midlands Interchange (WMI) Strategic Rail Freight Interchange ('SRFI') which was consented pursuant to The West Midlands Rail Freight Interchange Order 2020 on 4 May 2020. The site is west of M6 J12 and is bound by the A449 to the west and the A5 to the north.

1.3 Terminology

- 1.3.1 In the tables in the Issues chapter of this SoCG, 'Not Agreed' indicates a final position. 'Under discussion' indicates 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 Four Ashes 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 Four Ashes Limited.

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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 Four Ashes 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
24.08.2020	Email and letter from HE to Four Ashes Ltd	Notification of consultation on changes to the Application.
28.08.2020	Email from AK to PF	Email with regard to progressing Statement of Common Ground and proposing an introductory meeting.
04.09.2020	Email from PF to AK	Response to email confirming meeting availability.
11.09.2020	Meeting	Meeting between Highways England and Four Ashes Limited. Discussion included proposed changes to the Application and progressing a SoCG.
11.09.2020	Email from IF to RR	Following meeting, IF provided detail of extent of VISSIM traffic modelling undertaken by FAL in respect of the WMI DCO, together with confirmation of the agreed trip generation utilised for the traffic assessment of the implications of the SRFI with an interim level of floor area, without the Rail Terminal and without the A449 / A5 link road.
06.10.2020	Email from IF to RR	Email requesting update on progress of draft SoCG.
07.10.2020	Email from JH to IF	Email confirming that SoCG is being reviewed and will be shared week beginning 12 October. Draft notes of 11/09/20 meeting provided for review.
13.10.2020	Email from IF to JH	Providing comments on meeting minutes and noting that SoCG is being produced.
16.10.2020	Email from JH to IF	Providing final version of meeting minutes, incorporating comments from Four Ashes Ltd. Noting draft SoCG to be issued following week.
23.10.2020	Email from JH to IF	Providing draft SoCG for review.
28.10.2020	Email from IF to JH	Providing comments on draft SoCG.
02.11.2020	Email from JH to IF	Confirming comments have been incorporated into SoCG and providing copy of final version to be submitted at Deadline 1.
02.11.2020	Email from IF to JH	Acknowledgement of previous email. Suggesting a further meeting is arranged.

10.11.2020, 11.11.2020	Email from JH to IF	Apologising for delayed response, providing potential dates.
27.11.2020	Meeting	Meeting to discuss the draft SoCG.
27.11.2020	Email from RR to IF	Issue of meeting minutes.
01.12.2020	Email from IF to RR	Amendments to meeting minutes.
06.01.2021	Email from IF to AECOM	Seeking an update on modelling information and comms strategy.
13.01.2021	Email from JH to IF	Issue of revised meeting minutes and update that modelling technical note and comms strategy are being reviewed by HE.
13.01.2021	Email from IF to JH	Seeking confirmation of timescales for the modelling information and comms strategy.
26.01.2021	Email from IF to JH	Asking whether there has been any progress on the modelling outputs and comms strategy.
29.01.2021	Email from JH to IF	Apologising for delayed response and confirming that further modelling work is being undertaken and will need to be completed before the modelling work can be shared. Suggesting dates for a call to provide an update and confirm further points to feed into the modelling work.
29.01.2021	Email from IF to JH	Email confirming that Four Ashes is reluctant to arrange a meeting at this time as the modelling work is still ongoing. Suggestion that a summary of the work undertaken is provided so that Four Ashes can respond on the points requiring clarity.
02.02.2021	Email from JH to IF	Summary of modelling work undertaken and further work underway provided. Confirmed SoCG would be updated and issued to Four Ashes Ltd for review prior to Deadline 6 submission.
03.02.2021	Email from IF to JH	Noting updated SoCG requested and requesting sight of an early draft to allow sufficient time for review. Further question raised re WMI floor space assumed in modelling and details of communications protocol.
04.03.2021	Email from JH to IF	Revised draft SoCG provided for review by Four Ashes.
11.03.2021	Email from IF to JH	Comments on draft SoCG received for submission at Deadline 6.

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) Four Ashes Limited 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 Four Ashes Limited and Highways England.

3.2 Issues

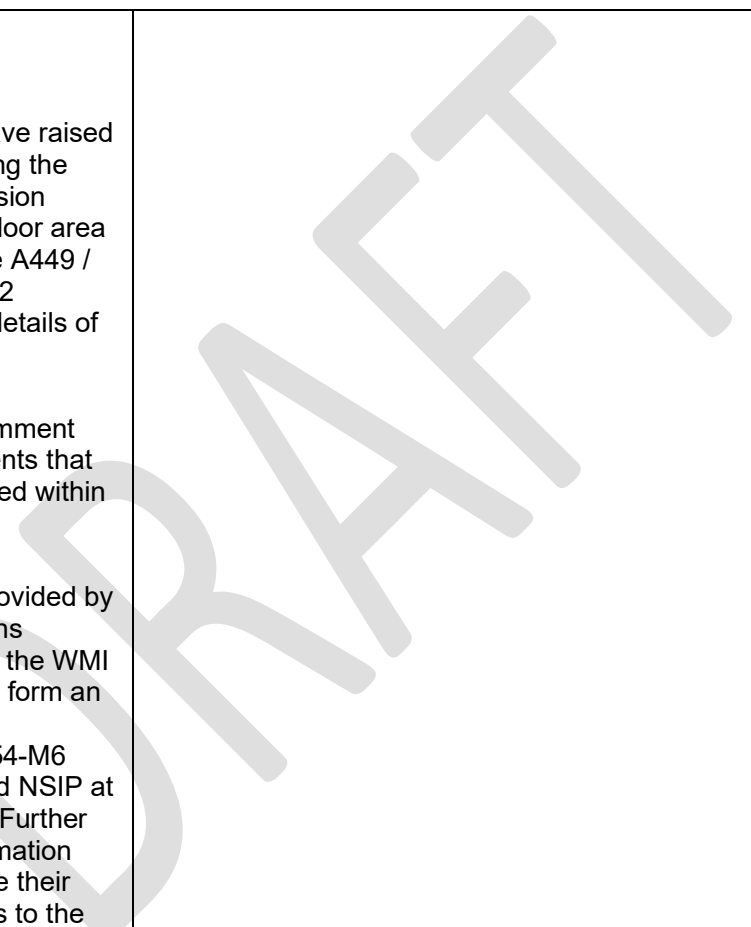
3.2.1 The table below shows those matters which have been agreed or yet to be agreed by the parties, including the date and method by which it was agreed (if relevant).

Table 3-1: Issues

Issue	Comment	Highways England Response	Status	Agreement likely ¹ (position agreed)
Impact of construction on West Midlands Interchange (both during construction and operation of WMI)	Four Ashes Limited (FAL) and occupiers of the West Midlands Interchange development require advance notice of any planned road closures required for the construction of the Scheme.	A dedicated Stakeholder Liaison Officer will be appointed by the contractor undertaking the works and will meet regularly with Four Ashes Limited and any tenants of West Midlands Interchange to provide updates on the Scheme and advance notice of closures and diversions. Highways England will endeavour to agree with Four Ashes Limited a protocol for	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.

		communication between the two parties during construction of the Scheme.		
Proposed M54 J1 closure and diversion route	<p>Four Ashes Limited require further discussion with Highways England in regard to minimising the impact of the proposed M54 J1 closure on the WMI development, both during construction and operation. FAL notes that the Outline Traffic Management Plan prepared by the Applicant states that final Construction Traffic Management Plans (CTMP) will be prepared in consultation with the local planning and highway authority and other organisations such as local business. The CTMP is secured by a suitable Requirement of the Development Consent Order. FAL would expect to be consulted as part of this approval process however, as drafted, Requirement 10 does not require the Applicant to consult with any other organisation other than the local planning and highway authority.</p> <p>FAL awaits details of how the Applicant will commit to communicate the updates to any Traffic Management proposals and the</p>	<p>Highways England will continue to engage with Four Ashes Limited with regard to plans for the M54 J1 works and proposed A449/A5 diversion route, including consulting Four Ashes Limited on the detail of the Construction Traffic Management Plan.</p> <p>Highways England will share the details of traffic modelling undertaken.</p> <p>Highways England will so far as possible coordinate road space booking and traffic management plans where required, with Four Ashes Limited.</p>	Under discussion	Medium

	<p>construction of the Proposed Development if approved.</p> <p>Four Ashes Limited (FAL) have raised concerns in regard to ensuring the traffic modelling for the diversion includes the interim level of floor area occupied at WMI, without the A449 / A5 link road in place. As of 12 February 2021, FAL awaits details of this assessment.</p> <p>FAL reserves its rights to comment further on suitable requirements that may be required to be included within the DCO.</p> <p>Until further information is provided by HE to FAL on the assumptions included in their modelling of the WMI traffic volumes it is difficult to form an opinion of the impact of the construction phase of the M54-M6 NSIP on an already approved NSIP at West Midlands Interchange. Further delays in providing this information would mean that FAL reserve their right to propose amendments to the</p>			
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	<p>M54-M6 draft DCO at the next opportunity.</p> <p>FAL supports the principle of the M54 / M6 link road Project, but wishes to ensure the WMI DCO can be delivered as planned during the construction of the Applicant's Proposed Development.</p>			
Articles and Requirements	FAL would seek to reserve their position in respect of any comments that they may have on the Applicants DCO.	The Applicant has not received any comments on the Articles or Requirements on the draft DCO from Four Ashes Limited.	Under discussion	Medium

Appendix A - Personnel

Initials	Name	Role or Discipline	Organisation
AK	Andrew Kelly	Project Manager	Highways England
HE	Highways England	Referred to when responding through M54 email mailbox/address	Highways England
PH	Peter Frost	Managing Director	Four Ashes Ltd
RR	Rob Ramshaw	Project Manager	AECOM
IF	Ian Fielding	Technical Director	WSP
JH	Jon Harvey	Consultant	AECOM