

**M54 to M6 Link Road
TR010054
8.80(C) Statement of Common Ground
with St Francis Group**

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[]**

**8.80 (C) Statement of Common Ground with
St Francis Group**

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Planning Inspectorate Scheme Ref: TR010054

Application Document Ref: TR010054/APP/8.80 (C)

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) St Francis Group

Signed... 
Andrew Kelly
Project Manager
on behalf of Highways England
Date: 12 February 2021

Signed..... 
STEVEN EGGLESTON
PARTNER i-Transport LLP
on behalf of St Francis Group
Date: 12 February 2021

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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. 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.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by Highways England as the applicant and St Francis Group ('SFG').
- 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 SFG are the owners of the Royal Ordnance Factory at Featherstone in South Staffordshire ('ROF Featherstone'). ROF Featherstone is a Strategic Employment Site allocated for employment uses in the South Staffordshire Local Plan. The site is located to the north of the M54 between Junctions 1 and 2. A planning application for the development was submitted in December 2020. SFG is a leading regeneration specialist in the UK and an expert in brownfield development.

1.3 Terminology

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. All issues have been resolved.

2 Record of Engagement

2.1.1 A summary of the key meetings and correspondence that has taken place between Highways England and SFG 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 |
|------------|-------------------------------------|---|
| 01/04/2020 | Email sent from SE to AK | Requesting data and information used in traffic forecasts for the Scheme, with reference to the TAR (dated January 2020). |
| 08/04/2020 | Email from AK to SE | Acknowledging email, assuring that query is being looked into. |
| 24/04/2020 | Email from SE to AK | Asking for update on requested information. |
| 30/04/2020 | Email from AK to SE | Reply sent detailing a response to each query. This noted that the ROF development was deemed to be dependent upon the Scheme. |
| 01/05/2020 | Email from SE to AK | Thanks for response. Request for further information. |
| 04/05/2020 | Email from AK to SE | AK says he will discuss with his supplier. Suggests call in early June. |
| 04/05/2020 | Email from SE to AK | States information is needed sooner than June. Asks for costs to supply data. |
| 06/05/2020 | Email from SE to AK | Request for update on previous email. Poses another query about core scenario traffic forecasts and whether the ROF development is included in the core scenario forecasts, referencing the January 2020 TAR which notes that ROF is included in the core scenario but that this is contradicted by HE advice in the email of 30/04/2020. |
| 12/05/2020 | Email sent from BB to SE | Providing clarity on status of ROF Development site with regards to its inclusion within the traffic forecasts. |
| 13/05/2020 | Email sent from SE to BB | Requesting confirmation that data will include traffic forecasts and traffic count data requested and noting that further consideration will be given by SFG to HE's clarification of its status in the traffic forecasts. |
| 20/05/2020 | Email sent from SE to BB | Seeking confirmation of email sent 13/05/2020. |
| 28/05/2020 | Email sent from BB to SE | Confirmation the data requested would be provided. |
| 17/08/2020 | Email sent from AL to AP, SE and RR | Informed SE and AP of proposed changes to the M54 to M6 link road and provided a link to the documents published by the Planning Inspectorate. |

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|------------|---|---|
| 20/08/2020 | Meeting between AECOM, SFG and i-transport (RR, AL, AP and SE) | Discussed need to increase dialogue between SFG and HE, the ROF Featherstone application, traffic modelling, ROF Featherstone access, potential capacity issues at M54 J2 and the M54 to M6 link road Examination. |
| 24/08/2020 | Email from HE to AP and SE and letter to SFG address | Notification of consultation on changes to DCO application. |
| 26/08/2020 | Email from AL to AP, SE | AL provided draft meeting minutes from the meeting on 20/08/20 for review. Queried whether a traffic signal model had been produced for the M54 J2 and whether this could be used to agree modelling parameters. |
| 28/08/2020 | BC issue from HE to i-transport | HE provided requested data to i-transport. However, i-transport was unable to obtain this information so it was issued again as below. |
| 09/09/2020 | WeTransfer issue from SE to BB | Traffic counts and traffic forecasts supplied by HE to i-Transport. |
| 09/09/2020 | SE email to BB | Confirming receipt of requested data. Further request for 2039 forecasts from model and minor queries in regard to data supplied. |
| 09/09/2020 | Meeting between HE, South Staffordshire Council, Staffordshire County Council and St Francis Group (SB, RR, AL, AK, GK, KH, SP, JC, WS, ND, AP, SE) | Discussion included: - relationship between ROF Featherstone development and M54 to M6 Link Road, including traffic modelling and impact on M54 J2 - progress of ROF Featherstone planning application - Proposed DCO changes. |
| 15/09/2020 | Email from AL to meeting attendees. | AL provided minutes and actions from meeting on 09/09/20. |
| 17/09/2020 | Email from SE to AL | SE provided comments on 20/08/20 meeting minutes, provided an indicative programme for ROF Featherstone's infrastructure works and confirmed that M54 J2 LINSIG model was currently being updated. Once complete, this would be shared. |
| 28/09/2020 | Email from AK to SE | Apologising for delay in issuing additional traffic data. |
| 01/10/2020 | Email from HE to SFG | Traffic data issued to SFG (via SE). |
| 01/10/2020 | Email from SE to AL | Confirming receipt of additional data. |

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|-------------------------|--|---|
| 12/10/2020 | Email from SE to AL (cc RR, AK, BB, PT, DJ, AP) | Email providing TN providing i-Transport's results of analysis on M54 Junction 2 for HE review. |
| 22/10/2020 | Email from AL to SE and AP | Email providing draft SoCG for SFG to review |
| 28/10/2020 | Email from SE to AL | Email providing SFG comments on draft SoCG. |
| 28/10/2020 | Phone call between SE and AL | Phone call to discuss comments provided and how best to work towards agreement. |
| 29/10/2020 | Teleconference between AL, RR, DE, NP, AM and SE | Discussion on SoCG and high level discussion on i-Transport's results of analysis of M54 Junction 2. |
| 02/11/2020 | Email from AL to SE | Providing second draft of SoCG. |
| 03/11/2020 | Email from SE to AL | Email providing second set of comments on draft SoCG. |
| 03/11/2020 & 05/11/2020 | Email exchange between SE and AL | AL confirming that the changes could not be incorporated into a draft to be submitted on 03/11/2020 due to being received that day. SE expressed disappointment at this outcome. Parties agreed that SFG would submit their own case to the Examination in advance of an agreed SoCG. |
| 11/11/2020 | Email AL to SE | Requesting clarity on comments in SoCG |
| 16/11/2020 | Telephone call between AL and SE | Discussing next steps on SoCG |
| 18/11/2020 | Email from SE to AL | Includes SFG proposed text for the SoCG for HE to consider. |
| 08/12/2020 | Email from SE to AL | Sending copy of the draft Transport Assessment for the ROF Featherstone development |
| 10/12/2020 | Email from SE to AL | Email sending further comments on SoCG |
| 06/01/2021 | Email from AL to SE | Email with next draft of SoCG incorporating SFG comments |
| 14/01/2021 | Email from SE to AL | Email providing further comments on the SoCG |
| 21/01/2021 | Email from AL to SE | Email detailing how final points may be addressed but noting that the project team were awaiting comments from HE OD on the ROF Featherstone TA. |
| 04/02/2021 | Virtual meeting between SE, AP, AL, RR, AM, DE, NP, BB, PT and DJ. | Meeting to agree how to close out the SoCG and matters arising from Highways England's response to the ROF Featherstone planning application. |
| 08/02/2021 | Email from AL to SE | Sending revised draft SoCG |
| 10/02/2021 | Email from SE to AL | Email providing further comments on the SoCG |
| 11/02/2021 | Email from AK to SE | Confirming HE is happy with proposed changes to to progress to signatures. |

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| 12/02/2021 | Email from SE to AL | Providing signed copy of SoCG |
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- 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) SFG in relation to the issues addressed in this SoCG.

3 Issues

3.1.1 The table below shows those matters which have been agreed or yet to be agreed by the parties.

Table 3-1: Issues

| Issue | St Francis Group's Position | Highways England's Position | Status | Agreement likely? (app) ¹ | Agreement likely? (IP) |
|--|---|--|--------|--------------------------------------|------------------------|
| Support for principle of Scheme (RR-029) | SFG wishes to express overall support for the M54-M6 Improvement Scheme which will increase the overall attractiveness of the ROF Featherstone site by providing enhanced strategic access from the motorway network. | Highways England is grateful for SFG's support and agrees that the link road will increase the attractiveness of the ROF Featherstone site. | Agreed | Agreed | Agreed |
| Planning status of ROF Featherstone (RR-029) | The ROF Featherstone site is allocated in South Staffordshire Council's (SSC) 2018 Site Allocations Document as a key employment development that will deliver a significant level of jobs, in an employment cluster that | Highways England recognises the importance of ROF Featherstone for the delivery of employment land in the area and its status as an allocated Strategic Employment Site in the Local Plan. | Agreed | 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.

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| | includes the i54 site, of regional significance. | | | | |
| ROF Featherstone and whether it is 'dependent' on the link road | <p>SFG states that the ROF Featherstone site is not 'dependent' on the delivery of the link road project and can proceed without it. SFG considers that the advice provided by SSC on which HE based their assessment was incorrect and that this has been acknowledged in writing by SSC.</p> <p>Highways England requested a view from SSC on whether the ROF Featherstone site was dependent upon the link road when the traffic model for the Scheme was being built. Ed Fox (19 March 2019) at SSC confirmed that the ROF Featherstone development is dependent on the Scheme. SFG was not asked for a view on this matter. ROF Featherstone was therefore referred to as 'dependent development' in the DCO application for the M54 to M6 link road.</p> <p>The ROF Featherstone development would not have been specifically modelled in the traffic model even if it wasn't considered 'dependent development' because no planning application had yet been submitted for the Scheme².</p> <p>Highways England does not wish to express an opinion on whether ROF Featherstone as now designed is dependent on the link road. It is anticipated that SCC and SSC will form a view on this during the determination of the ROF Featherstone planning application.</p> <p>If, for whatever reason, the Scheme is not delivered then SFG will remain committed to the delivery of the ROF Featherstone strategic development.</p> | Agreed | Agreed | Agreed | |

² See Tag unit guidance M4: Appendix A, which specified that sites where a planning application has not been submitted and is not 'imminent' is categorised as 'Reasonably Foreseeable' and would not be included in the core scenario (<https://www.gov.uk/government/publications/tag-unit-m4-forecasting-and-uncertainty>).

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| <p>ROF Featherstone has not been included in the traffic forecasts (RR-029)</p> | <p>SFG recognises that HE followed the appropriate guidance and considered the development to be dependent on the Scheme based upon advice provided to them, through the evidence gathering process, by SSC. SFG states that the advice provided by SSC was incorrect and that this has been acknowledged in writing by SSC. SFG was not aware of these requests.</p> <p>Notwithstanding this, SFG and HE agree that including the ROF development in the Scheme traffic model would not materially affect the design or appraisal of the Scheme.</p> | <p>Agreed</p> | <p>Agreed</p> | <p>Agreed</p> |
| <p>Impacts of the Scheme on M54 Junction 2 (RR-029)</p> | <p>SFG expressed a concern that the M54 to M6 link road may lead to a capacity issue at M54 J2 at the A449 south of the junction heading to and from Wolverhampton when the ROF Featherstone development is also modelled. SFG's concern was to ensure that the effects of the DCO scheme, which increases flows at M54 J2, does not stifle or place unduly high costs on the ROF development which would otherwise not be the case without the DCO scheme.</p> <p>Whilst SFG accepts that any impacts identified arising from the proposed ROF strategic development on the M54 J2 as it is today would need to be mitigated, SFG's only concern in relation to the proposed Link Road Scheme is that it cannot afford to have to mitigate over and above this as a result of the M54 Link Road scheme imposing costs or capacity restrictions at M54 Junction 2.</p> <p>Highways England agree that no contribution will be sought from the developers of ROF Featherstone for any improvements to M54 J2 in the event that SFG's TA demonstrates, to the satisfaction of Highways England as highway authority for M54 J2, that there are no issues at the junction in the opening year of the ROF Featherstone development. It is understood from the e-mail from Steve Eggleston on 17 September 2020 that the ROF Featherstone development is likely to be open in part by 2022, with the M54 to M6 link road construction due to complete in 2024.</p> | <p>Agreed</p> | <p>Agreed</p> | <p>Agreed</p> |

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| | <p>It is Highways England's view that the Scheme will support the development of ROF Featherstone. On the assumption that SFG is correct that their development will be open prior to the Scheme and will not lead to capacity issues in the opening year, the Scheme would not 'stifle' or 'place unduly high costs' on the ROF Featherstone development.</p> <p>The planning application for ROF Featherstone was submitted in December 2020 and Highways England has reviewed and commented on the Transport Assessment. Further discussion between SFG and Highways England will continue as part of the determination of the ROF Featherstone planning application and no further update is considered necessary for the purposes of determining the M54 to M6 link road DCO application.</p> | | | |
| Articles and Requirements | SFG has no comments to make on the draft DCO. | Agreed | Agreed | Agreed |

Appendix A – Personnel

| Initials | Name | Role or Discipline | Organisation |
|----------|------------------|---|------------------------------|
| AK | Andrew Kelly | Project Manager | Highways England |
| AL | Alison Leeder | DCO and Planning Lead | Aecom |
| AM | Alastair McNeill | M54 to M6 link road highways lead | Aecom |
| AP | Andy Plant | Design & Planning Director | St Francis Group |
| BB | Bryan Bradley | Assistant Project Manager | Highways England |
| DE | Dave Elliott | M54 to M6 link road traffic lead | Aecom |
| DJ | Derek Jones | Advisor to HE on responses to planning applications | Systra |
| GK | Gerard Kelly | Senior Project Manager | Highways England |
| HE | Highways England | Used when referring to Highways England or correspondence sent from the M54-M6 Link Road mailbox. | |
| JC | James Chadwick | Planning Policy Officer | Staffordshire County Council |
| KH | Kelly Harris | Lead Planning Manager | South Staffordshire Council |
| ND | Nick Dawson | Connectivity Strategy Manager | Staffordshire County Council |

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|----|-----------------|--|---|
| NP | Nick Phillips | M54 to M76 link road traffic modeller | Aecom |
| PT | Patrick Thomas | Development Control | Highways England |
| RR | Rob Ramshaw | Project Manager | Aecom |
| SE | Steve Eggleston | Partner | i-Transport LLP (representing St Francis Group) |
| SP | Sarah Plant | Assistant Team Manager | South Staffordshire Council |
| SB | Steve Beech | Project Director | Link Connex |
| WS | Will Spencer | Highways | Staffordshire County Council |