

M54 to M6 Link Road

TR010054

**8.8 LIU(Q) Statement of Common
Ground with Western Power
Distribution**

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[]**

**8.8 LIU(Q) Statement of Common Ground with
Western Power Distribution**

Regulation Number	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010054
Application Document Reference	8.8 LIU(Q)
Author	M54 to M6 Link Road Project Team and Highways England

Version	Date	Status of Version
1(P01)	03.11.2020	Issue to ExA for Deadline 1
2(P02)	23.03.2021	Final version (Unsigned) – Issue to ExA at Deadline 8

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Western Power Distribution.

Signed.....

Andrew Kelly

Project Manager

on behalf of Highways England

Date: [DATE]

Signed.....

[NAME]

[POSITION]

on behalf of Western Power Distribution

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 Western Power Distribution during the development of the Scheme and records Highways England's current understanding of the matters agreed and not agreed.**
- 1.1.5 **The draft was provided to Western Power Distribution on 05 November 2020. In the absence of comments received from WPD, this version represents Highways England's understanding of the respective positions but is not a signed or agreed SoCG.**

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) Western Power Distribution (WPD).
- 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 WPD is an electricity distribution network operator for the Midlands, South West and Wales. WPD serves approximately 7.7 million customers in its combined distribution areas.

1.3 Terminology

- 1.3.1 In the tables in the Issues chapter of this SoCG, 'Under discussion' indicates where these points are the subject of ongoing discussion, or where there has been little

engagement but issues are not classed as “Agreed” or “Not Agreed”. ‘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 WPD, 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 WPD.

2 Record of Engagement

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and WPD 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
22/10/2018	Email from DM (Amey) to CS (WPD)	Highways England representatives issued a request for a C3 Budget Estimate.
24/10/2018	Email from DM (Amey) to CS (WPD)	Highways England representatives issued draft proposed scheme plans to WPD.
30/10/2018	Email from EOB (Amey) to WPDMapResponse@westernpower.co.uk	Representatives of Highways England issued a request for a C3 Budget Estimate.
31/10/2018	Email from CS (WPD) to EOB (Amey)	WPD respond stating that the Masterplan drawing provided does not provide enough information to prepare an accurate estimate.
20/11/2018	Email from CS (WPD) to DM (Amey)	WPD respond stating that the Masterplan drawing provided does not provide enough information to prepare an accurate estimate.
20/11/2018	Email from DM (Amey) to CS (WPD)	Representatives from Highways England issued more detailed draft proposed scheme plans and requested an update on the C3 Budget Estimate.
20/11/2018	Email from CS (WPD) to DM (Amey)	WPD confirm that the estimate will take 15-20 days to prepare.
17/01/2019	Email from CS (WPD) to DM (Amey)	WPD issue the C3 Budget Estimate.
29/05/2019	Email from DM (Amey) to CS (WPD)	Representatives of Highways England request for C4 Detailed Estimate.
30/09/2019	Meeting	Meeting to discuss development of scheme since the C4 request was submitted.
15/10/2019	Email from GS-P (AECOM) to DS (WPD)	Representatives of Highways England request a change to the diversion proposal in order to avoid equestrian centre.

Date	Form of correspondence	Key topics discussed and key outcomes
15/10/2019	Email from DS (WPD) to GS-P (AECOM)	WPD issue C4 Detailed Estimate for proposed 11kV diversion works at Brookfield Farm.
13/11/2019	Email from DS (WPD) to GS-P (AECOM)	WPD issue C4 Detailed Estimate for proposed diversion works at M54 Junction 1.
15/01/2020	Email from GS-P (AECOM) to DS, CS (Western Power)	Representatives of Highways England issue draft protective provisions and the latest public consultation brochure.
03/02/2020	Email from NB (WPD) to GS-P (AECOM)	WPD issue draft protected provisions.
09/03/2020	Email from RT (HE) to NB (WPD)	Email regarding protective provisions as included in the draft DCO.
02/07/2020	Email from RT (HE) to NB (WPD)	Email returning protective provisions as previously agreed with WPD.
11/09/2020	Email from JH (AECOM) to DS (WPD)	Update provided on the proposed diversion around M54 Junction 1.
14/09/2020	Email from DS (WPD) to JH (AECOM)	WPD provided guidance in relation to the diversion proposals.
14/09/2020	Email from JH (AECOM) to DS (WPD)	Provided copies of the streets, rights of way and access plans to inform WPD of the proposed rights of way at M54 J1.
14/09/2020	Email from DS (WPD) to JH (AECOM)	WPD queried whether WPD would be responsible for the directional drilling works at M54 J1 or whether it would be undertaken by the Contractor.
14/09/2020	Email from JH (AECOM) to DS (WPD)	Representatives of Highways England informed WPD that this decision is yet to be made and all design estimates should, if possible, cater for both options.
16/09/2020	Email from DS (WPD) to JH (AECOM)	WPD confirmed that they would have no issues with the Contractor completing the directional drill works.
21/09/2020	Email from JH (AECOM) to DS (WPD)	Representatives of Highways England queried the proposed diversion near Brookfield Farm, and whether the route could be

Date	Form of correspondence	Key topics discussed and key outcomes
		altered to sit more firmly within the limits of deviation.
23/09/2020	Email from DS (WPD) to JH (AECOM)	WPD requested a mark-up could be provided for an alternative route.
23/09/2020	Email from JH (AECOM) to DS (WPD)	Request for further information regarding diversion adjacent to Brookfield Farm.
23/09/2020	Email from DS (WPD) to JH (AECOM)	WPD requested a pdf of the proposed alternative diversion route.
24/09/2020	Email from JH (AECOM) to DS (WPD)	Representatives of Highways England informed that they would look to provide an alternative diversion route that shows the various constraints.
24/09/2020	Email from DS (WPD) to JH (AECOM)	WPD confirm that they will await the revised proposals.
01/10/2020	Email from JH (AECOM) to DS (WPD)	Proposed revised diversion at Brookfield Farm to align with DCO limits of deviation.
02/10/2020	Email from DS (WPD) to JH (AECOM)	WPD provided revised estimates for the works at M54 J1 for costs between WPD or the Contractor completing the civils works.
05/10/2020	Email from DS (WPD) to JH (AECOM)	WPD provided feedback on the proposed alternative diversion route.
07/10/2020	Email from JH (AECOM) to DS (WPD)	Request for confirmation of any additional trial pit surveys to inform design.
08/10/2020	Email from DS (WPD) to JH (AECOM)	Revised estimate for the works at Brookfield Farm issued to representatives of Highways England.
05/11/2020	Email from JCH (AECOM) to DS (WPD)	Provision of first draft SoCG.
06/11/2020	Email from DS (WPD) to ES (WPD)	Forwarded first draft SoCG to Legal Team.
09/02/21	Email from RT (HE) to NB (WPD)	Email recording WPD's agreement to the inclusion of protective provisions as previously circulated in the draft DCO to be submitted for Deadline 6 on 12 February 2021.

Date	Form of correspondence	Key topics discussed and key outcomes
01/04/21	Email from NB (WPD) to RT (HE)	Email confirming protective provisions between WPD and HE are agreed.

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) WPD 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 WPD 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)
Diversion of WPD assets (RR-008b)	Schedule 1 of the draft DCO sets out the authorised development. This includes the diversion of WPD's high voltage electricity cables (including an overhead cable) as referenced at works numbers 67 and 70 in the draft DCO.	Highways England has been in liaison with WPD in respect to the diversion of existing electrical assets and will continue to work collaboratively to ensure the diversion proposals are developed to the satisfaction of WPD.	Under discussion	High	
Affected Apparatus and land identified within the Order (RR-008b)	The Book of Reference (Document Reference 4.3) records the plot numbers within which WPD's apparatus is situated. WPD are reviewing these plots to establish	Highways England is open to further discussion in respect to the land identified within the Order in respect to WPD's apparatus	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, red = not agreed.

Issue	Comment	Highways England Response	Status	Agreement likely? (app) ¹	Agreement likely? (IP)
	the extent to which their apparatus is affected.				
Diversion of WPD assets (RR-008b)	The applicant has approached WPD to discuss the terms of the diversions and WPD has engaged with the applicant to discuss an engineering solution to the diversions.	Highways England will continue to work collaboratively to ensure the diversion proposals are developed to the satisfaction of WPD.	Under discussion	High	
Protective Provisions (RR-008c)	The applicant has engaged with WPD on the terms of the draft DCO and the protective provisions. As currently drafted WPD considers that the protective provisions are not in a form that is acceptable to WPD. Whilst WPD consider that it is likely that agreement on the applicability of the provisions can be reached, at this stage the test for the protection of serious detriment to WPD's assets as set out in the Statement of Reasons has not been satisfied.	Highways England will continue to work collaboratively with WPD to ensure the protective provisions meet the requirements of both parties. Protective provisions in favour of WPD are included in the dDCO. Those provisions were included at Deadline 6 with WPD's consent. WPD has now confirmed that the protective provisions are agreed.	Agreed	Agreed	
Protective Provisions (RR-008c)	WPD cannot therefore agree at this stage that it will not suffer serious detriment to the carrying on of the undertaking as result of the compulsory acquisition of land rights or rights over land. In particular WPD considers that the timing of the requirement to undertake the diversions and the obligations on WPD as set out in	Highways England will continue to work collaboratively with WPD to ensure the protective provisions meet the requirements of both parties. Protective provisions in favour of WPD are included in the dDCO. Those provisions were included	Agreed	Agreed	

Issue	Comment	Highways England Response	Status	Agreement likely? (app) ¹	Agreement likely? (IP)
	the protective provisions to complete diversions is uncertain. It is also uncertain whether the diversions can be completed by WPD without the need to acquire third party interests in land outside the Order land.	at Deadline 6 with WPD's consent. WPD has now confirmed that the protective provisions are agreed.			
Protective Provisions (RR-008c)	The protective provisions place obligations on WPD to undertake works that places developer risk on to WPD. Without resolution therefore WPD objects to the form of protective provisions and the powers sought by the applicant to compulsory acquire its assets or interests in land over which they are placed. WPD however intends to work with the applicant to resolve the issues of concern following which it should be in a position to confirm its agreement to the proposed development.	Highways England will continue to work collaboratively with WPD to ensure the protective provisions meet the requirements of both parties. Protective provisions in favour of WPD are included in the dDCO. Those provisions were included at Deadline 6 with WPD's consent. WPD has now confirmed that the protective provisions are agreed.	Agreed	Agreed	
Articles and Requirements	N/A	The Applicant has not received any comments on the Articles or Requirements on the draft DCO from WPD apart from those noted above. WPD has agreed the protective provisions already included in the dDCO; no further changes to the Articles and Requirements are anticipated.	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)
DT	Dyfan Thomas	Highways Lead	Amey (on behalf AECOM)
NR	Nick Russell	Utilities Manager	Highways England
AM	Alastair McNeill	Highways Lead	AECOM
DL	Dave Last	Design Lead	AECOM
CS	Chris Sprules	Planner	WPD
DS	David Slattery	Planner	WPD
ES	Emma Stevenson	Legal	WPD
NB	Neil Bromwich	Partner	Osbourne Clarke (on behalf of WPD)
RT	Richard Thurling	Legal	Gowling (on behalf of Highways England)
JH	James Hemingway	Highways Lead	AECOM