

M54 to M6 Link Road
TR010054

**8.8LIU(P) Statement of Common
Ground with South Staffordshire Water**

APFP 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[]**

**8.8 LIU(P) Statement of Common Ground with
South Staffordshire Water**

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Author	M54 to M6 Link Road Project Team and Highways England

Version	Date	Status of Version
1 (P01)	August 2020	First Draft
2 (P02)	Nov 2020	Issue to ExA for Deadline 1
3 (P03)	January 2021	Issue to ExA for Deadline 4
4 (P04)	March 2021	Final version (Unsigned)

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) South Staffordshire Water.

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

Signed.....
[NAME]
[POSITION]
on behalf of South Staffordshire Water
Date: [DATE]

Table of contents

Chapter	Pages
1 Introduction	1
1.1 Purpose of this document.....	1
1.2 Parties to this Statement of Common Ground	1
1.3 Terminology	1
2 Record of Engagement	3
3 Issues.....	6
3.1 Introduction and General Matters.....	6
3.2 Issues.....	6

List of Tables

Table 2-1: Record of Engagement.....	3
Table 3-1: Issues	6

List of Appendices

Appendix A: Initials and details of individuals involved

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 South Staffordshire Water during the development of the Scheme and records Highways England's current understanding of the matters agreed and not agreed.**
- 1.1.5 A first draft was provided to South Staffordshire Water on 25 August 2020, and no comments were received. A second draft was subsequently issued on 03 November 2020. Some comments were received on 10 February 2021. As no further comments have been received, this SoCG has been updated to reflect progress on negotiations regarding the protective provisions and 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) South Staffordshire Water ("SSW").
- 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 SSW supplies drinking water to approximately 1.3m people and approximately 35,000 commercial customers over 1,500 square km in the West Midlands, South Staffordshire, South Derbyshire, North Warwickshire and North Worcestershire areas.

1.3 Terminology

- 1.3.1 In the tables in the Issues chapter of this SoCG, 'Not Agreed' indicates a final position, and 'Under discussion' where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. 'Agreed' indicates where the issue has been resolved.
- 1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to SSW, 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 SSW.

2 Record of Engagement

2.1.1 A summary of the key meetings and correspondence that has taken place between Highways England and SSW in relation to the Application is outlined in Table 2-1.

Table 2-1: Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes
30/10/2018	Email from DM (Amey) to records enquiries (SSW)	Highways England representative issued a request for a C3 Budget Estimate.
20/11/2018	Email from DM (Amey) to AM (SSW)	Highways England representative issued additional detailed draft proposed scheme plans to inform the C3 Budget Estimate.
20/11/2008	Email from DM (Amey) to AM (SSW)	Highways England representative issued more detailed draft proposed scheme plans as requested from meeting.
23/11/2018	Email from AM (SSW) to DM (Amey)	SSW inform Highways England that the plans provided do not provide enough information, request for CAD drawings for closer interrogation.
02/01/2019	Email from DM (Amey) to AM (SSW)	Highways England representatives issued the requested CAD drawings of the scheme layout.
18/01/2019	Email from DM (Amey) to AM (SSW)	Highways England representatives provided additional long section information in relation to Hilton Lane Overbridge.
18/01/2019	Email from DM (Amey) to AM (SSW)	Highways England representatives provided additional drawing information on general arrangement and options at Dark Lane.
18/01/2019	Email from DM (Amey) to AM (SSW)	Highways England representatives issued long section drawing of chainage 2300 – 3000.
15/04/2019	Meeting	Meeting to discuss the diversion options proposed by SSW.
29/05/2019	Email from DM (Amey) to AM (SSW)	Highways England representatives issued a request for C4 Detailed Estimate.
16/08/2019	Email from GS-P (AECOM) to AM (SSW)	Highways England representatives issued cross-section drawings of the proposed highway alignment.
12/09/2019	Meeting	Meeting to discuss design fix and outline any variation and also, to confirm C4 timelines.
26/09/2019	Email from DL (AECOM) to DT (Amey), GS-P (AECOM) and AMN (AECOM)	Highways England representatives issued meeting minutes capturing actions for both parties.

Date	Form of correspondence	Key topics discussed and key outcomes
22/10/2019	Email from AM (SSW) to GS-P (AECOM)	SSW provided comments regarding Hilton Lane and Dark Lane by adding depths to utilities drawings and the distance between the highway boundary and top of ditch and considerations of existing utilities.
15/01/2020	Email from GS-P (AECOM) to AM (SSW)	Highways England representatives issued the draft Protective Provisions and public consultation brochure for consideration.
13/07/2020	Email from AM (SSW) to DL (AECOM)	SSW provided an update on the C4 Detailed Estimate status.
19/08/2020	Meeting	Meeting held to discuss the latest progress on the C4 Detailed Design Estimate and provide an update on the latest Scheme Changes which are to be consulted upon as part of the Development Consent Order Application.
25/08/2020	Email from DL (AECOM) to AM (SSW)	Email issuing meeting minutes from the 19 th August meeting and first draft SOCG. Clarification provided on elements of scheme change due to DCO considerations.
17/09/2020	Call between DL (AECOM) and AM (SSW)	Request for further information by SSW.
21/09/2020	Email from JH (AECOM) to AM (SSW)	Supplied responses to queries received on 17 th September.
23/09/2020	Email from AM (SSW) to JH (AECOM)	Representatives of SSW confirmed receipt of information and queried dimensions sizes of one asset.
23/09/2020	Email from JH (AECOM) to AM (SSW)	Representatives of Highways England provided clarity on the dimensions.
30/09/2020	Email from JH (AECOM) to AM (SSW)	Requested update on whether SSW have reviewed the draft Statement of Common Ground issued on the 25 th August 2020 (no comments received to date).
23/10/2020	Email from Shakespeare Martineau to Gowling	Amended PPs provided.
05/11/2020	Email from JH (AECOM) to AM (SSW)	Revised version of Statement of Common Ground that was submitted to the ExA for Deadline 1 provided. Requested update on whether SSW have reviewed the draft Statement of Common Ground issued on the 25 th August 2020 (no comments received to date).
25/11/2020	Email from Gowling to Shakespeare Martineau	Revised protective provisions and detailed explanation of changes.

Date	Form of correspondence	Key topics discussed and key outcomes
02/12/2020	Deadline 3A Submission	CT Planning on behalf of South Staffordshire Water plc - Comments on the Changes accepted on 29 October 2020
03/12/2020	Email from Shakespeare Martineau to Gowling	Comments identifying areas of concern for SSW to be addressed in protective provisions.
11/02/2021	Email from Gowling to Shakespeare Martineau	Protective provisions returned. Detailed response provided to the areas of concern identified by SSW and suggestions on how to address those concerns.
19/03/2021	Email from Gowling to Shakespeare Martineau	Draft form of agreement provided to SSW incorporating amended protective provisions returned on 11/02/21.
29/03/2021	Meeting between Gowling and Shakespeare Martineau	Draft agreement and protective provisions discussed.
31/03/2021	Email from Shakespeare Martineau to Gowling	Revised agreement provided requesting changes.
01/04/2021	Email from Gowling to Shakespeare Martineau	Revised agreement returned with majority of changes accepted and inviting final approval.
06/04/2021	Emails and calls between Gowling and Shakespeare Martineau	Discussion continued to address the remaining concern raised by SSW.
07/04/2021	Emails and calls between Gowling and Shakespeare Martineau	Correspondence exchanged addressing the final singular issue of concern. Confirmation received that SSW are now 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) SSW 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 SSW 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
South Staffordshire Potable Water Diversion near Hilton Lane	SSW need to ensure that the proposed diversion of the existing 24-inch potable water main is confirmed	Highways England will work collaboratively with SSW to ensure that the diversion proposal meets their requirements.	Under discussion	High
South Staffordshire Potable Water Diversion connection	The proposed connection point for the diversion needs to be confirmed by on site surveys.	Highways England will complete the necessary survey work and will liaise with SSW to ensure that the survey scope captures their requirements.	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.

Issue	Comment	Highways England Response	Status	Agreement likely? ¹
Continuity of Supply	<p>There is no option that can be delivered where there is no risk to the maintenance of supply and levels of service to the 4,700 existing customers in the Penkridge area as well as those additional customers resulting from Development Plan commitments. Until a satisfactory design solution has been achieved for maintaining water supplies to the Penkridge area, SSW will object to the proposed M54-M6 link.</p> <p>SSW have previously requested regular update meetings with Highways England to discuss the design of our diversionary works as the scheme progresses. To date HE have not put forward any time for such meetings and therefore we cannot agree that they are working collaboratively with SSW.</p>	<p>Highways England will work collaboratively with SSW to ensure that the phasing of the diversion proposals factors in the requirement for a continuity of supply.</p> <p>Discussions are ongoing with SSW technical team as part of the detailed design / C4 process and regular meetings are being held between the teams. It is our understanding that the design teams are working together during this process and will continue to do so throughout detailed design to ensure the continuity of service.</p>	Under discussion	High
Construction	Any works required to be carried out on SSW's assets must be planned and implemented to avoid risk of supply interruption or contamination, damage to the integrity of the water or sewerage networks, or environmental damage.	All diversion and protection works will be agreed with SSW in accordance with the new Roads and Street works Act 1991 to ensure that works are completed in accordance to SSW's satisfaction.	Under discussion	High

Issue	Comment	Highways England Response	Status	Agreement likely? ¹
Protective Provision – Continuity of Supply	Whilst Schedule 9 Part 1 of the draft DCO contains provisions for the protection of electricity, gas, water and sewerage undertakers, SSW wishes to ensure that it will remain able to deliver its essential public services at all times during the implementation of the works.	<p>Highways England is actively engaging with SSW to ensure that protective provisions are agreed and will continue to provide updates on the status of these discussions throughout the course of the DCO examination period.</p> <p>Agreement with SSW has been reached without the need to amend Part 1 of the protective provisions included in the draft DCO submitted at Deadline 8.</p>	Agreed	Agreed
Protective Provision – Statutory Powers	It is essential to SSW that in the event of any alteration to or relocation of its assets, such work is carried out pursuant to SSW's statutory powers, so as to ensure that both existing and new water supply and sewerage assets unquestionably form part of SSW's statutory undertaking	<p>Highways England is actively engaging with SSW to ensure that protective provisions are agreed and will continue to provide updates on the status of these discussions throughout the course of the DCO examination period.</p> <p>Agreement with SSW has been reached without the need to amend Part 1 of the protective provisions included in the draft DCO submitted at Deadline 8.</p>	Agreed	Agreed

Issue	Comment	Highways England Response	Status	Agreement likely? ¹
Protective Provision – Continuity of Public Service	SSW may therefore seek additions to the provisions contained in Schedule 9 Part 1, or alternatively to seek to conclude an agreement with Highways England, incorporating appropriate provisions to enable SSW to ensure that delivery of its statutory functions and essential public services are not put at risk.	Highways England is actively engaging with SSW to ensure that protective provisions are agreed and will continue to provide updates on the status of these discussions throughout the course of the DCO examination period. Agreement with SSW has been reached without the need to amend Part 1 of the protective provisions included in the draft DCO submitted at Deadline 8.	Agreed	Agreed
Articles and Requirements	N/A	The Applicant has not received any specific comments on the Articles or Requirements of the draft DCO from South Staffordshire Water, apart from those already noted above. The Applicant has however, included SSW in Article 8(4) as a named company to whom the benefit of the Order may be transferred in respect of certain specified works.	Agreed	Agreed
Change 1	This change to the scheme affects an area where we do not have any assets nor are looking to install any diverted assets.	Noted.	Agreed	Agreed

Issue	Comment	Highways England Response	Status	Agreement likely? ¹
Change 2	The change to the scheme here will affect our proposals as it relates to the width of the link road. Despite comments in the statement of common ground, this was not discussed in our last review meeting, we noticed the change in subsequent documentation and have asked for further information and an updated CAD proposal. We have received the CAD proposal and incorporated into our design drawing. We have not received a drawing that shows the cross section of the drainage through the verge to determine any clash with our pipeline or if we are required to non-standard cover as a result of the presence of this drainage.	Noted. We will continue to work alongside SSW to develop the detailed estimate for the scheme. Required information will be provided to inform the design.	Under discussion	High
Change 3	This change to the scheme affects an area where we do not have any assets nor are looking to install any diverted assets.	Noted.	Agreed	Agreed
Change 4	This change to the scheme affects an area where we do not have any assets nor are looking to install any diverted assets.	Noted.	Agreed	Agreed

Issue	Comment	Highways England Response	Status	Agreement likely? ¹
Change 5	The change to the scheme here will affect our current proposals as it relates to the alignment of Hilton Lane. Our existing main is located within this section and there are some proposed diversionary works also within this section. Our works will have to be undertaken prior to any of the construction activities at this location so is dependent upon programme alignment to avoid any clashes or delays. Historical option of a diversion route via Hilton Lane overbridge has not been taken forward, as agreed by both HE & SSW, so have been not judged for impact in regard to this change.	Noted. The historic option to divert the asset via the Hilton Lane overbridge was discounted due to the size of the main being unable to locate this within the bridge deck structure. We will continue to work alongside SSW to develop the programme for the detailed estimate for the scheme.	Under discussion	High
Change 6	This change to the scheme affects an area where we do not have any assets nor are looking to install any diverted assets.	Noted.	Agreed	Agreed

Issue	Comment	Highways England Response	Status	Agreement likely? ¹
Change 7	The changes found on available plans do not appear to impact upon the position of current assets or proposed diversion works, however confirmation from the HE would ideally like to be sought in this regard. In particular the environmental master plan shows existing woodland remaining that either is a direct clash or very adjacent to our proposed diversion scheme. We require separate dialogue with the HE around the environmental impact of our work, the mitigation works as a consequence of habitat loss caused by the diversion works and future access arrangements that may be impacted by retention of existing habitat/vegetation or the planting of new.	Noted. We will continue to work alongside SSW to develop the detailed estimate for the scheme. Required information will be provided to inform the design.	Under discussion	High

Appendix A Initials and details of individuals involved

Initials	Name	Role or Discipline	Organisation
AM	Andrew Morris	Diversion Lead	South Staffs Water
AMN	Alastair McNeill	Highways Lead	AECOM
GS-P	Gehan Sri-Pathmanathan	Highways Engineer	AECOM
DM	David MacMillan	Highways Engineer	Amey (on behalf of AECOM)
DT	Dyfan Thomas	Highways Lead	Amey (on behalf of AECOM)
DL	David Last	Principal Engineer	AECOM
JH	James Hemingway	Highways Lead	AECOM