

M42 Junction 6

Scheme Number TR010027

**8.19(b) Statement of Common Ground with
High Speed 2 (HS2) Ltd**

Planning Act 2008

Rule 8 (1) (e)

The Infrastructure Planning (Examination Procedure) Rules 2010

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M42 Junction 6
Development Consent Order 202[]

STATEMENT OF COMMON GROUND
HS2 Ltd

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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) High Speed 2 (HS2) Ltd.

Signed 
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on behalf of Highways England
Date: 8 October 2019


Signed 
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Date: 10 October 2019

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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 the proposed M42 Junction 6 application ("the Application") made by Highways England Company Limited ("Highways England") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.1.2 The order, if granted, would authorise Highways England to carry out the following works:
- a. a new dumbbell junction approximately 1.8km south of the existing Junction 6 on the M42;
 - b. construction of a new 2.4km dual carriageway mainline link road between the new junction and Clock Interchange (an existing junction on the A45);
 - c. modifications to the existing Clock Interchange junction;
 - d. upgrades to the existing Junction 6; and
 - e. realignments and improvements to local roads to the west of the existing M42 in proximity to the proposed bypass.
- 1.1.3 This SoCG, is written in addition to the Memorandum of Understanding agreed between High Speed 2 (HS2) Ltd and Highways Agency (now Highways England) in August 2014 that sets out the principles for working practices and an understanding of the procedures that will operate between the parties; such that the development and implementation of phase 1 of the HS2 development project is facilitated as economically and efficiently as practicable whilst recognising its potential impact on the strategic roads network.
- 1.1.4 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate website.
- 1.1.5 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 on the specific issues relating to the interaction between HS2 and the M42 Junction 6 scheme (the Scheme). 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.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) HS2 Ltd.

- 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 HS2 Ltd is the company responsible for developing and promoting the UK's new high speed rail network. It is funded by grant-in-aid from the government. On 23 February 2017 Royal Assent was granted for Phase One of HS2, which enables the section of the high speed network from London to Birmingham to be built, including the HS2 Interchange Station. The HS2 Interchange Station is located in close proximity to the NE quadrant of the M42 Junction 6 and therefore it is likely to be affected by this Order. The role of HS2 in relation to the DCO process derives from Section 42(1)(d) of the Planning Act 2008 as a land interest and neighbouring business which may be affected by the Scheme.
- 1.2.4 Collectively Highways England and HS2 Ltd are referred to as 'the parties'.

1.3 Terminology

- 1.3.1 In the table in the Issues chapter of this SoCG:
- a. "Agreed" indicates where the issue has been resolved.
 - b. "Not Agreed" indicates a final position, and
 - c. "Under discussion" where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties.
- 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 HS2 Ltd's representation and therefore have not been considered in this document. It is recognised however that engagement between both parties will need to continue due to their joint vested interest in the area of the Scheme.

2 Record of Engagement

- 2.1.1 The parties have been engaged in consultation since the beginning of the proposed development for the Scheme. A summary of the meetings and correspondence that has taken place between Highways England and HS2 Ltd 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 (the topics should align with the Issues tables)
11.05.2015	Meeting	First scheme specific Stakeholder workshop between the M42 Junction 6 team and HS2 Ltd
25.09.2015	Meeting	Infrastructure Liaison Meeting – provided a presentation to HS2 Ltd on proposed scheme options
07.06.2016	Meeting	Highways England/HS2 Ltd programme meeting
30.06.2016	Meeting	Early discussion meeting to present details of the scheme to date and listen to thoughts and concerns before developing the options in more detail.
29.07.2016	Meeting	The Scheme's Utility Interface Meeting with HS2 Ltd
15.09.2016	Meeting	Infrastructure Liaison Meeting – discussed timing and impact between the 2 schemes
22.11.2016	Meeting	Meeting to share progress on the options and discuss presentation of the options at public consultation
02.02.2017	Meeting	Infrastructure Liaison Meeting – discussed timing and impact between the proposed scheme – especially regarding the impact at Junction 6.
24.03.2017	Meeting	Highways England/ HS2 Ltd Technical meeting to discuss specific interaction between the 2 schemes
26.06.2017	Meeting	HS2 Ltd /Highways England Plans and coordination meeting – with Preferred Route Announcement (PRA) plans.
25.07.2017	Meeting	Traffic modelling meeting to understand the traffic impact of the 2 schemes, conferring Highways England passed traffic model to HS2 Ltd.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
16.11.2017	Joint HS2 LTD meeting	<p>Discussion of undertaking joint Statutory Undertakers (SU) diversion of Western Power Distribution (WPD) 132kv cable route which is impacted by both Highways England and HS2 LTD works. This would also minimise the impact on the National Exhibition Centre (NEC) and Genting Arena.</p> <p>HS2 LTD originally planned to undertake these works in 2018/2019, however this has been delayed to 2021/2022 – and is now too late to tie into Highways England requirements.</p>
21.11.2017	Transport for West Midlands (TWFM) Meeting	Discussion on the interrelationships and impacts between the design of HS2 Ltd / Metro/ Bus Interchange site.
17.01.2018 18.01.2018 23.01.2018 29.01.2018 08.03.2018	E-mails between parties	<p>E- Mail chain regarding potential to combine WPD diversions within NEC land.</p> <p>E-mail confirming collaboration over diversion of WPD power cables.</p>
13.07.2018	Email	Email chain confirming that Highways England's updated traffic model includes HS2 Ltd as a committed development, and that the scheme would enable HS2 Ltd to de-scope their planned works at the Junction.
21.11.2017	Transport for West Midlands (TWFM) Meeting	Discussion on the interrelationships and impacts between the design of HS2 Ltd / Metro/ Bus Interchange site.
27.02.2018	Email	Statutory Stakeholder response
22.03.2018	Meeting	Combined Highways England and HS2 Ltd utility workshop looking for opportunities to combine utility diversion works required for both projects.
21.08.2018	Meeting	Technical meeting to review interface between Scheme proposals and HS2 APM proposals.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
24.09.2018	Meeting	General scheme update and detailed discussion about the design and need for programmes to be coordinated. Design for East Way Bridge and potential impacts on the HS2 APM Scheme required further detailed discussions to be arranged.
28.09.2018	Email	Response to query regarding the National Motorcycle Museum (NMM) rear egress in relation to the HS2 Ltd Assurance
02.10.2018	Letter	HS2 Ltd response to Highways England's further consultation on the Scheme
14.11.2018	Letter	Highways England response to HS2 Ltd, regarding their concerns over the scheme
08.01.2019	Workshop/Meeting	Interface between HS2 APM overbridge design team and the Scheme's Project Team regarding the M42 Junction 6 slip road alignment.
23.01.2019 04.02.2019 06.02.2019 11.02.2019 28.02.2019 20.03.2019 21.03.2019	Email Chain	Regarding interface between the Scheme and HS2 APM overbridge design and associated infrastructure.
22.03.2019	Workshop/Meeting	Ongoing interface discussions between HS2 Ltd and the Scheme's Project Team
12.04.2019 18.04.2019 29.04.2019 29.04.2019 08.05.2019 09.05.2019	Email Chain	Regarding interface between the Scheme and HS2 APM overbridge and associated infrastructure.

- 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) HS2 Ltd in relation to the issues addressed in this SoCG.

3 Issues

3.1 Issues Raised

Table 3.1 – Record of Issues Raised

Sub-topic	HS2 Ltd Comment	Highways England Response/Actions	Status/Agreement
Automated People Mover and the M42 Southbound off-slip at Junction 6.			
Automated People Mover	<p>Following assessment and review of the proposals currently under consultation through this statutory process by HS2 Ltd, its consultant design team (Arup) and appointed contractors (Balfour Beatty Vinci JV) it is apparent that areas of the updated extent of the proposed DCO scheme within the red line boundary are located within formal safeguarding/HS2 Act limits for the HS2 Birmingham Interchange Station People Mover (APM) and are therefore required for the construction and/or operation of Phase One of HS2. Due to that interface with works proposed by one of our strategic delivery partners it will come as no surprise that representatives of the HS2 Phase One Construction Directorate have already liaised with Highways England and their scheme designers regarding respective works simultaneously proposed in that location. Notwithstanding that dialogue a number of impacts have been identified between the applicant's proposed improvement scheme as currently submitted and the specific HS2 Schedule 1 works committed in the HS2 Act scheme as follows:</p>	<p>The Scheme includes a dedicated link from the M42 Southbound to the A45 Eastbound to improve access to the A45 and the HS2 Birmingham Interchange Station. The works included in the DCO are necessary to provide the powers to build this new link.</p> <p>Following engagement with HS2 Ltd in 2018, the local limits of deviation were increased around the M42 south-bound off slip to ensure that there is sufficient flexibility in this location for effective coordination with HS2 Ltd during detailed design of both schemes. Highways England will continue to work closely with HS2's design team to facilitate a satisfactorily coordinated design, taking into consideration construction, maintenance and operational requirements of the HS2' assets.</p> <p>Highways England has provided HS2 Ltd with a copy of a plan which it considers demonstrates that there is no conflict between the two schemes. HS2 Ltd to provide a formal response on this matter prior to 2 September 2019.</p> <p>Both Parties have agreed that this matter will be covered by the Protective Provisions Agreement (PPA) sought by HS2 Ltd. The PPA between both parties is under discussion and</p>	Under Discussion

Sub-topic	HS2 Ltd Comment	Highways England Response/Actions	Status/Agreement
		subject to refinement. Both parties are working towards the PPA being agreed prior to the close of examination.	
	Clash with the Automated People Mover (APM) maintenance facility and proposed Highways England drainage ponds	<p>The Scheme's Project Team has worked in collaboration with HS2 Ltd and their APM design team to understand the detail of this interaction, and to accommodate the APM design. This has included Highways England and HS2 Ltd testing design scenarios to ensure each party's essential infrastructure works can be delivered in a way that would not fetter either party's powers to deliver their works.</p> <p>Highways England is therefore confident that there is sufficient room within the Order limits and limits of deviation proposed within the DCO to enable both Schemes to proceed without conflict. This is a matter that can be subject to either protective provisions or by separate agreement between both parties.</p> <p>Highways England has provided HS2 Ltd with a copy of a plan which it considers demonstrates that there is no conflict between the two schemes. HS2 Ltd to provide a formal response on this matter.</p> <p>Both Parties have agreed that this matter will be covered by the Protective Provisions Agreement (PPA) sought by HS2 Ltd. The PPA between both parties is under discussion and subject to refinement. Both parties are working towards the PPA being agreed prior to the close of examination.</p>	Under Discussion
	Clash between Highways England access tracks and APM maintenance facility	Highways England will continue to collaborate with HS2 Ltd to establish where any potential clashes exist between the two schemes and to identify how these issues can best be resolved as both schemes progress to the detailed design stage.	Under Discussion

Sub-topic	HS2 Ltd Comment	Highways England Response/Actions	Status/Agreement
		<p>Highways England has submitted a draft Protective Provisions Agreement to HS2 Ltd which seeks to ensure both parties can bring forward their schemes without conflict.</p> <p>Both Parties have agreed that this matter will be covered by the Protective Provisions Agreement (PPA) sought by HS2 Ltd. The PPA between both parties is under discussion and subject to refinement. Both parties are working towards the PPA being agreed prior to the close of examination.</p>	
	Clash between the M42 fence line, proposed HS2 utility diversions and maintenance facility	<p>Highways England is confident that there is sufficient room within the Order limits and limits of deviation proposed within the DCO to enable both Schemes to proceed without conflict. This is a matter that can be subject to either protective provisions or by separate agreement between both parties.</p> <p>Highways England has submitted a draft Protective Provisions Agreement to HS2 Ltd which seeks to ensure both parties can bring forward their schemes without conflict.</p> <p>Both Parties have agreed that this matter will be covered by the Protective Provisions Agreement (PPA) sought by HS2 Ltd. The PPA between both parties is under discussion and subject to refinement. Both parties are working towards the PPA being agreed prior to the close of examination.</p>	Under Discussion
	Clash between the APM M42 span columns and proposed scheme	<p>Highways England has demonstrated to HS2 Ltd that there is sufficient room within the Order limits and limits of deviation proposed within the DCO to accommodate the columns for the APM structure within its proposals. This is a</p>	Under Discussion

Sub-topic	HS2 Ltd Comment	Highways England Response/Actions	Status/Agreement
		<p>matter that can be subject to either protective provisions or by separate agreement between both parties.</p> <p>Highways England has provided HS2 Ltd with a copy of a plan which it considers demonstrates that there is no conflict between the two schemes. HS2 Ltd to provide a formal response on this matter prior to 2 September 2019.</p> <p>Both Parties have agreed that this matter will be covered by the Protective Provisions Agreement (PPA) sought by HS2 Ltd. The PPA between both parties is under discussion and subject to refinement. Both parties are working towards the PPA being agreed prior to the close of examination.</p>	
	Potential clashes or increased HS2 construction complexity due to sequencing of works	Highways England and its Contractor will continue to engage with HS2 Ltd to further understand how the construction programmes for respective works will interact so as to avoid potential conflicts and to establish if any efficiencies and benefits can be gained through closer working. This is a matter that can be subject to either protective provisions or by separate agreement between both parties.	Agreed
Potential construction clash in NEC carpark	NEC car park proposed to be used as site compound therefore clashing with HS2 compound	Highways England and its Contractor will continue to engage with HS2 Ltd to further understand how the construction programmes for respective works will interact so as to avoid potential conflicts and to establish if any efficiencies and benefits can be gained through closer working. Both parties recognise the importance of engagement with the NEC on these matters with a view to avoid any undue disturbance to the NEC car parking.	Agreed
Rights of acquisition	It should be noted that HS2 possesses powers under the HS2 Act for both temporary and permanent	HS2 Phase One and the Scheme are both nationally significant infrastructure projects.	Under Discussion

Sub-topic	HS2 Ltd Comment	Highways England Response/Actions	Status/Agreement
	acquisition for parcels of land that are indicated within the applicant's scheme. Unless and until the issues outlined above are resolved through amendments to the applicant's scheme HS2 would object to the inclusion in the DCO of powers for the acquisition of land or rights that conflict with the HS2 Phase One safeguarding directions given the importance of the High Speed Two Project to the UK.	<p>Highways England notes the comments in respect of HS2's rights over land within the DCO Order Limits and has sought to avoid potential conflicts through close working with HS2 since 2014. Furthermore, both parties acknowledge the importance of the proposed works to Junction 6 of the M42 to increase capacity at the junction which will serve the proposed HS2 Birmingham Interchange station. This is a matter that can be subject to either protective provisions or by separate agreement between both parties.</p> <p>Highways England has submitted a draft Protective Provisions Agreement to HS2 Ltd which seeks to ensure both parties can bring forward their schemes without conflict.</p> <p>Both Parties have agreed that this matter will be covered by the Protective Provisions Agreement (PPA) sought by HS2 Ltd. The PPA between both parties is under discussion and subject to refinement. Both parties are working towards the PPA being agreed prior to the close of examination.</p>	
Protective Provisions	HS2 requires that protective provisions are agreed and included in the DCO to protect the construction and continued operation and maintenance of the HS2 Phase One programme.	<p>Highways England agrees that protective provisions for HS2 can either be included within the DCO or be secured by agreement between both parties, and is content to discuss the precise scope of these with HS2. An agreement will be reached in advance of the DCO being finalised.</p> <p>Highways England has submitted a draft Protective Provisions Agreement to HS2 Ltd which seeks to ensure both parties can bring forward their schemes without conflict.</p> <p>Both Parties have agreed that this matter will be covered by the Protective Provisions Agreement (PPA) sought by HS2 Ltd. The PPA between both parties is under discussion and</p>	Under discussion

Sub-topic	HS2 Ltd Comment	Highways England Response/Actions	Status/Agreement
		subject to refinement. Both parties are working towards the PPA being agreed prior to the close of examination.	

APPENDICES

NO APPENDICES ARE PROVIDED