

# **M42 Junction 6 Development Consent Order**

**Scheme Number TR010027**

## **8.18 Statement of Common Ground with Arden Hotel**

Planning Act 2008

Rule 8 (1)(e)

The Infrastructure Planning (Examination Procedure) Rules 2010

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The Infrastructure Planning (Examination Procedure) Rules 2010

**M42 Junction 6**  
Development Consent Order 202[ ]

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**STATEMENT OF COMMON GROUND**  
**Arden Hotel**

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<b>Regulation Number</b>	Rule 8(1)(e)
<b>Planning Inspectorate Scheme Reference</b>	TR010027
<b>Document Reference</b>	8.18
<b>Author</b>	Highways England and Arden Hotel

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1	28 October 2019	Updated draft for Deadline 7

## STATEMENT OF COMMON GROUND

**This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Arden Hotel.**

Signed.....  
Chris Harris  
Project Manager  
on behalf of Highways England  
Date: [DATE]

Signed.....  
[NAME]  
[POSITION]  
on behalf of Arden Hotel  
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 the proposed M42 Junction 6 Development Consent Order ("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 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 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.
- 1.1.4 This SoCG has been produced to confirm to the Examining Authority (ExA) 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.

## 1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) Arden Hotel.
- 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 Highways England, including in respect of the Application, to be conferred upon or assumed by Highways England.
- 1.2.3 Arden Hotel's role in the Development Consent Order (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. Arden Hotel owns land which is in the Order Limits to the north of the A45. (Scheme and Order Limits defined in the dDCO).
- 1.2.4 Collectively Highways England and Arden Hotel 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 Arden Hotel'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.

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## 2 Record of Engagement

2.1.1 The parties have been engaged in consultation since the beginning of the proposed development. A summary of the meetings and correspondence that has taken place between Highways England and Arden Hotel 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)
21.08.18, 22.08.18, 27.08.18, 30.08.18	Emails	Emails to arrange a meeting to discuss the changes proposed to the scheme in light of consultation responses received.
19.09.18	Meeting	Highways England set out what the impact of the Scheme would be on the Arden Hotel.
02.10.18	Email	Email from Arden Hotel confirming their key issues.
26.04.19	Email	Emails to arrange a meeting to provide an update on the Scheme.
15.05.19	Meeting	Update meeting on the Scheme progress. There were discussions on land acquisition and access arrangements in relation to the footbridge over the A45.
16.07.19, 17.07.19	Email	Email from Arden Hotel seeking to arrange another meeting with SMBC and for the footbridge design drawings.
19.07.19, 23.07.19, 24.07.19, 26.07.19, 06.08.19, 13.08.19	Emails	Emails to arrange a meeting with HE, Arden Hotel and SMBC.
07.08.19	Email	Email to Arden Hotel, issuing the footbridge drawings.
15.08.19	Meeting	Update meeting on the Scheme progress, with HE, Arden Hotel and SMBC.
27.08.19	Email	Email from Arden Hotel following attendance at the hearings, noting their key issues.
10.09.19	Email	Email to issue meeting notes and to arrange a further meeting.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
12.09.19, 16.09.19, 19.09.19, 23.09.19, 24.09.19	Emails	Emails to arrange a meeting with HE and Arden Hotel.
24.09.19	Email	Email to issue draft SoCG.
25.09.19	Meeting	Meeting to discuss the SoCG.
30.09.19	Email	Email to issue meeting notes.

- 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) Arden Hotel in relation to the issues addressed in this SoCG.



## 3 Issues

### 3.1 Issues Raised

Sub-topic	Arden Hotel Comment	Highways England Response/Actions	Status/Agreement
<b>Land Acquisition</b>			
<b>Permanent acquisition of land</b>	<p>The permanent acquisition of a parcel of the Hotel's land will limit development opportunities for the hotel in the future. The design and location of the bridge restrict the future development and expansion of the hotel and its wider operations.</p> <p>As an alternative option had only been tabled at the meeting, the Arden hotel has asked Highways England to assess all of the impacts of all design solutions for the proposed footbridge to allow Arden Hotel to agree which design solution has the least impact on the hotel. It has requested a report setting out the same which was agreed to be provided by 11 October 2019.</p>	<p>Highways England has sought to reduce the permanent land take required from the Arden Hotel to deliver the proposed A45 Pedestrian Overbridge. The proposal within the draft Development Consent Order (dDCO) seeks the permanent acquisition of approximately 300m<sup>2</sup> of land for the northern ramp of the overbridge structure and its associated limits of deviation. Highways England would, however, expect the final land take to be reduced following detailed design.</p> <p>Highways England has investigated alternative options and discussed these with the Arden Hotel on 25 September 2019. Highways England has proposed an alternative design, which would avoid permanent land take. The favoured option for the Arden Hotel is being explored with Solihull MBC and will be subject to further discussion with Arden Hotel.</p>	Ongoing discussions

Sub-topic	Arden Hotel Comment	Highways England Response/Actions	Status/Agreement
<b>Temporary use of land</b>	<p>The temporary acquisition of a parcel of the Hotel's land will have a detrimental impact on the operation of the hotel, as access and parking will be impeded.</p> <p>To evaluate the various options that have been presented to the Arden Hotel, a report that summarises any temporary construction effects has been requested.</p>	<p>The layout presented in this DCO application takes into consideration the temporary acquisition of land as well as permanent land acquisition that is required to construct the A45 pedestrian overbridge. Highways England notes that additional land will be acquired temporarily to allow the safe construction of the alternative layouts considered.</p> <p>Highways England will, subject to the agreement of an option, use reasonable endeavours to minimise the impact on the hotel and the loss of any parking during the construction of the A45 Pedestrian Overbridge.</p> <p>Highways England sent the plans for the construction access options to the Arden Hotel for consideration by 11 October 2019.</p>	<p>Ongoing discussions</p>
	<p>The applicant has, to date, not offered any indication of the likely duration of the temporary acquisition, the duration of the works and assurances regarding the condition in which the land will be returned to the hotel. It may be mutually beneficial if the material from the bund wasn't returned in its entirety.</p>	<p>It is currently planned that the works to construct the new A45 footbridge will be part of the first construction activities on the scheme. The bridge construction is planned to commence following land entry in September 2020 and will take approximately six months to construct. It may be possible to enter land sooner than September (but after the decision on the DCO) subject to agreement with Arden Hotel.</p> <p>Use of the land is limited to the construction of the footbridge works and any associated statutory undertaker diversions.</p>	

Sub-topic	Arden Hotel Comment	Highways England Response/Actions	Status/Agreement
		<p>In accordance with the provisions within the Outline Environmental Management Plan, the Principal Contractor will keep residents and landowners informed of planned construction activities in advance of them being carried out.</p> <p>The reinstatement provisions found in Article 33 of the dDCO contains provisions regarding the reinstatement of land <b>[REP5-002 / Vol 3.1(b)]</b>.</p> <p>Highways England to give due consideration as to whether or not it would be possible to refrain from putting the material removed from the mound back on site and consider whether it could be used elsewhere.</p>	
<b>Land Ownership Plans</b>	<p>The land ownership plan received with the section 56 notice identified some blue land whereby the key states that there was to be some land used temporarily and rights to be acquired permanently. The hotel requires clarity over what is and isn't required in respect of the blue land as part of it is in its ownership.</p> <p>The hotel is confused by Highways England's response and requires clarity.</p>	Highways England confirmed that the subsoil rights are affected.	Agreed

Sub-topic	Arden Hotel Comment	Highways England Response/Actions	Status/Agreement
<b>Construction</b>			
<b>Construction access</b>	<p>The use of the hotel's access by heavy vehicles and plant, will have a detrimental impact on the operation of the hotel and customer experience when visiting the site, due to the transition of debris and potential detrimental impact on the condition of the access. The land adjacent to the Arden and railway (which we presume will accommodate the footbridge) has previously been used as a building pound during highway construction works. During this time the site was accessed directly off the A45 via the bus stop, to negate the need for the hotel's access to be used. This option does not appear to have been considered by the applicant to date.</p> <p>See above</p>	<p>Highways England can confirm that the Principal Contractor will liaise directly with the Arden Hotel prior to the commencement of works in this area with a view to reaching an agreement about the appropriate use of the access.</p> <p>See above.</p>	
<b>Working Practices and Timings</b>	<p>Indication of the proposed working practices and constraints on working hours.</p> <p>Arden Hotel concerned that works commencing at 7am or 8am will have a detrimental impact on the hotel's guests and repeat custom will be affected and will disrupt the wider operation of the hotel.</p>	<p>Highways England has outlined the working hours that are to be adhered to as part of the dDCO which are as follows:</p> <p>07:00 – 18:00 Monday to Friday</p> <p>08:00 – 13:00 Saturday</p>	

Sub-topic	Arden Hotel Comment	Highways England Response/Actions	Status/Agreement
		<p>However, some work activities may need to be undertaken outside of these working hours as set out in Requirement 4 of the dDCO.</p> <p>In reference to construction, Highways England refers the Arden Hotel to the Outline Environmental Management Plan [APP-172 / Volume 6.11]. This purpose of this document is to manage the environmental effects of the Scheme during construction. This document contains a number of control measures, which the Contractor will be obligated to adhere to.</p> <p>Please note, all construction works will be subject to Section 61 consents, which will need to be agreed by Solihull Metropolitan Borough Council</p>	
	<p>The hotel would like a programme of the works together with estimated timescales (to be minimised).</p>	<p>Highways England has also committed to providing an update to the outline construction programme at Deadline 6 (11 October 2019).</p> <p>Highways England can confirm that the Principal Contractor will liaise directly with the Arden Hotel prior to the commencement of works in this area, which will include providing updates on the construction programme.</p>	

Sub-topic	Arden Hotel Comment	Highways England Response/Actions	Status/Agreement
	<p>The hotel would like Highways England and their Contractor to engage with the hotel during construction to ensure all reasonable endeavours are taken to minimise the impact on hotel events and guests.</p>	<p>The Contractor, during construction, shall have a community liaison officer on site in order to engage with the hotel.</p> <p>The liaison officer shall co-ordinate with the hotel to ensure that any construction activities which directly impact the hotel are communicated in advance and they shall co-operate in order to minimise any negative impact on the hotel.</p> <p>Furthermore, Highways England would welcome communication from the hotel management and be notified of any events being held at the hotel to ensure that all reasonable endeavours can be put in place to minimise the impact of construction activities.</p>	
<b>Safety</b>	<p>The Arden Hotel raised a safety concern (again as this had been mentioned previously) that drivers travelling past the exit from the Arden Hotel merge into the left-hand lane for the M42 too soon (driving and cutting over the chevrons) which makes exiting the hotel difficult. The hotel asked whether bollards could be put in place/extended further down the carriageway as there were concerns that the problem would be worsened with the addition of construction traffic.</p>	<p>Highways England will develop the Traffic Management Plan associated with the construction of the Pedestrian Overbridge in order to ensure that access and egress is controlled in a safe manner.</p> <p>As part of the temporary traffic management plan, the Contractor would seek to install temporary bollards adjacent to the carriageway. Any permanent installation of bollards would be investigated as part of detailed design and would be subject to approval from Solihull Metropolitan Borough Council.</p>	

Sub-topic	Arden Hotel Comment	Highways England Response/Actions	Status/Agreement
<b>Footbridge</b>			
<b>Options for the footbridge</b>	The hotel wishes to understand whether the footbridge could be sited at Long Acre.	<p>As part of the design optioneering process, the land occupied by Longacre Farm was considered and ultimately discounted by the Applicant due to the following reasons:</p> <p>The land title of Longacre Farm is at its narrowest where it meets the A45, therefore this would require the bridge to span further into Longacre Farm with the potential to require the existing property to be demolished to accommodate the ramp structure. Furthermore, to construct the bridge to the East of the West Coast Mainline would require the bridge structure to be constructed on a skew across the A45 to ensure that each ramp structure does not interface with Network Rail's operational land.</p> <p>Furthermore, a structure placed in this location would obstruct visibility to advance directional signage and gantries at a point where motorists will be making decisions on approach to a junction.</p> <p>When considering the A45 Pedestrian Overbridge in its context of the wider public rights of way, positioning the A45 Pedestrian Overbridge to the East of the West Coast Mainline would result in an overall increase in journey times and distance.</p> <p>In comparison, the current position of the A45 Overbridge makes efficient use of land currently</p>	

Sub-topic	Arden Hotel Comment	Highways England Response/Actions	Status/Agreement
		owned by Solihull Metropolitan Borough Council, who, following completion, shall be responsible for the operation and maintenance of this structure.	
	The hotel is keen to reduce the amount of land permanently acquired to an absolute minimum, and if possible eliminate the need for their land. Accordingly the bridge design needs to be agreed.	<p>Highways England has sought to reduce the permanent land take required from the Arden Hotel to deliver the proposed A45 Pedestrian overbridge. The proposal within the dDCO seek the permanent acquisition of the approximately 300m<sup>2</sup> for the northern ramp of the overbridge structure and its associated limits of deviation. Highways England would, however, expect the final land take to be reduced following detailed design.</p> <p>Highways England has investigated alternative options and discussed these with the Arden Hotel on 25 September. The favoured option for the Arden Hotel is being explored further with Solihull MBC and will be discussed further with Arden Hotel. (See above response regarding permanent land take)</p>	



Sub-topic	Arden Hotel Comment	Highways England Response/Actions	Status/Agreement
<b>Compensation</b>			
<b>Compensation the Arden Hotel may be entitled to</b>	The hotel wishes to understand the level of compensation for both the temporary possession and permanent acquisition (if necessary).	<p>Highways England has submitted into the DCO Examination a report titled “Highways England Compensation Documents” <b>[REP4-009/Volume 8.57]</b>. Highways England refers the Arden Hotel to this document.</p> <p>As the Arden Hotel are defined as having land permanently and temporarily acquired by the Scheme, Highways England will pay the reasonable costs that cover the negotiation of the land transfer and/or or accommodation works.</p> <p>However, Highways England will not pay for any costs associated with the Arden Hotel’s objections, for example any attendance during the examination hearings.</p> <p>The District Valuer and Legal Advisor for Highways England has made contact with the Arden Hotel on 9.10.19 to open discussions about compensation.</p>	

## APPENDICES

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