

M54 to M6 Link Road

TR010054

8.8 LIU(L) Draft Statement of Common Ground with The National Trust

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Planning Act 2008

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Forms and Procedure) Regulations 2009

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(Applications: Prescribed Forms and
Procedure) Regulations 2009**

**M54 to M6 Link Road
Development Consent Order 202[]**

**8.8 LIU(L) Draft Statement of Common Ground with
The National Trust**

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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) The National Trust.

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

Signed.....
[NAME]
[POSITION]
on behalf of The National Trust
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 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 and where agreement has not (yet) been reached. 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.
- 1.1.4 **This SoCG has been drafted by Highways England based on correspondence with the National Trust during the development of the Scheme and records Highways England's current understanding of the matters agreed and not agreed.**
- 1.1.5 **The first draft of this SoCG was provided to the National Trust on 23 October 2020. On 02 November 2020 the National Trust provided minor comments on the 'Record of Engagement' these have been incorporated in the SoCG. The National Trust have not yet provided comment on the issues listed in Table 3.1 and 3.2 of this SoCG. Highways England will continue to work to finalise the contents of this SoCG at the earliest opportunity as the Application proceeds through the Examination process.**

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by Highways England as the Applicant and The National Trust for Places of Historic Interest or Natural Beauty ('the National Trust').
- 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 The National Trust was founded in January 1895. It is a conservation charity which cares for historic properties and areas of historic landscape. Its governance arrangements are underpinned by Acts of Parliament. The first National Trust Act was passed by Parliament in 1907. A number of successive Acts have since been introduced to update and, where necessary, revise their constitution. They have been consulted as an interested party.

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 the National Trust, 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 the National Trust.

- 1.3.3 All documents referenced in this SoCG are given a reference APP-x.x/y or AS-xx/y. In these references the 'APP' or 'AS' number refers to the number given to documents as presented in the Examination library, available on the Planning Inspectorate website here: <https://infrastructure.planninginspectorate.gov.uk/projects/west-midlands/m54-to-m6-link-road/?ipcsection=docs>. The latter number 'y' is the document number for documents as labelled on their covers by Highways England.

DRAFT

2 Record of Engagement

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England (HE) and The National Trust (NT) in relation to the Application is outlined in Table 2.1. A list of the initials, names, role and organisation of the people mentioned in the Table is included at Appendix A.

Table 2.1: Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes
21/11/2018	Email from CL (NT) to HE	Confirming NT ownership of Moseley Old Hall and grounds. Raising concern re impact of south junction on this property and re access to ROF Featherstone. Raised noise concern re existing motorway and whether mitigation could be offered as an enhancement.
03/12/2018	Email from TB (Amey) to CL (NT)	Agreement to meet in January 2019.
24/01/2019	Email from CL (NT) to TB (Amey)	Arrangements for meeting and for an additional viewpoint from Moseley Old Hall.
24/01/2019	Email from RW (AECOM) to CL (NT)	Request for additional photos from rooms in the Hall and Chapel to inform the heritage assessment.
24/01/2019	Email from CL (NT) to RW (AECOM)	Offering to send the HB record of Moseley Old Hall 2015.
24/01/2019	Email from CL (NT) to KK (AECOM)	Wetransfer link to Historic Building Record and Assessment of Moseley Old Hall (Ric Tyler, 2015).
25/01/2019	Meeting with CL, TW (NT), TB (Amey), DT, TP, RW, LB, KK, AS (AECOM)	<p>Overview of DCO process and timings.</p> <p>Working on a PIER and some habitat surveys done already. These will continue and also geology & soils, flood risk, Water quality, heritage receptors, Landscape receptors, trees, non-motorised users and land use.</p> <p>History of Moseley Old Hall. NT open to accommodating ecological mitigation on their land if needed.</p> <p>Design options re impact on noise bund and woodland planting.</p> <p>Main concerns raised – access & disruption during construction; impact on Ancient Woodland; noise levels.</p> <p>HE designated funds may be available for noise screening and ecological enhancement.</p>
28/01/2019	Email from CL (NT) to TP, TB, RW, AS, LB and KK (AECOM)	Attaching the NT's nature evaluation for the property from 2005.

Date	Form of correspondence	Key topics discussed and key outcomes
23/05/2019	Letter to NT	Notification of Statutory Consultation
05/07/2019	Email from CL	<ul style="list-style-type: none"> Consultation response
11/11/2019	Letter to NT	Notification of Supplementary Consultation
11/11/2019	Email from CL (NT) to TP, RR (AECOM)	Attaching a drawing showing the access into Whitgreaves Wood from the public highway at Moseley Old Hall Lane. Also attaching an OS plan and aerial photo showing same and stating that all land involved is owned by the NT.
11/12/2019	Email from CL (NT) to AK (HE)	Response to supplementary consultation
18/12/2019	Email from TP (AECOM) to CL (NT)	Attaching draft Heads of Terms for proposed works at Whitgreaves Wood for review and comment.
06/01/2020	Email from TP (AECOM) to CL (NT)	Attaching Special Category Land Plans to support the draft Heads of Terms and requesting comments on the Heads of Terms.
09/01/2020	Email from CL (NT) to TP (AECOM)	<p>Advising that the Heads of Terms will be discussed on 10/01/20.</p> <p>Advising of some potential areas of change.</p>
15/01/2020	Email from CL (NT) to TP (AECOM)	<p>Advising that the meeting on 10/01/20 confirmed that NT main issue is with the commitment not to object in advance of seeing the detail of the DCO.</p> <p>Also, the exercise of DCO powers doesn't reference any limit on HE access to NT land to carry out the works.</p> <p>Rather than maintenance of the works, NT prefer maintenance of the woodland.</p>
15/01/2020	Email from TP (AECOM) to CL (NT)	Attaching revised Heads of Terms which address the points raised by NT and asking if NT would agree to them.
16/01/2020	Email from CL (NT) to TP (AECOM)	Querying terminology in the revised Heads of Terms.
16/01/2020	Email from TWe (Gowling WLG) to CL (NT) & TP (AECOM)	Confirming that the correct expression queried in the DCO is 'temporary possession'.
22/01/2020	Email from CL (NT) to TWe (Gowling), TP (AECOM), CP& SA (NT)	Re terminology in Heads of Terms. NT prefer the word 'use' rather than 'possession' relating to what they are agreeing not to object to, for clarity.

Date	Form of correspondence	Key topics discussed and key outcomes
22/01/2020	Email from TW (Gowling) to CL, CP, SA (NT) & TP (AECOM)	Asking if the Heads are now agreed and whether to prepare a draft agreement for approval.
24/01/2020	Email from CL (NT) to TWe (Gowlings), TP (AECOM) & CP, SA (NT)	Confirming that Heads of Terms are agreeable subject to agreement from Gowlings and AECOM and advising that a draft agreement can be prepared.
24/01/2020	Email from TWe (Gowlings) to CL, CP, SA (NT) & TP (AECOM)	Confirming that Heads of Terms are agreeable.
22/04/2020	Email from RT (Gowlings) to CL, CP, SA (NT)	Providing draft agreement for NT review and approval.
08/05/2020	Email from CP (NT) to RT and TWe (Gowling)	Revised draft agreement for HE review and approval.
09/05/2020	Email from CP (NT) to RT and (Gowling)	Provision of draft access plan to be attached to the agreement.
17/06/2020	Email from RT (Gowlings) to CL, (NT)	Approving amended agreement and access plan.
08/07/2020	Email from CP (NT) to RT and TWe (Gowling)	NT request for final changes to the agreement.
29/07/2020	Email from RT (Gowlings) to CL, (NT)	Confirmation that final changes are approved and circulation of final engrossed form of agreement.
21/08/2020	Letter from HE to National Trust	Supplementary consultation letter sent.
14/09/2020		Completion of agreement between HE and NT
21/09/2020	Email from NT to HE	Response to consultation on the proposed changes to the Scheme.
14/10/2020	Phone call between RT (Gowlings) to CL (NT)	CL confirmed reason for dialling into PM2 relates to the potential need to visit Old Moseley Hall on the site visit. Confirmed NT are satisfied that the scheme does not affect the Hall or surrounding settings but acknowledged from examiners' questions, they may wish to judge for themselves. NT happy to facilitate access, but the Hall is currently closed and access inside in a Covid-19 secure way would require thought. CL asked if SoCG was available to review, accepted it may have been

Date	Form of correspondence	Key topics discussed and key outcomes
		sent to another contact. Regarding examiners' questions, NT are dealing with question regarding inalienability. Regarding Whitgreaves Wood, CL advised that only the car park is currently inalienable, the acquisition of the wood and fields was understood to be with the intention that they would become inalienable. NT have supporting evidence for the field and believe they have supporting paperwork for the wood but cannot access it due to offices being closed subsequent to Covid-19. NT to arrange access to papers to enable response by 3 November 2020 deadline.
23/10/20	Email to CL (NT) from AS (AECOM)	Sent SoCG for review and comment.
23/10/20	Virtual meeting between CL (NT), TP, AL, RR (AECOM), TW (Gowlings)	Meeting to discuss draft SoCG and responses to Written Questions.
28/10/20	Email from AS (AECOM) to CL (NT)	Request confirmation as to whether comments on the SoCG will be provided to HE prior to the submission at Deadline 1. If this is not possible in the timescales available all points will remain as 'under discussion' for Deadline 1.
02/11/20	Email from CL (NT) to AS (AECOM)	Final comments on the draft SoCG have not been received from all colleagues at NT, issues to remain 'under discussion' for submission at Deadline 1. Minor alterations to the 'Record of Engagement' and Appendix A of the SoCG.
02/11/20	Email from AS (AECOM) to CL (NT)	The SoCG will be updated to reflect the outlined amendments to the 'Record of Engagement' and Appendix A.

- 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) The National Trust 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 The National Trust and Highways England.
- 3.1.2 The progress note submitted by the Planning Inspectorate on the 20 July 2020 under Section 88 of the Planning Act 2008 (as amended) and Rules 5 and 17 of the Infrastructure Planning (Examination Procedure) Rules 2010, sets out in Annex B the Examining Authority's (ExA) 'Initial Assessment of Principle Issues'. In Annex C the Planning Inspectorate sets out a list of SoCG that the ExA request the Applicant to enter into with a number of parties including the National Trust.
- 3.1.3 The ExA requested the SoCG between the National Trust and the Applicant to cover the following issues:
- The effect on the setting of Moseley Old Hall (Issue ref. NT-01).
 - Effects on Whitgreaves Wood (Issue ref. NT-02).
 - The need for and means of securing mitigation actions (Issue ref. NT-03).

3.2 Issues related to the Environmental Statement (ES)

Table 3.1: Issues Related to the Environmental Statement

Issue	Sub-section	The National Trust Comment	Highways England Response	Status	Agreement likely (app)?	Agreement likely (IP)?
ES Chapter 6: Cultural Heritage [APP-045/6.1]						
Baseline conditions	Section 6.6 'Baseline conditions' Para. 6.6.60 to 6.6.63 and 6.6.85	NT [please confirm whether you] are content that the baseline information on Moseley Old Hall and the associated buildings in Chapter 6: Cultural Heritage of the ES is accurate.	Baseline conditions for heritage assets are reported in Section 6.6 of the ES [APP-045/6.1].	Under discussion	High	High
Effect on Moseley Old Hall and associated buildings IR: NT-01	Section 6.9 'Assessment of likely significant effects' Para. 6.9.26 to 6.9.36 and 6.9.48 to 6.9.49	NT [please confirm whether you] are content that the assessment of impacts on Moseley Old Hall and the associated buildings	The assessment of effects on heritage assets reported in Chapter 6: Cultural Heritage of the ES [APP-045/6.1] takes into account the effects on the setting of built heritage assets. The impact of the Scheme on Moseley Old Hall is reported in paragraphs 6.9.28 to 31 (Construction) and paragraphs 6.9.45 to 49 (Operation) of the ES [APP-045/6.1].	Under discussion	High	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, red = low likelihood of agreement.

Issue	Sub-section	The National Trust Comment	Highways England Response	Status	Agreement likely (app)?	Agreement likely (IP)?
ES Chapter 7: Landscape and Visual [APP-046/6.1]						
Viewpoint Locations	Section 7.3 'Assessment methodology' Para. 7.3.29	NT suggest an additional viewpoint is included in the landscape and visual chapter from Whitgreaves Wood.	Agreed. An additional viewpoint, Viewpoint 19, looking north-east towards the Scheme from Whitgreaves Wood has been included as part of the assessment of visual impacts reported in Chapter 7: Landscape and Visual of the ES.	Agreed	Agreed	Agreed
Visual impact on Whitgreaves Wood	Section 7.9 'Assessment of likely significant effects'	NT [please confirm whether you ...] are content that the visual impact on the views from Whitgreaves Wood have been appropriately assessed in the ES.	The impact on the view from Whitgreaves Wood is reported in Tables 7.12 and 7.15 of the ES [APP-046/6.1].	Under discussion	High	High
ES Chapter 8: Biodiversity [AS-025/6.1]						
Mitigation measures IR: NT-03	Section 8.8 'Design, mitigation and enhancement' Para. 8.8.3	NT [please confirm whether you] are content that the measures to mitigate the impacts on Whitgreaves Wood including compensation planting and improvement works to Whitgreaves Woodland are necessary to compensate for the impact on ancient woodland and that these measures are appropriately secured.	Highways England and the National Trust have a formal agreement relating to The M54 to M6 Link Road Development Consent Order and land at Whitgreaves Wood. This agreement allows Highways England to undertake these works within Whitgreaves Wood and ensures the National Trust will maintain these compensation measures. The measures required to compensate for the impact on	Under discussion	High	High

Issue	Sub-section	The National Trust Comment	Highways England Response	Status	Agreement likely (app)?	Agreement likely (IP)?
			ancient woodland (including Whitgreaves Wood) are set out in the OEMP, Table 3.4, D-BIO11. Delivery of the OEMP [TR010054/APP/6.11] is a Requirement in the draft DCO.			
Effects on Whitgreaves Wood IR: NT-02	Section 8.9 'Assessment of likely significant effects'	NT [please confirm whether you] are content that the effect on Whitgreave Wood is accurately assessed, as reported in Chapter 8: Biodiversity of the ES and the technical note 'DMRB updates and the Implications on the DCO Application' [TR010054/APP/8.2].	<p>The impact and effect on Whitgreaves wood is reported in Section 8.9 of the ES [AS-025/6.1].</p> <p>Following an update to DMRB air quality methodology a sensitivity test was undertaken to determine whether these changes would alter the assessment of air quality impacts on biodiversity receptors as reported in the ES [AS-025/6.1]. This is reported in 'DMRB updates and the Implications on the DCO Application' [TR010054/APP/8.2] submitted to the Planning Inspectorate on 31 July 2020. Paragraph 3.5.6 to 3.5.7 reported that increased nitrogen deposition would impact up to 0.33 ha of the 1.36 ha woodland (Whitgreaves Wood). This increase in nitrogen dose between 0.04 kg N ha⁻¹ yr⁻¹ and 0.9 kg N ha⁻¹ to yr⁻¹ would</p>	Under discussion	High	High

Issue	Sub-section	The National Trust Comment	Highways England Response	Status	Agreement likely (app)?	Agreement likely (IP)?
			<p>trigger a one species change and negatively affect the woodland.</p> <p>To compensate for this impact, woodland planting at a ratio of 1:1 within the immediate vicinity of the Brookfields Farm LWS and SBI ancient woodland would be provided in addition to the improvement measures to Whitgreaves Wood and additional compensation planting at a 7:1 ratio for the potential loss of ancient woodland within 15 m of the construction works.</p>			

3.3 Other Issues

Table 3.2: Issues Related to the Other Relevant Documents

Issue	Sub-section	The National Trust Comment	Highways England Response	Status	Agreement likely (app)?	Agreement likely (IP)?
The proposed changes to the Scheme						
Consultation response regarding proposed changes to the scheme	-	<p>Thank you for consulting the National Trust on the proposed changes to the project. The National Trust does not wish to comment on the changes other than the change to bridge design and construction method at M54 junction 1 (change 4).</p> <p>This change would reduce the need for and duration of partial closures but would involve a 3-week closure of the M54 in both directions through junction 1 together with closure of the M54 westbound between the M6 and junction 1. During the closure it also appears that there would be no access to the A460 south of the M54 from either the east or west.</p> <p>Moseley Old Hall lies to the south of the M54 between junctions 1 and 2. The routes many people take to</p>	<p>It is currently anticipated that the 'main works' for the Scheme will commence in the Spring of 2022, with the Scheme being open to traffic in 2024. The main works are likely to include the three week closure of the M54 Junction 1. However, it is unknown at this stage, when within the anticipated construction period would be the best time to close the M54 Junction 1. This will likely be in July / August 2023 to coincide with the summer shutdown of the Jaguar Land Rover facility at M54 Junction 2 to minimise the impact on the strategic network.</p> <p>As you have stated, during the three week closure there will be no direct access from the M54 to the A460 south of Junction 1. However HE will maintain North</p>	Under discussion	High	High

² 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.

Issue	Sub-section	The National Trust Comment	Highways England Response	Status	Agreement likely (app)?	Agreement likely (IP)?
		<p>and from the Hall involve M54 junction 1, the A460 south of junction 1 and either the M54 east of junction 1 or the A460 north of it. Everyone going to or from Moseley Old Hall travels along Moseley Road: a narrow, twisting country lane that is poorly suited to even moderate levels of two-way traffic.</p> <p>The suggested closures would affect journeys between Moseley Old Hall and the east which normally include use of the M54 from the M6 to junction 1. Those coming from or returning to the north or the M6 (toll) via the A460 would face some disruption passing through the junction 1 area.</p> <p>We believe that journeys to and from Moseley Old Hall would also be impacted by changes in traffic conditions on Moseley Road during the closure period. We foresee significant disruption on this road as a result of people finding their own routes around the closure, notably those travelling towards the A460 south of the M54 from the west.</p> <p>We ask for thought to be given to maintaining access to the A460 south of the M54 from the west if at</p>	<p>and South routes along the A460 through Junction 1 for local traffic. This will allow visitors to access Moseley Old Hall from M6 Junction 11. Visitors leaving Moseley Old Hall approaching M54 Junction 1 from the south will be able to access the M54 both West and East to exit the area. Further information on our Bridge drive proposals and traffic management during the proposed three week closure of the M54 at Junction 1 can be found on the HE web site and our Visualisation on YouTube:</p> <p>https://highwaysengland.co.uk/our-work/west-midlands/m54-to-m6-link-road/</p> <p>https://www.youtube.com/watch?v=VcnU3zMjDMs&feature=youtu.be</p> <p>HE are currently carrying out traffic modelling on our proposed diversion routes and the surrounding area, as part of the detailed design of the Scheme, to assess the effect on the local road network and will deploy local</p>			

Issue	Sub-section	The National Trust Comment	Highways England Response	Status	Agreement likely (app)?	Agreement likely (IP)?
		<p>all possible. We also suggest that traffic management along Moseley Road would be needed during the closure period to ensure safety. This itself might affect access to the Hall. We believe that traffic management in this area would require involvement by both Staffordshire County Council and Wolverhampton City Council.</p> <p>We ask for the opportunity to discuss the timing of the closure and proposals for traffic management. Our demand also varies throughout the year. If possible, we would like the closure to be in a period when Moseley Old Hall is closed to visitors, although our staff and volunteers will still require access. Our second preference would be in a period when we are not at our busiest. If the closure takes place when we are open, we would welcome as much notice as possible so that we can take steps to manage the impact, for example by avoiding holding events in the closure period and providing advance warning in our visitor information.</p>	<p>traffic management where required.</p> <p>Consideration has been given to the option of maintaining a M54 eastbound to A460 southbound route through the closure, however at this time it is considered that the additional temporary traffic light phasing required to make this work would cause significant disruption to A460 traffic going through Junction 1.</p> <p>Highways England are committed, as set out in Outline Environmental Management Plan [TR010054/APP/6.11], Table 3.3, MW-TRA2, to ensure that 'relevant road authorities including Highways England, SCC [Staffordshire County Council]/ CWC [City of Wolverhampton Council] and the emergency services' as well as 'organisers of any major or significant local events, and owners of significant local visitor attractions (including the National Trust)' shall be consulted during the development of the Traffic Management Plan. Procedures will also be put in</p>			

Issue	Sub-section	The National Trust Comment	Highways England Response	Status	Agreement likely (app)?	Agreement likely (IP)?
			place for informing local communities of all traffic management schemes in advance of the works. We would welcome being provided the anticipated schedule of opening times for Mosley Old Hall for the years 2022, 2023 and 2024, with an indication of likely peak and off-peak times.			
Draft DCO [AS-075/3.1]	Articles and Requirements of the draft DCO	[The National Trust to provide comments on the Articles and Requirements of the draft DCO or confirm that the National Trust have no comments.]	The Applicant has not received any comments on the Articles or Requirements of the draft DCO.	Under discussion	High	High

Appendix A Initials and details of individuals involved

Initials	Name	Role or Discipline	Organisation
AS	Amy Spencer	Deputy Environment Lead	AECOM
CL	Chris Lambart	Planning Adviser	NT
CP	Christopher Purver	Solicitor	NT
KK	Katerina Koukouthaki	Built Heritage	AECOM
LB	Lizzie Bushby	Landscape Architect	AECOM
RT	Richard Thurling		Gowling WLG
RR	Rob Ramshaw	Project Manager	AECOM
RW	Rose Walker	Landscape Architect	AECOM
SA	Stephen Armstrong	Estate Manager	NT
TB	Tom Bennett	Former Stakeholder Lead	Amey
TP	Tamara Percy	Environmental Lead	AECOM
TW	Tracy Williams	General Manager	NT
TWe	Toni Weston		Gowling WLG