

**M54 to M6 Link Road**

**TR010054**

**8.8LIU(P) Draft 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

Volume 8

November 2020

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Applications: Prescribed Forms and  
Procedure) Regulations 2009**

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

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**8.8 LIU(P) Draft Statement of Common Ground with  
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<b>Regulation Number</b>	Regulation 5(2)(q)
<b>Planning Inspectorate Scheme Reference</b>	TR010054
<b>Application Document Reference</b>	8.8 LIU(P)
<b>Author</b>	M54 to M6 Link Road Project Team and Highways England

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
1 (P01)	August 2020	First Draft
2 (P02)	Nov 2020	Issue to ExA for Deadline 1

## 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]

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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 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 have been received. A second draft has been issued on the 03 November 2020. 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 (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.

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## 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 <sup>th</sup> 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 <sup>th</sup> 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

- 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? (app) <sup>1</sup>	Agreement likely? (IP)
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	
Continuity of Supply	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	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.	Under discussion	High	

<sup>1</sup> 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.

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Issue	Comment	Highways England Response	Status	Agreement likely? (app) <sup>1</sup>	Agreement likely? (IP)
	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				
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	
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.	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	Under discussion	Medium	
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	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.	Under discussion	Medium	
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	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.	Under Discussion	Medium	

Issue	Comment	Highways England Response	Status	Agreement likely? (app) <sup>1</sup>	Agreement likely? (IP)
	statutory functions and essential public services are not put at risk.				
Articles and Requirements	N/A	The Applicant has not received any comments on the Articles or Requirements on the draft DCO from South Staffordshire Water, apart from those already noted above.	Under Discussion	Medium	

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## 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