

M54 to M6 Link Road TR010054

8.8 LIU(E) Draft Statement of Common Ground with Mark Commins & Tracey Commins

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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(E) Draft Statement of Common Ground with
Mark Commins & Tracey Commins**

Regulation Number	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010054
Application Document Reference	8.8 LIU(E)
Author	M54 to M6 Link Road Project Team and Highways England

Version	Date	Status of Version
1 (P02)	July 2020	Initial draft for landowner review
2 (P03)	November 2020	Issue to ExA for Deadline 1
3 (P04)	January 2021	Issue to ExA for Deadline 4

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Mark Commins & Tracey Commins.

Signed.....

Andrew Kelly

Project Manager

on behalf of Highways England

Date:

Signed.....

Mark Commins & Tracey Commins

[POSITION]

on behalf of Mark Commins & Tracey Commins

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' or 'HE') 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 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 version of the SoCG has been drafted by Highways England based on correspondence with Mr Mark Commins and Ms Tracey Commins 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 was provided to Mr Mark Commins and Ms Tracey Commins on 15 July 2020, with a second draft provided on 3 November 2020. We received comments back on 25 November 2020 and 02 December 2020, which have been incorporated into this draft (3(P04)). 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) Mark Commins & Tracey Commins ('MC', 'TC' or 'Landowner').
- 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 Landowner is the freehold owner of plots 5/16, 5/17, 5/19, 5/20 and 6/3 as identified on the Land Plans (Application documents reference 2.2) and in the Book of Reference (Application document reference 4.3).

1.3 Terminology

- 1.3.1 In the tables in the Issues chapter of this SoCG, 'Not Agreed' indicates a final position. 'Under discussion' indicates where 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 Landowner, 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 Landowner.

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2 Record of Engagement

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and the Landowner 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
12/10/2018	Meeting LC & MC) and TB, SD & AK	<p>TB presented the current Scheme proposals.</p> <p>LC confirmed he was happy with the survey work to date.</p> <p>LC offered potential land to site caravans/construction staff in the future.</p>
11/03/2019	Meeting with LC, CC & MC), SB, AM & BB	<p>Landowner updated on the route alignment and wider Scheme proposals.</p> <p>Although the fishing pools would not be directly affected by the Scheme, LC stated if the pools were to be affected the compensation liability would be high, with the fish stock having an estimated value of between £200,000-£250,000.</p> <p>LC wanted to make the project team aware of the livery enterprise at the premises and highlight the potential impact should any land be required.</p> <p>LC advised that the current public right of way ('PROW') is hardly ever used. SB, AM & BB walked the PROW after the meeting and it was apparent the path did not have a lot of use, with brambles being incredibly dense and in part impassable.</p> <p>LC outlined that the only way for the livery users to hack out is over the A460 and into Shareshill which can be a difficult road to cross. LC would welcome improvements to bridleways, however, does not support the current arrangement due to the existing bridleway ending after 30 metres and downgraded into a public footpath.</p>
23/05/2019	Letter pack from Gateley Hamer to MC & TC	<p>S42 consultation pack. Included Land Interest Plans showing areas of land ownership, areas of land that may be required for the Scheme and the Order limits. The draft Environmental Masterplan was also made available online, indicating initial thoughts on areas required for environmental mitigation.</p>

Date	Form of correspondence	Key topics discussed and key outcomes
03/11/2019	Letter from Gateley Hamer to MC & TC	Land by agreement letter.
11/11/2019	Letter sent from Gateley Hamer to MC & TC	Supplementary consultation pack sent.
18/11/2019	Meeting with LC, CC & MC), SB, SD & JH	<p>LC advised the project team of their main water supply location (from Hilton Lane, then through an adjoining landowner's field), of which would be affected by the Scheme proposals.</p> <p>LC, CC & MC wanted to review the plans with the project team to understand how the proposals may affect their landholding. The project team talked through the updated plans that were issued during the supplementary consultation.</p>
02/12/2019	Meeting with (LC, TC & MC), SB, SD & JH	Meeting to discuss practical concerns of the multiple businesses located at Brookfield Farm, including a summary of the most recent consultation and discussion on previous surveys undertaken at Brookfield Farm.
27/12/2019	Letter from LC to HE	Letter in response to previous project meeting.
30/12/2019	Letter from LC to HE	Supplementary consultation response received (after consultation deadline).
24/01/2020	SoCG introductory Letter sent	Introductory SoCG letter addressing concerns raised within latest supplementary consultation response.
05/02/2020	Stakeholder meeting with LC, MC & TC in response to SoCG introductory Letter	Meeting to discuss content of SoCG, supplementary consultation, update on project and Scheme timescales after submission of the Application.
10/02/2020	Letter from LC to AK	Letter of thanks received from LC to project team for meeting and addressing consultation response concerns on 05/02/2020.

Date	Form of correspondence	Key topics discussed and key outcomes
09/03/2020	Letter from HE to MC & TC	S56 Letter and Notice sent to the Landowner.
17/04/2020	Letter from HE to MC & TC	Updated S56 Letter and Notice updating landowners regarding the extension of the relevant representation period due to Covid-19.
15/07/2020	Letter from HE to MC & TC	Draft SoCG sent to Landowner.
28/07/2020	Letter from HE to MC & TC	Notification of change request.
21/08/2020	Letter from HE to MC & TC	Supplementary consultation letter sent.
15/09/2020	Letter from HE to MC & TC	Follow up letter sent to the Landowner concerning acquiring land by agreement.
03/11/2020	Email from SB to EC & family	Issue of draft revised SoCG (2(P03)).
20/11/2020	Email from SB to EC & family	Follow up email asking if there are any comments the family wish to make following receipt of the revised draft SoCG on 03/11/2020.
25/11/2020	Email from EC & family to SB	Letter attached with comments from the family containing the following points: <ul style="list-style-type: none"> Acknowledgment the applicant has done everything possible to limit the impact on Brookfield Farm. Query raised regarding the distance of the realignment of A460 and one of the fishing pools. Landowner feels that some of their customers will not wish to fish in close proximity to the proposals.
02/12/2020	Email from LC & family to SB	Point raised regarding the current mains water supply to Brookfield Farm from Hilton Lane. Landowner offered should the supply need to be resupplied that they are willing to assist the applicant as they have a variety of machinery.
08/12/2020	Email from SB to EM & family	Acknowledgment of comments received and advised a full response is pending and would be addressed in the next issue of the draft SoCG.
08/12/2020	Call from SB to LC	Call to discuss and expand upon points raised in email received on 24/11/2020.

Date	Form of correspondence	Key topics discussed and key outcomes
08/12/2020	Email from SB to EM & family	Follow up email to confirm conversation and to ask for further comments in relation to the road alignment and the enjoyment of Brookfield Farms fishing pools.
09/12/2020	Email from LC & family to SB	Further information provided outlining landowner's concerns on: <ul style="list-style-type: none">• Privacy intrusion of proposed A460 realignment.• Wellbeing of anglers using the fishing pools due to the nearness of the road realignment.

- 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 Landowner 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 Landowner 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	Landowner comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP)
Accommodation bridge	Landowner was not aware of accommodation bridge alignment	The proposals for an accommodation bridge and track at this location were presented during the statutory consultation period (24 May 2019 – 5 July 2019).	Agreed (To be confirmed by landowners)	High	
Access around fishing pool	Will disabled/vehicle access be maintained around fishing pool?	At this location the fishing pool is approximately 13 metres from the edge of highway boundary and the track is approximately 5 metres wide. The proposed land take in this area is 5 metres from the edge of highway boundary to allow for the minor realignment of the A460. This would therefore mean that there is a minimum of 3 metres between the proposed new highway	Agreed (To be confirmed by landowners)	High	

¹ Indication on likelihood that the matter will be agreed by the close of the Examination period as rate 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	Landowner comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP)
		boundary and the back of the existing track. Consequently, the existing access track will be unaffected by the works and can continue to be used as per the current scenario. Highways England will continue discussions with the Landowner to ensure this remains the case.			
Proximity between highway realignment and fishing pool	Concern regarding the 3 metre proximity between the realigned A460 and fishing pool and the potential adverse impact on mental health and relaxation of Brookfield Farm customers	<p>The A460 will only be realigned to the North-East of the watercourse that crosses the A460. As this watercourse runs to the north of the fishing pool there would be no realignment of the carriageway in the vicinity of the pools.</p> <p>The 3 metre proximity referred to in the above response is in relation to the edge of land take required to the track, not from the highway boundary.</p> <p>Historically a strip of land was required alongside the ponds to allow for any changes in earthworks, however, Highways England is seeking to minimise works in this area as part of detailed design. Flexibility is required in the DCO to ensure the Scheme is deliverable so no changes can be made to the Scheme as presented at this stage.</p> <p>Figure 11.4 of the Environmental Statement [AS-098/6.2] illustrates the anticipated change in traffic noise levels due to the</p>	Under discussion	High	

Issue	Landowner comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP)
		operation of the Scheme in the opening year (2024). This illustrates how the change varies across the fishing pond from a reduction in traffic noise levels of around 5 to 7 dB (LA10,18h) at the western side of the fishing pond adjacent to the existing A460, which undergoes a large reduction in the volume of traffic, to an increase in traffic noise of around 4-7 dB (LA10,18h) on the eastern side of the fishing pond adjacent to the new link road. Therefore, the impact of the Scheme varies from beneficial to adverse across the fishing pond, with the magnitude of the increases and decreases being fairly comparable.			
Position of new balancing ponds, outfall locations and water quality	Query the quality of water discharged into the watercourse and water treatment system for adjoining balancing pond including the location requirements for the proposed balancing pond	<p>Measures will be included in the design to ensure that the discharge water quality meets the required standard set out in the Water Framework Directive; this includes features such as Penstock Valves to protect downstream water bodies in the event of a spillage.</p> <p>The pond has been located to the west of the link road due to the direction of flows (to the west). The balancing pond is located at</p>	Under discussion	Medium	

Issue	Landowner comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP)
		<p>the low point of existing topography close to the existing discharge point of the ditch.</p> <p>Further detail of the drainage outfall location is provided on the Outline Drainage Works plans provided with the Application documents [TR010054/APP/2.11] (issued as part of the DCO Application on 30/01/20).</p>			
Diverted public right of way	Location and perceived security risk of the diverted public footpath	<p>Any alternative routes for the footpath would require greater land take within Brookfield Farm to provide an accommodation over bridge closer to the existing route. The current location has been chosen in order to reduce the land take within the farm and accommodate users onto the new bridge south of Brookfield Farm. This means it is necessary to divert users along the back of Brookfield Farm.</p> <p>Highways England proposes to install closed boarded fencing at 1.8 metre in height alongside the right of way to address concerns raised by the landowner. See Appendix B for the fencing drawing (Ref [HE514465-ACM-HFE-Z2_SW_PR_Z-DR-CH-1005])</p> <p>Details of boundary features will be discussed as part of ongoing dialogue.</p>	Under discussion	Medium	

Issue	Landowner comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP)
		Staffordshire County Council has confirmed that the right of way 'Shareshill 1' which runs through Brookfield Farm is a bridleway, as recorded on the Definitive map and Statement: https://www.staffordshire.gov.uk/environment/RightsofWay/Legal/Definitive-map.aspx			
Water quality monitoring in existing fishing pool	Reasoning for why no water quality surveys were undertaken on the larger fishing pool	Baseline surveys as part of the Environmental Impact Assessment were undertaken at representative points across the Scheme. Ponds were identified for surveys based on potential impact, with no impacts predicted to the large fishing pond (part of Brookfield fishery) south of Latherford brook. Sampling has captured each watercourse due to be crossed by the Scheme in addition to three ponds that would be physically impacted by the works. The impact of the Scheme on local water quality has been assessed and is reported in the Environmental Statement Chapter 13: Road Drainage and the Water Environment submitted with the Application [TR010054/APP/6.1]. Further monitoring will continue to take place during the Scheme development.	Agreed (To be confirmed by landowners)	High	

Issue	Landowner comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP)
Impact of construction on businesses	Question raised regarding the impact of the Scheme construction on future bookings at Brookfield Farm	<p>The proposals for the link road and its alignment in relation to Brookfield Farm are in the public domain. Highways England will undertake further discussion with the Landowner to ensure that adverse impacts due to construction are understood, communicated clearly and mitigated where possible. Proposed working hours are indicated in the Outline Environmental Management Plan [TR010054/APP/6.11] and are as follows:</p> <ul style="list-style-type: none"> - Monday to Friday 8:00 - 18:00 - Saturday 8:00 - 13:00 <p>There will be up to an hour before and after these times for start-up and close down activities (except Sat at 13:00). These hours are subject to change in consultation with the local authority.</p>	Agreed (To be confirmed by landowners)	High	
Noise monitoring	Question raised why noise monitoring surveys were not conducted from the club house	Noise monitoring has been undertaken as part of the Environmental Impact Assessment and the results are reported in Figure 11.1 of the Environmental Statement [TR010054/APP/6.2]. The noise monitoring is used to develop an understanding of the general noise climate in the vicinity of the Scheme, and as part of a validation exercise for the prediction model; it is not	Agreed (To be confirmed by landowners)	High	

Issue	Landowner comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP)
		used to establish baseline conditions for individual receptors. The traffic noise levels and any subsequent change in the traffic noise levels as a result of the Scheme are then predicted using the model. In order to quantify traffic noise, Highways England would normally want to avoid siting monitoring equipment near specific known noise sources which might distort the numeric results (e.g. a building which may generate entertainment noise).			
Air quality impacts	Air quality assessment at Brookfield Farm	Based on the affected road network, sufficient monitoring data is available from Highways England and local authority sources to confirm the model performance, without the need for further monitoring at this stage of the design. The assessment on air quality in Chapter 5 of the Environmental Statement [TR010054/APP/6.1] demonstrates that no properties will experience air pollution levels above national air quality objective values post construction as a result of the Scheme. The significant reduction in traffic along the A460 will potentially enable future improvements to the road for pedestrians and cyclists, improve the environment around the road and may contribute positively to the identity of these villages along the route.	Agreed (To be confirmed by landowners)	High	

Issue	Landowner comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP)
Relocation of bungalow	Relocation of bungalow at Brookfields Farm at landowners' expense	Relocation of any accommodation building within Brookfields Farm is out of Highways England's scope of works for this project and no provision is made for this in the Application. The relocation would require planning permission, which would need to be obtained through a planning application submitted to South Staffordshire Council.	Agreed (To be confirmed by landowners)	High	
Nurton Development	Concern over whether accommodation bridge would support development of the employment site promoted by Nurton Developments.	<p>The accommodation bridge on land that Nurton Developments have an option over was shown on plans issued as part of the statutory consultation pack in May 2019 and has been retained as part of the Scheme in the Application. However, this is an accommodation bridge to facilitate existing uses, not any future employment use.</p> <p>It is proposed that the traffic width of the structure is to be 4.5m in order to connect parcels of land severed by the link road, for the purposes of agricultural and maintenance vehicles only. Highways England cannot provide infrastructure to facilitate a development that does not have planning permission or an allocation in the Local Plan.</p>	Agreed (To be confirmed by landowners)	High	

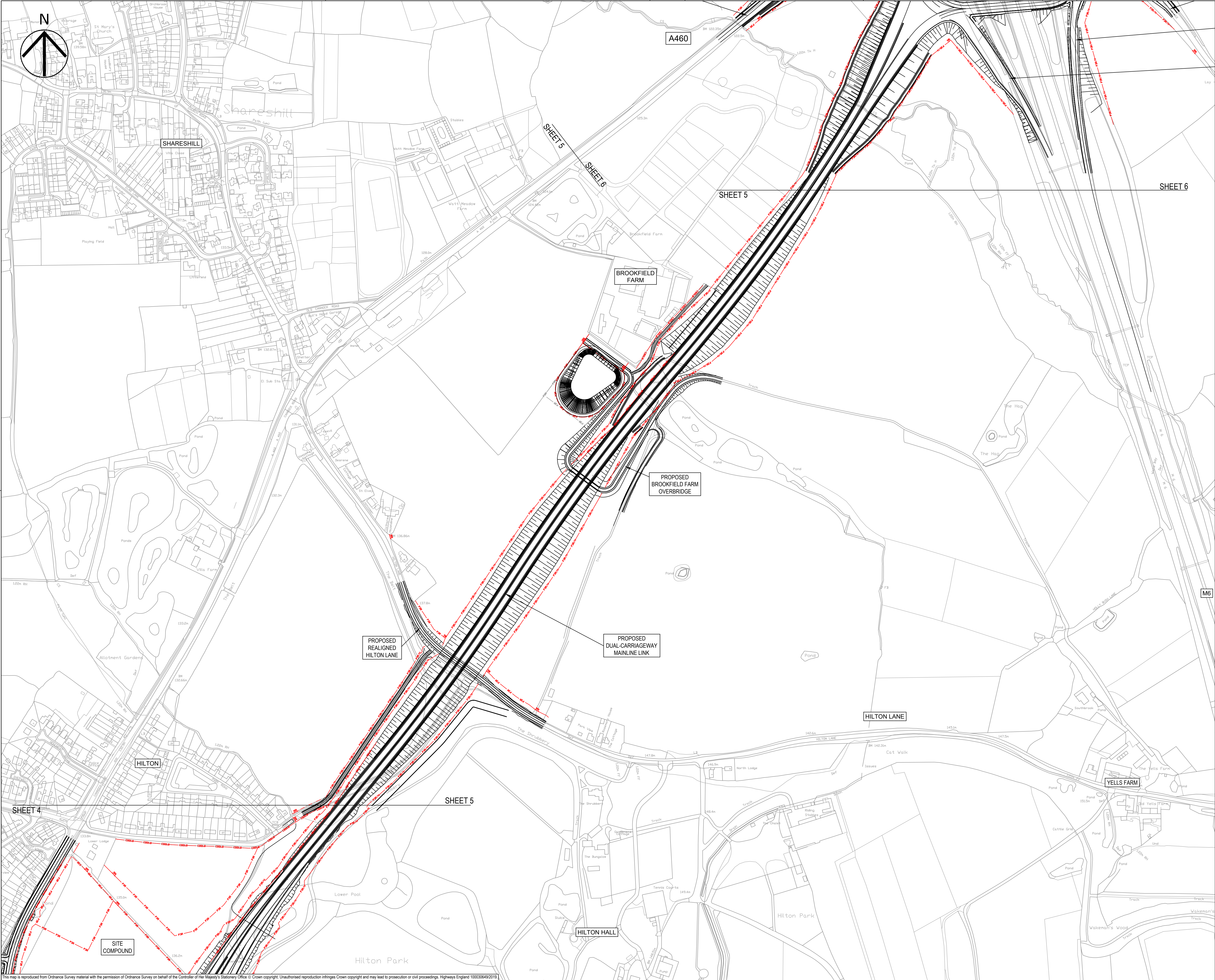
Issue	Landowner comment	Highways England Response	Status	Agreement likely (app) ¹	Agreement likely (IP)
		Highways England will continue discussions with this Landowner.			
Water supply to Brookfield Farm	Current mains water supply comes from Hilton Lane.	<p>Highways England will be conducting a utility survey within the early months of 2021 to ascertain the presence of the underground spur. We would need to trace the underground supply alignment to determine if it is impacted by the works adjacent to Brookfield Farm Overbridge.</p> <p>If the said supply is impacted, Highways England would look to provide a localised diversion.</p> <p>Should the supply be unaffected by the proposed works, an alternative supply would not be provided.</p> <p>Highways England will continue to engage with the landowner and provide a further update once the utility survey is complete.</p>	Agreed (To be confirmed by landowners)	High	
Articles and Requirements	The landowners do not have any comments on the Articles or Requirements on the draft DCO.		Under discussion	High	

Appendix A - Initials and details of individuals involved

Initials	Name	Role or Discipline	Organisation
AK	Andrew Kelly	Highways England Project Manager	Highways England
AM	Alastair McNeil	Engineer	AECOM
BB	Ben Braund	Engineer	AECOM
EC	Emma Commins	Landowner's partner	N/A
JH	Jon Harvey	Stakeholder Manager	AECOM
LC	Les Commins	Landowner's Father	N/A
MC	Mark Commins	Landowner	N/A
RR	Rob Ramshaw	AECOM Project Manager	AECOM
SB	Sam Blaize	Principal Surveyor	Gateley Hamer
SD	Simon Davis	District Valuer	Valuation Office Agency
ST	Suzanne Tucker	Landowner's solicitor	FBC Mandby Bowdler
TB	Tom Bennett	Previous Stakeholder Manager	Amey
TC	Tracey Commins	Landowner	N/A

Appendix B – Fencing drawing

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- NOTES
1. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL OTHER RELEVANT DOCUMENTATION.
 2. DO NOT SCALE FROM THIS DRAWING, USE ONLY PRINTED DIMENSIONS.
 3. ALL DIMENSIONS IN MILLIMETRES, ALL CHAINAGES, LEVELS AND COORDINATES ARE IN METRES UNLESS DEFINED OTHERWISE.
 4. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE PROJECT HEALTH & SAFETY FILE FOR ANY IDENTIFIED POTENTIAL RISKS.
 5. ALL DETAILS ARE INDICATIVE ONLY AND SUBJECT TO AGREEMENT WITH SCC.

- KEY
- EXISTING FENCING
 - POST AND 3 RAIL FENCING TO HCD/H15
 - POST AND 3 RAIL FENCING WITH HEDGE
 - CLOSE BOARD FENCING (1.8m HIGH) TO HCD/H14
 - 2.4m HIGH ENVIRONMENTAL BARRIERS
 - SSFG 5M STEEL FIELD GATES TO HCD/H20
 - BWG PUBLIC RIGHT OF WAY BRIDLEWAY GATE
 - FWG PUBLIC RIGHT OF WAY FOOTWAY GATE

M6	First Issue	JP	AM	04/07/19	P01
	Fencing detail added to inform DCO	HS	RR	08/01/21	P02
Revision Details		By	Check	Date	Suffix

Purpose of issue
SUITABLE FOR INFORMATION

Client
Highways England
The Cube
199 Wharfside Street
Birmingham
B1 1RN



Development Consent Order Number
TR010054

Project Title
M54 to M6 Link Road

Development Consent Order Drawing Number
TR010054/APP/2.9

Drawing Title
**FENCING
SHEET 5 OF 10**

Designed	Drawn	Checked	Approved	Date
---	HS	EL	RR	08/01/21
Internal Project No. 60536736		Suitability S2		
Scale @ A1 1:1250H/1:1250V		Zone Fencing		

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Drawing Number HE514465 -ACM	I Originator -HFE -	I Volume -DR-CH-1005	Rev P02
Location S2_SW_PR_Z	I Type	I Role	I Number