

M54 to M6 Link Road

TR010054

8.8 Statement of Commonality for Statements of Common Ground

APFP Regulation 5(2)(q)

Planning Act 2008

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

Planning Act 2008

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

M54 to M6 Link Road
Development Consent Order 202[]

**STATEMENT OF COMMONALITY FOR STATEMENTS
OF COMMON GROUND**

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| Application Document Reference | 8.8 |
| Author: | M54 to M6 Link Road Project Team, Highways England |

| Version | Date | Status of Version |
|----------------|----------------------|--|
| P01 | November 2020 | Issue to the ExA for Deadline 1 |
| P02 | January 2021 | Issue to the ExA for Deadline 4 |
| <u>P03</u> | <u>February 2021</u> | <u>Issue to the ExA for Deadline 6</u> |

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1 Introduction

1.1 Purpose of this Document

- 1.1.1 This Statement of Commonality for Statements of Common Ground (this "Statement") relates to an application made by Highways England (the "Applicant") to the Planning Inspectorate ("PINS") under Section 37 of the Planning Act 2008 (the "2008 Act") for a Development Consent Order (a "DCO"). If made, the DCO would grant consent for the Applicant to develop the M54 to M6 Link Road (the "Scheme"). A detailed description of the Scheme can be found in Chapter 2: The Scheme of the Environmental Statement [APP-041/6.1].
- 1.1.2 This Statement has been prepared to provide the Examining Authority (ExA) with the current position on Statements of Common Ground (SoCG) between Highways England and prescribed consultees, statutory undertakers and interested parties ("other parties") in relation to the Scheme.
- 1.1.3 It is the Applicant's intention to update this Statement during the course of the Examination as a record of progress that is being made with the various SoCGs. When sufficient progress has been made on agreements between parties, this document will also discuss areas of commonality between parties to enable efficient resolution of remaining issues.

1.2 Structure

- 1.2.1 The remainder of this Statement is structured as follows:
- **Section 2** details the structure of each SoCG document and provides an up to date list of SoCGs (for the relevant Examination Deadline).
 - **Section 3** provides an update on the status of each SoCG.
 - **Section 4** sets out the commonality between SoCGs and provides an overview of the position reached on key issues with respective SoCGs.
 - **Section 5** of this Statement sets out the collective position on key principal matters.

2 Structure of Statements of Common Ground

2.1 Structure

2.1.1 To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCGs adopted a standard format in order to provide clarity to other parties and the ExA.

2.1.2 [Table 2-1](#) [Table 2-1](#) [Table 2-1](#) [Table 2-1](#) lists the abbreviations used throughout all of the SoCGs.

Table 2-1: Abbreviations

| Abbreviation | In Full |
|----------------|---|
| CEMP | Construction Environmental Management Plan |
| CoC | Chamber of Commerce |
| CRTN | Calculation of Road Traffic Noise |
| CWC | City of Wolverhampton Council |
| DCO | Development Consent Order |
| DMRB | Design Manual for Roads and Bridges |
| EA | Environment Agency |
| EIA | Environmental Impact Assessment |
| ES | Environmental Statement |
| ExA | Examining Authority |
| FEH | Flood Estimation Handbook |
| FRA | Flood Risk Assessment |
| GCN | Great Crested Newt |
| GI | Ground Investigation |
| HAWRAT | Highways Agency Water Risk Assessment Tool |
| HB | Historic Building |
| HE | Highways England |
| HEng | Historic England |
| HEC-RAS | Hydrologic Engineering Centre's River Analysis System |
| HEGS | Hedgerow Evaluation and Grading Systems |
| HGVs | Heavy Goods Vehicles |
| HHA | Human Health Assessment |
| HRA | Habitat Regulations Assessment |
| LA | Local Authority |
| LEP | Local Enterprise Partnership |
| LLFA | Lead Local Flood Authority |
| LVIA | Landscape Visual impact Assessment |
| MACE | Multi-sensory array cart system |
| NEng | Natural England |
| NPSNN | National Policy Statement for National Networks |
| NT | National Trust |
| OS | Ordnance Survey |
| PM | Project Manager |

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| Abbreviation | In Full |
|--------------|---|
| PIER | Preliminary Environmental Information Report |
| PINS | Planning Inspectorate |
| PPT | PowerPoint |
| PRoW | Public Rights of Way |
| pWFDa | Preliminary Water Framework Directive Assessment |
| S42 | Section 42 |
| SAC | Special Area of Conservation |
| SBI | Sites of Biological Importance |
| SCC | Staffordshire County Council |
| SSC | South Staffordshire Council |
| SoCC | Statement of Community Consultation |
| SoCG | Statement of Common Ground |
| SoS | Secretary of State |
| SRN | Strategic Road Network |
| TMP | Traffic Management Plan |
| TPO | Tree Preservation Order |
| TRO | Traffic Regulation Order |
| WCC | Wolverhampton County Council |
| WCHAR | Walking, cycling & horse-riding assessment and review |
| WFD | Water Framework Directive |
| WSI | Written Scheme of Investigation |

2.2 List of SoCGs to be submitted

- 2.2.1 Highways England began the preparation of SoCGs with a number of parties it considered beneficial to do so with during the preparation of the DCO Application, with the SoCG with Natural England submitted with the application on 30 January 2020 [APP-221/7.3]. Future iterations of the Natural England SoCG have been re-numbered as document 8.8 P(B) so that it contains the same numbering system as the other SoCGs.
- 2.2.2 After submission, Highways England began the preparation of several other SoCGs with further specific parties which were also requested by the ExA through the Rule 6 letter dated 20 August 2020. Table 2-2 lists all the SoCG under preparation and the stage of production.

Table 2-2: Status of SoCGs

| Party | Required by ExA | Current status of draft |
|-------------------------------|-----------------|--|
| Local Authorities (LA) | | |
| Staffordshire County Council | Yes | Draft provided on 25/10/20, comments received 03/11/20 and incorporated into the version submitted at Deadline 1. A revised version was issued to SCC on 04/01/21, with comments received on 07/01/21 A revised version was submitted at Deadline 4, and a further iteration is submitted at Deadline 6. To the best of the Applicant's knowledge, this is an agreed draft. |
| South Staffordshire Council | Yes | Draft provided on 24/10/20, comments received 02/11/20 and 03/11/20 and incorporated into the draft submitted at Deadline 1. A revised version was issued to SSC on 09/12/20, with comments received on 06/01/21 and 08/01/21. All comments were have been incorporated into the version issued at Deadline 4. A further draft is submitted at Deadline 6. To the best of the Applicant's knowledge, this version submitted at Deadline 4 is an agreed draft. |
| City of Wolverhampton Council | Yes | Draft provided on 24/10/20, comments received on 02/11/20 and incorporated into the draft submitted for Deadline 1. There remains little left to discuss with CWC and no response has yet been received from CWC. Therefore, a revised draft is not submitted for Deadline 6 4. |
| Shropshire Council | Yes | Draft provided on 02/11/20 and submitted at Deadline 1. No comments have been received so this document was is not re-submitted at Deadline 6 4. The Applicant does not believe there are any areas of discussion outstanding with Shropshire Council but is awaiting confirmation. |
| Prescribed Bodies (P) | | |
| Environment Agency | Yes | First draft issued to party on 27/03/20 and second draft on 24/08/20. Comments received on 03/09/20 and 16/09/20. Third draft issued to party on 03/11/20 and submitted at Deadline 1. A revised version was issued on 22/12/20 and was submitted at Deadline 4. A further draft is submitted at Deadline 6. To the best of the Applicant's knowledge, this is an agreed draft. |
| Natural England | Yes | First draft issued to party on 10/01/20, with first draft issued with the DCO application on 30/01/20. Comments received on 23/03/20. Second draft issued on 15/10/20, with comments received on 27/10/20 and incorporated into the versions submitted at Deadline 4. A revised version was issued on 16/12/20, comments have been received and incorporated. A further draft has been produced and submitted at Deadline 6. To the best of the Applicant's knowledge, this version submitted at Deadline 4 is an agreed draft. |
| Historic England | Yes | First draft issued on 25/03/20 with comments received on 12/05/20. Second draft issued, with comments received on 21/10/20. To the best of the Applicant's knowledge the draft submitted at Deadline 1 was an agreed draft. A revised version was issued on 18/12/20 comments were received on 22/12/20 and have been incorporated. One minor update was agreed under separate correspondence with HE on 05/01/21 and has been was incorporated. Minor updates have been made to the draft which is submitted at Deadline 6. To the best of the Applicant's knowledge, this version submitted at Deadline 4 is an agreed draft. |

| Party | Required by ExA | Current status of draft |
|--|-----------------|--|
| Hilton, Featherstone & Sharncliffe Parish Councils | No | <p>First draft issued on 10/09/20, no comments received. Second draft issued on 03/11/20 when submitted to the ExA at Deadline 1. This was not an agreed draft but the Applicant's understanding of the position.</p> <p>A revised draft was issued on 11/12/20 which incorporated Written Rep submissions. No comments have been received and this SoCG has not been submitted at Deadline 4. A meeting was held with the Parish Councils regarding the SoCG on 29/01/21 and a revised draft has been issued at Deadline 6.</p> |
| Land Interests and Utilities (LIU) | | |
| Allow Ltd | Yes | <p>First draft issued to party on 08/04/20, draft discussed but no comments received. Second draft issued on 02/11/20. The submitted draft at Deadline 1 did not represent an agreed position. Comments were received on 03/11/20.</p> <p>A significant number of issues remaining outstanding with Allow Ltd, with discussions likely to move on following reviews of information submitted by both parties at Deadline 4. Given that agreement has not been reached on many of the key issues, a revised draft has not been submitted at Deadline 4. A revised version has been produced and is submitted at Deadline 6. This draft is not agreed with Allow Ltd.</p> |
| William Bibbey | No | <p>First draft issued to party on 03/11/20. The submitted draft at Deadline 1 did not represent an agreed position.</p> <p>Comments were received on 09/11/20. The revised version submitted at Deadline 4 incorporates these comments. Further comments have been sought from the landowner, who has stated that he will not provide further comments, and therefore the issues within the SoCG are unlikely to reach a resolution. The revised SoCG submitted at Deadline 6 incorporates minor updates to the communications log.</p> |
| Robert Edward Rowe | No | <p>First draft was provided to Mr Rowe on 27/07/2020. The contents of the first draft were discussed with Mr Rowe but no formal comments were received. A second draft was provided to Mr Rowe on 03/11/2020. The submitted draft at Deadline 1 did not represent an agreed position.</p> <p>A revised version was submitted at Deadline 4 to take into account comments received on 09/12/20 and to show how discussions have moved on. Most of the issues have now been resolved, as shown in the version submitted at Deadline 6. It is therefore anticipated that a signed version will be submitted at the next deadline.</p> |
| Nigel Simkin and Paul Simkin | Yes | <p>First draft was provided to Mr N & Mr P Simkin on 15/07/2020. The contents of the first draft were discussed with Mr N & Mr P Simkin but no formal comments have been received. A second draft was provided to Mr N & Mr P Simkin on 03/11/2020. The submitted draft at Deadline 1 did not represent an agreed position.</p> <p>Comments were received on 10/12/20 and have been incorporated into the version submitted at Deadline 6, are being reviewed. A revised draft is not submitted at Deadline 4.</p> |
| Mark Commins, Brookfield Farm and Tracey Claire Commins, The Bungalow, Brookfield Farm | No | <p>First draft was provided to Mr Mark Commins and Ms Tracey Commins on 15/07/2020. The contents of the first draft was discussed with Mr Mark Commins and Ms Tracey Commins but no formal comments had been received. A second draft was provided to Mr Mark Commins and Ms Tracey Commins on 03/11/2020. The submitted draft at Deadline 1 did not represent an agreed position.</p> <p>The revised version issued at Deadline 4 took takes into account comments received on 25/11/20 and 02/12/20. Comments are anticipated from the landowner, and therefore only minor changes have been made to the version submitted at Deadline 6.</p> |

| Party | Required by ExA | Current status of draft |
|--|-----------------|---|
| Michael John Alfred Byard | Yes | First draft was provided to Mr Michael Byard on 26/10/2020. The first draft submitted at Deadline 1 did not represent an agreed position. The revised version submitted at Deadline 4 took account of the comments received on 30/10/20 and comments made during the meeting on 23/11/20. <u>Minor updates have been made to the version submitted at Deadline 6.</u> |
| Barry and Valerie Jones | Yes | First draft was provided to Mr Barry & Mrs Valerie Jones on 19/08/2020 but no comments were received. A second draft was issued to Mr Barry & Mrs Valerie Jones on 30/10/2020. This was submitted at Deadline 1. Comments were received on 10/12/20 <u>and have been incorporated into the draft submitted at Deadline 6.</u> These comments are being reviewed, a revised draft has not been submitted at Deadline 4. |
| Ian Simkin and Adrian Simkin | Yes | First draft was provided to Mr Ian Simkin and Mr Adrian Simkin on 26/10/2020, which was submitted at Deadline 1. Comments were received on 03/11/20 which were incorporated into the version submitted at Deadline 4. This document also document ed s discussions arising from meetings and e-mail correspondence since this date, including on the change to the Land Plans accepted into the Examination on 7 January 2021. The draft submitted at Deadline 4 was submitted to the landowner on 6 January 2021 but as no comments have yet been received it does not represent a formally agreed position. <u>A further draft has been submitted at Deadline 6.</u> |
| Mrs Whitehouse & Mrs S L M Arblaster | Yes | First draft was issued to Mrs Elizabeth Whitehouse and Mrs Stella Arblaster on 16/07/2020 with no comments received. A second draft was issued to Mrs Elizabeth Whitehouse and Mrs Stella Arblaster on 30/10/2020, which was submitted at Deadline 1. Comments were received on 10/12/20 <u>and these are being reviewed. A revised draft was not submitted at Deadline 4 and these have been incorporated into the version submitted at Deadline 6.</u> |
| Nurton Developments (Hilton) Limited | Yes | First draft was issued to Nurton Developments Ltd on 07/10/2020. A second version was issued to reflect an additional area of land over which Nurton Developments has a Category 2 interest. It is this version that was submitted at Deadline 1. Comments were received from Nurton Developments on the first draft on 28/10/2020. These comments were incorporated into a revised draft issued to Nurton on 22 December 2020. No comments have been received on this second draft but as it incorporate s Nurton's previous comments, the revised version was submitted at Deadline 4. <u>Minor updates to the communications log have been incorporated into the version submitted at Deadline 6.</u> The current draft does not represent an agreed position. |
| The National Trust for Places of Historic Interest or Natural Beauty | Yes | First draft was provided to NT on 23/10/2020. Minor comments on the 'Record of Engagement' were received on 02/11/2020 and were incorporated within the Deadline 1 draft. Further comments were provided on 11/12/20 and are incorporated into the draft submitted at Deadline 4. <u>It is anticipated that a signed SoCG is can be submitted provided shortly after at Deadline 6.</u> |
| BT | Yes | First draft was provided to Openreach on 03/11/2020 and is the version submitted at Deadline 1. This draft did not represent an agreed position. No comments have been received <u>and</u> so no draft was submitted at Deadline <u>6</u> . |

| Party | Required by ExA | Current status of draft |
|----------------------------|-----------------|--|
| Cadent Gas | Yes | First draft was provided to Cadent on 03/11/2020 and was the version submitted at Deadline 1. Comments were provided on 25/11/20 and have been incorporated. Further <u>minor</u> information was provided on 07/01/21, <u>and is being reviewed. Therefore, this SoCG has not been submitted at Deadline 6 due to there being minor updates only</u> ⁴ . |
| Severn Trent Water | Yes | First draft provided to STW on 25/08/2020 with no comments received to date. A second draft was provided to STW on 03/11/2020 and was the version submitted at Deadline 1. The current draft does not represent an agreed position. No comments have been received so no draft <u>is</u> was submitted at Deadline <u>6</u> ⁴ . |
| South Staffordshire Water | Yes | First draft provided to SSW on 25/08/2020 with no comments received by Deadline 1. A second draft was provided to SSW on 03/11/2020 and was the version submitted at Deadline 1. The SoCG <u>has</u> been updated for Deadline 4, taking into account comments made in SSW's submission to the ExA. <u>Further comments were received on 10 February and are being reviewed. Therefore, this has not been submitted at Deadline 6.</u> |
| Western Power Distribution | Yes | First draft was provided to WPD on 03/11/2020 and is the version submitted at Deadline 1. The current draft does not represent an agreed position. No comments have been received so no draft <u>is</u> was submitted at Deadline <u>6</u> ⁴ . |
| Zayo | Yes | First draft was provided to Zayo on 03/11/2020 and is the version submitted at Deadline 1. A signed version with comments was received on 16/12/20, and therefore a final version <u>has been</u> was submitted at Deadline 4. |
| Vodafone | Yes | First draft was provided to Vodafone on 03/11/2020 and was the version submitted at Deadline 1. This current draft did not represent an agreed position. No comments have been received so no draft <u>is</u> was submitted at Deadline <u>6</u> ⁴ . |
| Other (O) | | |
| M6 Diesel | Yes | First draft was provided to M6 Diesel on 02/09/2020. Comments were received on 02/10/2020 and incorporated into a second draft issued to M6 Diesel on 30/10/2020. The second draft was the version submitted at Deadline 1 but did not represent an agreed position. Comments were received on 15/12/20, and a revised version <u>was</u> therefore <u>been</u> submitted at Deadline 4. To the best of the Applicant's knowledge, this represents an agreed draft. <u>No updates have been made since and therefore an updated draft has not been submitted at Deadline 6.</u> |
| Four Ashes Limited | Yes | First draft was provided to Four Ashes Ltd on 23/10/20. Comments were received on 28/10/2020 and incorporated into a second draft issued to Four Ashes Ltd on 03/11/2020. The second draft was the version submitted at Deadline 1. No version was submitted at Deadline 4. <u>A revised version has been submitted at Deadline 6, mainly incorporating minor updates to the communications log.</u> |
| St Francis Group | Yes | First draft was provided to St Francis Group on 22/10/20. Comments were received on 28/10/2020 and incorporated into a second draft issued to St Francis Group on 29/10/2020. The second draft was the version submitted at Deadline 1. This draft did not represent an agreed position. Following meetings and e-mail discussions the SoCG was updated and sent to St Francis Group for review on 6 January 2020. Discussions on outstanding matters are ongoing and it was agreed not to issue an updated draft SOCG at Deadline 4. <u>A signed version is submitted at Deadline 6.</u> |

| Party | Required by ExA | Current status of draft |
|------------------------------|-----------------|--|
| Staffordshire Wildlife Trust | Yes | <p>First draft was provided to SWT on 27/10/20 with no comments having yet been received. The first draft was the version submitted at Deadline 1.</p> <p>A revised version was submitted at Deadline 4, which incorporates comments made by SWT. Further changes have been made to the version submitted at Deadline 6. To the best of the Applicant's knowledge this is an agreed draft.</p> |

3 Status of Statements of Common Ground

3.1 Summary of current position

3.1.1 This section provides an update on the status of each SoCG.

3.1.2 ~~Table 3-1~~~~Table 3-1~~~~Table 3-1~~~~Table 3-1~~ provides a high-level position and where necessary includes further detail to aid understanding for the ExA. In summary, the high-level positions used in ~~Table 3-1~~~~Table 3-1~~~~Table 3-1~~~~Table 3-1~~ are as follows:

- **SoCG in draft** – The SoCG has been drafted by Highways England, and has been shared with the other party.
- **SoCG with matters outstanding** – The SoCG has been shared with the other party and comments have been received. The parties are actively working towards resolving outstanding queries.
- **Final Signed SoCG with matters outstanding** – The final version of the SoCG has been signed by both parties, and there remain matters outstanding that Highways England and the other party agree will not be resolved during examination.
- **Final Signed SoCG with all matters agreed** – The final version of the SoCG has been signed by both parties and all matters are agreed.

3.1.3 Where SoCGs have been submitted at with matters subject to further discussion ('SoCG with matters outstanding'), all parties will continue to review these matters in order that a final version can be provided at the earliest opportunity.

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Table 3-1: Status of SoCGs at Deadline ~~64~~, ~~812~~ FebruaryJanuary 2021

| Document Reference | Party | Position at Deadline 1 03 November 2020 | Position at Deadline 3 24 November 2020 | Position at Deadline 4 08 January 2021 (Revised & Updated SoCGs Due) | Position at Deadline 6 12 February 2021 | Position at Deadline 7 26 March 2021 | Position at Deadline 8 07 April 2021 (FINAL SoCGs) |
|----------------------------------|-------------------------------|--|--|--|--|---|--|
| 8.8 LA(A) | Staffordshire County Council | SoCG with matters outstanding | SoCG with matters outstanding | SoCG matters outstanding with | SoCG matters outstanding with | | |
| 8.8 LA(B) | South Staffordshire Council | SoCG with matters outstanding | SoCG with matters outstanding | SoCG matters outstanding with | SoCG matters outstanding with | | |
| 8.8 LA(C) | City of Wolverhampton Council | SoCG with matters outstanding | SoCG with matters outstanding | SoCG matters outstanding with | SoCG matters outstanding with | | |
| 8.8 LA(D) | Shropshire Council | SoCG in draft | SoCG in draft | SoCG in draft | SoCG matters outstanding with | | |
| Prescribed Consultees (P) | | | | | | | |
| 8.8 P(A) | Environment Agency | SoCG with matters outstanding | SoCG with matters outstanding | SoCG matters outstanding with | SoCG matters outstanding with | | |

| Document Reference | Party | Position at Deadline 1 03 November 2020 | Position at Deadline 3 24 November 2020 | Position at Deadline 4 08 January 2021 (Revised & Updated SoCGs Due) | Position at Deadline 6 12 February 2021 | Position at Deadline 7 26 March 2021 | Position at Deadline 8 07 April 2021 (FINAL SoCGs) |
|---|---|--|--|--|--|---|--|
| 8.8 P(B) | Natural England | SoCG with matters outstanding | SoCG with matters outstanding | SoCG matters outstanding with | <u>SoCG matters outstanding</u> with | | |
| 8.8 P(C) | Historic England | SoCG with matters outstanding | SoCG with matters outstanding | SoCG matters outstanding with | <u>SoCG matters outstanding</u> with | | |
| 8.8P(D) | Hilton, Featherstone & Shareshill Parish Councils | SoCG in draft | SoCG in draft | SoCG in draft | <u>SoCG matters outstanding</u> with | | |
| Land Interests and Utilities (LIU) | | | | | | | |
| 8.8 LIU(A) | Allow Ltd | SoCG in draft | SoCG with matters outstanding | SoCG matters outstanding with | <u>SoCG matters outstanding</u> with | | |
| 8.8 LIU(B) | William Bibbey, c/o Paul Mourton Ladders Solicitors LLP | SoCG in draft | SoCG with matters outstanding | SoCG matters outstanding with | <u>SoCG matters outstanding</u> with | | |
| 8.8 LIU(C) | Robert Edward Rowe | SoCG in draft | SoCG in draft | SoCG matters outstanding with | <u>SoCG matters outstanding</u> with | | |

| Document Reference | Party | Position at Deadline 1 03 November 2020 | Position at Deadline 3 24 November 2020 | Position at Deadline 4 08 January 2021 (Revised & Updated SoCGs Due) | Position at Deadline 6 12 February 2021 | Position at Deadline 7 26 March 2021 | Position at Deadline 8 07 April 2021 (FINAL SoCGs) |
|--------------------|--|--|--|--|--|---|--|
| 8.8 LIU(D) | Nigel Simkin and Paul Simkin | SoCG in draft | SoCG in draft | SoCG matters outstanding with | <u>SoCG matters outstanding</u> with | | |
| 8.8 LIU(E) | Mark Commins, Brookfield Farm and Tracey Claire Commins, The Bungalow, Brookfield Farm | SoCG in draft | SoCG in draft | SoCG matters outstanding with | <u>SoCG matters outstanding</u> with | | |
| 8.8 LIU(G) | Michael John Alfred Byard | SoCG in draft | SoCG in draft | SoCG matters outstanding with | <u>SoCG matters outstanding</u> with | | |
| 8.8 LIU(H) | Barry and Valerie Jones | SoCG in draft | SoCG in draft | SoCG matters outstanding with | <u>SoCG matters outstanding</u> with | | |
| 8.8 LIU(I) | Ian Simkin and Adrian Simkin | SoCG in draft | SoCG with matters outstanding | SoCG matters outstanding with | <u>SoCG matters outstanding</u> with | | |
| 8.8 LIU(J) | Elizabeth Whitehouse | SoCG in draft | SoCG in draft | SoCG matters outstanding with | <u>SoCG matters outstanding</u> with | | |

| Document Reference | Party | Position at Deadline 1 03 November 2020 | Position at Deadline 3 24 November 2020 | Position at Deadline 4 08 January 2021 (Revised & Updated SoCGs Due) | Position at Deadline 6 12 February 2021 | Position at Deadline 7 26 March 2021 | Position at Deadline 8 07 April 2021 (FINAL SoCGs) |
|--------------------|--|--|--|--|---|---|--|
| 8.8 LIU(K) | Nurton Developments (Hilton) Limited | SoCG with matters outstanding | SoCG with matters outstanding | SoCG matters outstanding with | <u>SoCG matters outstanding with</u> | | |
| 8.8 LIU(L) | The National Trust for Places of Historic Interest or Natural Beauty | SoCG with matters outstanding | SoCG with matters outstanding | SoCG matters outstanding with | SoCG matters outstanding <u>with Final signed SoCG with all matters agreed</u> | | |
| 8.8 LIU(M) | BT | SoCG in draft | SoCG in draft | SoCG in draft | <u>SoCG in draft</u> | | |
| 8.8 LIU(N) | Cadent Gas | SoCG in draft | SoCG in draft | SoCG matters outstanding with | <u>SoCG matters outstanding with</u> | | |
| 8.8 LIU(O) | Severn Trent Water | SoCG in draft | SoCG in draft | SoCG in draft | <u>SoCG in draft</u> | | |
| 8.8 LIU(P) | South Staffordshire Water | SoCG in draft | SoCG in draft | SoCG matters outstanding with | <u>SoCG matters outstanding with</u> | | |

| Document Reference | Party | Position at Deadline 1 03 November 2020 | Position at Deadline 3 24 November 2020 | Position at Deadline 4 08 January 2021 (Revised & Updated SoCGs Due) | Position at Deadline 6 12 February 2021 | Position at Deadline 7 26 March 2021 | Position at Deadline 8 07 April 2021 (FINAL SoCGs) |
|--------------------|----------------------------|--|--|--|--|---|--|
| 8.8 LIU(Q) | Western Power Distribution | SoCG in draft | SoCG in draft | SoCG in draft | <u>SoCG in draft</u> | | |
| 8.8 LIU(R) | Zayo | SoCG in draft | SoCG in draft | Final signed SoCG with all matters agreed | <u>N/A</u> | | |
| 8.8 LIU(S) | Vodafone | SoCG in draft | SoCG in draft | SoCG in draft | <u>SoCG in draft</u> | | |
| Other | | | | | | | |
| 8.8 O(A) | M6 Diesel | SoCG with matters outstanding | SoCG with matters outstanding | SoCG matters outstanding with | <u>SoCG matters outstanding with</u> | | |
| 8.8 O(B) | Four Ashes Limited | SoCG in draft | SoCG with matters outstanding | SoCG matters outstanding with | <u>SoCG matters outstanding with</u> | | |
| 8.8 O(C) | St Francis Group | SoCG with matters outstanding | SoCG with matters outstanding | SoCG matters outstanding with | <u>SoCG matters outstanding with</u> <u>Final signed SoCG with all matters agreed</u> | | |

| Document Reference | Party | Position at Deadline 1 03 November 2020 | Position at Deadline 3 24 November 2020 | Position at Deadline 4 08 January 2021 (Revised & Updated SoCGs Due) | Position at Deadline 6 12 February 2021 | Position at Deadline 7 26 March 2021 | Position at Deadline 8 07 April 2021 (FINAL SoCGs) |
|--------------------|------------------------------|--|--|--|--|---|--|
| 8.8 O(D) | Staffordshire Wildlife Trust | SoCG with matters outstanding | SoCG with matters outstanding | SoCG matters outstanding with | SoCG matters outstanding with | | |

4 Commonality

4.1.1 This section of the Statement provides a summary of principal issues covered in the SoCGs and demonstrates where there is commonality in the topics or matters.

4.1.2 ~~Table 4-1~~~~Table 4-1~~~~Table 4-1~~~~Table 4-1~~ is presented in such a way to show topics covered within the various SoCGs, how these are relevant to each other party, and a position for each topic, as follows:

| | |
|--|--------------------------------------|
| | Matter agreed |
| | Matter subject to further discussion |
| | Matter not agreed |

4.1.3 At Deadline ~~64~~, the Applicant is still awaiting feedback from a number of parties on draft SoCGs issued at ~~Deadline 1~~~~previous deadlines~~. For clarity, where the Applicant considers matters have a high degree of certainty of being agreed and is awaiting the parties confirmation that this is the case, these are marked as 'Green' within ~~Table 4-1~~~~Table 4-1~~~~Table 4-1~~~~Table 4-1~~.

4.1.4 Where a matter is not relevant to the other party, it is not included within the SoCG and therefore shown as blank in ~~Table 4-1~~~~Table 4-1~~~~Table 4-1~~~~Table 4-1~~.

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Table 4-1: Table of Commonality (Deadline 64)

| SoCG Ref. | (part) | Party | | Topics | | | | | | | | | | | | | | | | | | | | | | | |
|-----------|--------|--|--|--------------------------|-----------|-----------------------|-----------------------------|-------------------------------|------------------------|---------------------------------------|----------------------------|---------------------------|-----------------------------|-----------------|----------------------------|-----------------|-------------|-------------------|--------------------|--------------|-----------------|-------------------------|-------------------|---------------------|-----------------------------------|---------|------------|
| | | | | Principle of Development | Draft DCO | Protective Provisions | Other Consents and Licenses | CEMP and Associated Documents | Design and Engineering | Compulsory Purchase/ Land Acquisition | Weight Restriction on A460 | Transport – Non-Motorised | Traffic Impact & Management | Planning Policy | Assessment of Alternatives | EIA Methodology | Air Quality | Cultural Heritage | Landscape & Visual | Biodiversity | Geology & Soils | Material Assets & Waste | Noise & Vibration | Population & Health | Road Drainage & Water Environment | Climate | Cumulative |
| LA(A) | | SCC | | | | | | | | | | | | | | | | | | | | | | | | | |
| LA(B) | | SSC | | | | | | | | | | | | | | | | | | | | | | | | | |
| LA(C) | | CWC | | | | | | | | | | | | | | | | | | | | | | | | | |
| LA(D) | | SC | | | | | | | | | | | | | | | | | | | | | | | | | |
| P(A) | | Environment Agency | | | | | | | | | | | | | | | | | | | | | | | | | |
| P(B) | | Natural England | | | | | | | | | | | | | | | | | | | | | | | | | |
| P(C) | | Historic England | | | | | | | | | | | | | | | | | | | | | | | | | |
| P(D) | | Hilton, Featherstone and Shareshill Parish Councils | | | | | | | | | | | | | | | | | | | | | | | | | |
| LIU(A) | | Allow Limited | | | | | | | | | | | | | | | | | | | | | | | | | |
| LIU(B) | | William Bibbey | | | | | | | | | | | | | | | | | | | | | | | | | |
| LIU(C) | | Robert Edward Rowe | | | | | | | | | | | | | | | | | | | | | | | | | |
| LIU(D) | | Nigel and Paul Simkin | | | | | | | | | | | | | | | | | | | | | | | | | |
| LIU(E) | | Mark Commins and Tracey Commins | | | | | | | | | | | | | | | | | | | | | | | | | |
| LIU(G) | | Michael John Alfred Byard | | | | | | | | | | | | | | | | | | | | | | | | | |
| LIU(H) | | Barry and Valerie Jones | | | | | | | | | | | | | | | | | | | | | | | | | |
| LIU(I) | | Ian Simkin and Adrian Simkin | | | | | | | | | | | | | | | | | | | | | | | | | |
| LIU(J) | | Elizabeth Whitehouse | | | | | | | | | | | | | | | | | | | | | | | | | |
| LIU(K) | | Nurton Limited | | | | | | | | | | | | | | | | | | | | | | | | | |
| LIU(L) | | The National Trust for Places of Historic Interest or Natural Beauty | | | | | | | | | | | | | | | | | | | | | | | | | |
| LIU(M) | | BT | | | | | | | | | | | | | | | | | | | | | | | | | |
| LIU(N) | | Cadent Gas | | | | | | | | | | | | | | | | | | | | | | | | | |
| LIU(O) | | Severn Trent Water | | | | | | | | | | | | | | | | | | | | | | | | | |
| LIU(P) | | South Staffordshire Water | | | | | | | | | | | | | | | | | | | | | | | | | |
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| SoCG Ref. | (part) | Party | | Topics | | | | | | | | | | | | | | | | | | | | | | | |
|-----------|--------|------------------------------|--|--------------------------|-----------|-----------------------|-----------------------------|-------------------------------|------------------------|---------------------------------------|----------------------------|---------------------------|-----------------------------|-----------------|----------------------------|-----------------|-------------|-------------------|--------------------|--------------|-----------------|-------------------------|-------------------|---------------------|-----------------------------------|---------|------------|
| | | | | Principle of Development | Draft DCO | Protective Provisions | Other Consents and Licenses | CEMP and Associated Documents | Design and Engineering | Compulsory Purchase/ Land Acquisition | Weight Restriction on A460 | Transport – Non-Motorised | Traffic Impact & Management | Planning Policy | Assessment of Alternatives | EIA Methodology | Air Quality | Cultural Heritage | Landscape & Visual | Biodiversity | Geology & Soils | Material Assets & Waste | Noise & Vibration | Population & Health | Road Drainage & Water Environment | Climate | Cumulative |
| LIU(Q) | | Western Power Distribution | | | | | | | | | | | | | | | | | | | | | | | | | |
| LIU(R) | | Zayo | | | | | | | | | | | | | | | | | | | | | | | | | |
| LIU(S) | | Vodafone | | | | | | | | | | | | | | | | | | | | | | | | | |
| O(A) | | M6 Diesel | | | | | | | | | | | | | | | | | | | | | | | | | |
| O(B) | | Four Ashes Limited | | | | | | | | | | | | | | | | | | | | | | | | | |
| O(C) | | St Francis Group | | | | | | | | | | | | | | | | | | | | | | | | | |
| O(D) | | Staffordshire Wildlife Trust | | | | | | | | | | | | | | | | | | | | | | | | | |

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5 Principal Matters

5.1.1 The following section provides a narrative on the specific topic areas which are the subject of on-going discussion with key stakeholders (i.e. there is not yet agreement). This section provides the ExA with a summary of the position on the outstanding matters with this section arranged by topic. Where relevant, cross referencing will be made to specific SoCGs.

5.1.2 At ~~Deadline 6 this stage of the Examination,~~ Highways England is now only awaiting feedback from a small number of statutory providers on the circulated first draft of a number of parties on the first draft SoCGs as set out within Table 3.1~~Table 3.1~~Table 3.1 above. In respect of all of Parties the Applicant is in ongoing discussions on specific points and continues to make progress on a wide range of issues.

5.1.25.1.3 It is the Applicant's view that many matters will shortly be agreed and there is a high degree of confidence of this as demonstrated by the rating given within each SoCG. The focus for Section 5 is on those issues which are/were less certain to be agreed.

5.1.35.1.4 Accordingly, Section 5 has been amended at Deadline 6 and will be the subject of further revision at subsequent deadlines.

Draft DCO

5.1.45.1.5 The SoCG as drafted-submitted at Deadline 64 with SCC sets a clear expectation demonstrates that the majority of matters relating to the Draft DCO are either already now agreed or have a high likelihood of being agreed. However, it is acknowledged that the Applicant is still awaiting comments from SCC in respect of specific Articles and Requirements.

5.1.55.1.6 There is with one notable exception in relation to protective provisions. The Applicant acknowledges that on other DCOs SCC has agreed specific protective provisions with the Applicant. However, as set out in our response to Question 3.5.6 at Deadline 6 we remain of the view that there is no need for protective provisions in favour of SCC given the relationship between the two parties and that Highways England is a highway authority accustomed to delivering highways to standard. The issue remains under discussion but at Deadline 6 remains unresolved, but the but considers this not to be necessary in this instance due principally to the Applicant being another highway authority where they have significant experience of undertaking works in line with the requirements of DMRB. The Applicant is discussing further with SCC how this concern can be resolved and it is anticipated that a solution is likely to be found.

5.1.65.1.7 SSC raised two points on the draft DCO on 06 January 2021 and 8 January 2021. The Applicant is still considering these points and will provide a further update at Deadline 7, has not yet considered these points but will do so following Deadline 4. Apart from those points, SSC does not raise any points themselves but supports SCC in the points made by the County Council.

5.1.75.1.8 Discussions with both NEng, and the EA are at a very advanced stage with discussions around the SoCG having taken place over a number of years and iterations. For both there is almost complete agreement on both the content and

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means of securing the OEMP, but the Applicant has not received specific comments on the exact wording of Articles and Requirements.

5.1.85.1.9 No comments or feedback has been received to date from Historic England in respect of the dDCO or the exact wording of Articles and Requirements. It is considered likely that no specific comments are likely to be received with agreement with Historic England on almost all points, with the exception of the categorization (moderate or minor) to Hilton Hall as set out within the current version of the SoCG.

5.1.95.1.10 In the case of the Statutory Undertakers there are outstanding issues to be resolved but these principally relate to protective provisions which is discussed in greater detail below.

5.1.105.1.11 In respect of all other parties the Applicant can confirm that no specific comments on Article or Requirement wording has been provided, although discussions are ongoing.

Protective Provisions

5.1.115.1.12 The Applicant is working with the Statutory Undertakers to agree the scope and content of protective provisions. The Applicant is taking account of representations made at Deadlines 4 and 54 from Statutory Undertakers and will seek to continue those discussions during the remainder of the Examination.

5.1.125.1.13 As noted above, the Applicant is awaiting clarification from ~~still discussing with SCC regarding any necessary~~ the need for protective provisions to allow the Applicant to undertake works on the SCC network. The Applicant considers that this issue is capable of being resolved during the remainder of the Examination and will update the ExA at subsequent deadlines.

CEMP & Associated Documents

5.1.135.1.14 Discussions with the host authorities, NEng, EA and HE regarding the content of the CEMP are on-going, however it is considered at this stage there is a high degree of probability that all matters can be agreed.

5.1.145.1.15 In respect of Robert Edward Rowe [8.8LIU(C)] discussions have been ongoing in relation to the Outline Traffic Management Plan and the maintenance of a suitable access during construction. As set out in the Deadline 6 version of the SoCG agreement has now been reached on the content of the Outline Traffic Management Plan subject to suitable access being maintained. discussions are ongoing in relation to the Outline Traffic Management Plan and its production. The landowner has expressed a desire to review its content. At the time of writing the Applicant has directed the landowner to the revised version submitted on 09 October 2020 [AS-116/7.5] and is awaiting feedback.

Design & Engineering

5.1.155.1.16 A number of detailed design issues are under discussion with parties, some of which we hope to resolve by the end of the Examination and others the Applicant believes are not crucial to resolve at this stage. A number of issues are actively being discussed with SCC, with the latest update provided in the SoCG submitted at Deadline 64. A meeting is proposed on ~~was held on~~ 13 January 2021 to look to close out as many of these issues as possible where the outstanding design

matters were discussed. Whilst progress was made at Deadline 6 all of these Design matters remain outstanding as set out within the SoCG submitted at Deadline 6. However, the Parties remain confident of reaching agreement prior to the closure of the Examination.

5.1.165.1.17 A number of detailed design issues are also under discussion with landowners, particularly around boundary treatments. The SoCG submitted at Deadline 64 provide an update on these discussions, many of which the Applicant believes can be resolved to the satisfaction of both parties.

5.1.175.1.18 There are two outstanding design related matters with Nurton [8.8/LIU(K)] which remain outstanding. These are namely the provision and design of ponds and in respect of bridge design (Hilton Land and accommodation bridge). Both issues have been discussed extensively and unfortunately the Applicant does not anticipate that these matters will be agreed between the parties.

Compulsory Acquisition

5.1.185.1.19 In respect of landowners from which land is to be compulsorily acquired all parties currently object to the acquisition of land with the exception of the National Trust. A SoCG with National Trust is currently awaiting final signatures.signed SoCG has been submitted at Deadline 6.

5.1.195.1.20 The issues associated with the objections to land acquisition will be the subject of subsequent hearing sessions.

5.1.205.1.21 However, the majority of the concerns relate to the amount of land which is being acquired which is to deliver environmental mitigation and the associated ecological justification underpinning this assessment and associated masterplan.

Weight restriction on A460

5.1.215.1.22 SCC remains of the ~~is of~~ the opinion that HGV movements post construction could exceed that forecast in the traffic model because they will continue to use, as they have done historically, the fuel station M6 Diesel. SCC's specific point is not the amount of HGV movements or that these movements will lead to unacceptable effects, but that without a restriction the Scheme would not be as effective as it would be with them incorporated.

5.1.225.1.23 Accordingly, SCC's position is that a weight restriction on the A460 should be included within the DCO. Such a measure would safeguard against future use of the A460 by HGVs. The weight restriction would extend from south of M6 Diesel to Dark Lane.

5.1.235.1.24 SSC and the Parish Council's agree with and support SCC's position.

5.1.245.1.25 The Applicant remains of the view that the Scheme will achieve its aim to significantly reduce the number of HGVs when compared with the existing situation and there is no justification for a weight restriction to be implemented. There are also issues around how this would work practically and enforcement. Equally, the Applicant acknowledges that the number of residual HGV movements is not opposed by SCC and under all scenarios considered, even taking of specific data provided by M6 Diesel there is a significant reduction once the Scheme has been implemented.

5.1.255.1.26 The Applicant also considers that the A460 is a road that is maintained and managed by SCC and without compelling evidence to the contrary remains

unconvinced that any further intervention is necessary as a direct result of the Scheme. Should improvements be necessary from a local perspective post Scheme operation then SCC could consider the implementation of options using its existing powers.

~~5.1.26~~5.1.27 M6 Diesel supports the Applicant's position on this.

~~5.1.27~~5.1.28 ~~At the request of the~~The ExA, ~~requested that~~ SCC set out details of their proposed weight restriction ~~by at~~ Deadline 4 and how the draft DCO could be altered to incorporate the request. The Applicant ~~set out its response to this detail at Deadline 5 noting that the suggested provisions would not result in further reductions of HGV traffic along the A460 and considers the SCC proposal not to be feasible.~~will review this information on receipt.

Ecological Mitigation/Land Acquisition

~~5.1.28~~5.1.29 As noted above, a number of parties, including Allow Ltd, object to the Scheme based on the amount of land which is to be the subject of compulsory purchase powers where the need for the land is not directly related to the construction of the Link Road.

~~5.1.29~~5.1.30 Allow Ltd also object to the Applicant's decision-making process in the selection of land parcels on which to provide mitigation as well as the justification and process for the calculation of the amount of mitigation land is required, particularly in relation to woodland planting. In particular, Allow Ltd object to the amount and location of planting on Plot 5/2. The Applicant and Allow remain in discussion surrounding the points of objection and continue to work towards an agreement.

~~5.1.30~~5.1.31 Similar views are expressed by many of the other landowners whose land is to be the subject of compulsory acquisition, albeit the extent of their objections is limited to the amount of land to be acquired.

~~5.1.31~~5.1.32 The Applicant's view is that all land within the Order limits which is to be acquired is necessary to deliver the Scheme as the proposed mitigation is essential to address significant environmental impacts arising from the Scheme.

5.1.33 Equally, the proposed mitigation as a whole has been discussed at length with statutory consultees with support being given the approach from key bodies such as NEng and EA. SSC and SCC agree that the proposed mitigation is the minimum to mitigate the impact of the Scheme and both parties are requesting an increase in measures to enhance biodiversity to deliver biodiversity net gain. The issue of biodiversity net gain has also been raised by NEng and the EA. Discussions with NEng and the EA are on-going and as set out in the latest version of the respective SoCG's progress continues to be made in respect of outstanding matters on biodiversity.

~~5.1.32~~5.1.34 In contrast to landowners, all four bodies agree that no mitigation can be removed from the Scheme and an increase would be beneficial. SWT also supports delivery of biodiversity net gain.

~~5.1.33~~5.1.35 The Applicant, following the conclusion of additional ecological survey effort in 2020, has revisited its mitigation and where possible it has made minor alterations which has reduced the amount of land to be acquired. These changes were accepted by the ExA on the 29 October 2020. These changes resulted in an improvement of the Scheme in terms of its performance when assessed using the

biodiversity metric.

[5.1.345.1.36](#) Changes to reduce the planting were welcomed by the respective landowners, but both SSC and the Parish Councils have questioned whether planting could be retained on some plots, especially the plot to the south of Dark Lane. The Applicant is of the view that the compulsory acquisition of plots removed from compulsory acquisition cannot be justified if all other mitigation is retained but is discussing with Allow Ltd whether some planting could be relocated from Plot 5/2 to that plot. At this stage, the Applicant has no intention to change the areas or location of any environmental mitigation proposed.