

M54 to M6 Link Road

TR010054

**8.8 O(A) Statement of Common Ground
with M6 Diesel Services Limited**

APFP Regulation 5(2)(q)

Planning Act 2008

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

Volume 8

April 2021

Infrastructure Planning

Planning Act 2008

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

M54 to M6 Link Road
Development Consent Order 202[]

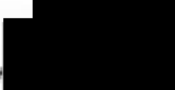
**8.8 O(A) Statement of Common Ground with
M6 Diesel Services Limited**

Regulation Number	Regulation 5(2)(q)
Planning Inspectorate Scheme Reference	TR010054
Application Document Reference	TR010054/APP/8.8 O(A)
Author	M54 to M6 Link Road Project Team

Version	Date	Status of Version
1 (P02)	August 2020	Draft
2 (P03)	October 2020	Issue to ExA at D3
3 (P04)	December 2020	Updated draft issued to M6 Diesel
4 (P05)	January 2021	Issue to the ExA for Deadline 4
5 (P06)	March 2021	Updated draft issued to M6 Diesel
6 (P07)	April 2021	Issue to the ExA for Deadline 8 - Final signed version

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) M6 Diesel Services


Signed.....
Andrew Kelly
Project Manager
on behalf of Highways England
Date: 07/04/2021

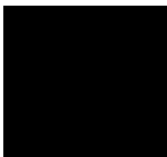

Signed
Peter Selfe
General Manager
on behalf of M6 Diesel Services Limited
Date: 31/03/2021

Table of contents

Chapter	Pages
1 Introduction	1
1.1 Purpose of this document.....	1
1.2 Parties to this Statement of Common Ground.....	1
1.3 Terminology	1
2 Record of Engagement	2
3 Issues	5
3.1 Introduction and General Matters	5
3.2 Issues.....	5

List of Tables

Table 2-1: Record of Engagement.....	2
Table 3-1: Issues	5

List of Appendices

Appendix A: Personnel

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 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.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by Highways England as the Applicant and M6 Diesel Services Limited.
- 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 M6 Diesel own and operate the HGV filling station at Saredon. The filling station is located on the Eastern side of the A460, approximately 0.5 miles from M6 Junction 11 and 1 mile from M54 Junction 1.

1.3 Terminology

- 1.3.1 In the tables in the Issues chapter of this SoCG, 'Not Agreed' indicates a final position. '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 M6 Diesel, 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 M6 Diesel.

2 Record of Engagement

2.1.1 A summary of the key meetings and correspondence that has taken place between Highways England and M6 Diesel 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
23/05/2019	Email from HE to M6 Diesel and letter to Saredon site	Notification of Statutory Consultation.
02/07/2019	Response to Statutory Consultation	BWB (on behalf of M6 Diesel) submitted a response to the statutory consultation via online response form. Raised concerns that the design is not free-flowing, there is a lack of consideration of A460 facilities such as theirs, and a lack of information with regards to potential traffic measures to be placed on existing A460.
27/08/2019	Meeting between Highways England, M6 Diesel and BWB.	Discussed the Scheme, timescale and the M6 Diesel site. Key topics included proposals for the operation of M6 J11, potential weight restrictions on the current A460, assessment of the impact of the Scheme on existing facilities on the A460, potential signing to retained facilities, compensation and AOB.
18/09/2019	Email from AK to M6 Diesel	Follow-up to meeting held on 27/08/2019. Provided outstanding contact for the Area 8 team (Highways England), requested in meeting.
31/10/2019	Email from SH to AK	Sent through ANPR Survey data collected at the Saredon M6 Diesel Site. Seeking confirmation the design of J11 would consider this data.
09/03/2020	Email from HE to M6 Diesel and letter to Saredon site.	Providing a copy of the section 56 notice.
19/03/2020	Email from SH to AK	Following up on email sent on 31/10/2019. Notifying HE that M6 Diesel is registering as an interested party to raise concerns about capacity of M6 J11.
19/03/2020	Email from AK to SH	Assures that current designs are of adequate capacity.
19/03/2020	Email from SH to AK	Seeking confirmation of data used in traffic flows and how this compares to the data they sent.

Date	Form of correspondence	Key topics discussed and key outcomes
17/04/2020	Email from HE to M6 Diesel and letter to Saredon site	Informing that Relevant Representation period had been extended due to COVID-19.
27/04/2020	Email from AK to SH	Provided detailed methodology and results of traffic surveys and sensitivity tests.
05/05/2020	Email from SH to AK	Confirmation of receipt of last email and methodology/data. Attaches Relevant Representation sent to PINS – states the first of three points is satisfied. M6 Diesel happy to discuss the other two concerns, raised in initial meeting.
03/08/2020	Email from SH to AK	Discussing the need to produce SoCG. States agreement on point 1, points 2 and 3 remain outstanding.
10/08/2020	Email from AK to SH	Email advising that the drafting of a SoCG is in progress.
24/08/2020	Email from HE to M6 Diesel and letter to Saredon site	Informing of consultation on changes to DCO application.
02/09/2020	Email from AK to SH	Draft SoCG provided for review, meeting offered if M6 Diesel wish to discuss further.
02/10/2020	Email from SH to AK	Comments provided on draft SoCG.
21/10/2020	Meeting between Highways England, M6 Diesel and BWB.	Meeting to discuss M6 Diesel's comments on the draft SoCG and outstanding matters.
21/10/2020	Email from SH to RR	SH provided a draft response to Written Question 1.10., which includes full ANPR survey data.
30/10/2020	Email from RR to SH	Provision of updated draft SoCG.
16/11/2020	Email from SH to RR/AK	Request for journey time data for HGVs travelling to and from M6 Diesel using various routes (note this was subsequently requested in M6 Diesel's submission at Deadline 3 [REP3-040]).
11/12/2020	Telephone call RR/SH	Call to discuss updates for SoCG. SH explained M6 Diesel would like to reserve their position relating to the 2 nd item (DCO Article 16) below pending receipt of Deadline 4 documents from other parties. SH explained that regarding the 3 rd item (Signage), M6 Diesel would seek to agree the wording of protective

Date	Form of correspondence	Key topics discussed and key outcomes
		provisions with HE, on a “without prejudice” basis to HE’s overall position.
14/12/2020	Email from RR to SH	Provision of updated draft SoCG (Version 3 (P04)).
15/12/2020	Email from SH to RR	Comments on draft SoCG.
18/12/2020	Email from SH to RR	SH provided draft protective provisions on a “without prejudice” basis relating to signage for HE to comment on in advance of Deadline 4.
05/01/2021	Email from RR to SH	Acknowledging receipt of email of 18/12/2020 and confirming Highways England will respond to the formal Deadline 4 submission at D5.
18/03/2021	Telephone call RR/SH	Call to discuss finalising SoCG
25/03/2021	Email RR to SH	Updated SoCG issued for review
25/03/2021	Email SH to RR	Comments on SoCG
30/03/2021	Email RR to SH	Updated SoCG issued for approval

- 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) M6 Diesel 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 M6 Diesel Services Limited 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) ¹	Agreement likely? (IP)
Revised M6 J11, insufficient capacity	A significant proportion are HGVs using the Saredon filling station are vehicles using the M6 and leave at J11 to use the site and then return to J11 and we are concerned that the revised J11, in particularly the existing A460 south arm, may have insufficient capacity. We met HE in August 2019 following which we agreed to obtain our own traffic data as there was no readily available data for the M6 Diesel site and HE had not undertaken their own survey. This was subsequently carried out at our expense and sent to HE in October 2019. HE had agreed when we met	Highways England received the counted data from BWB on behalf of M6 Diesel in October 2019. An assessment of the operation of the M6 J11 signals had already been undertaken for the Design Year of 2039, with modelled forecast flows, using the signal analysis program LINSIG. In order to provide a robust assessment of the junction's operation in the design year, the LINSIG was re-run with the additional counted HGV flows added onto existing modelled flows for the AM and PM peak periods in 2039. For this check, the surveyed flows were added to the model flows, even though much of the	Agreed (3 August 2020)	Agreed	Agreed

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, pink = low likelihood of agreement, red = not agreed.

Issue	Comment	Highways England Response	Status	Agreement likely? (app) ¹	Agreement likely? (IP)
	<p>them that they would then review their traffic modelling to see if they have included for the correct level of traffic flow between the Saredon filling station and M6 J11. We are still waiting for HE to undertake this check and we have asked HE to confirm the following:</p> <ul style="list-style-type: none"> • What traffic flows were assumed in the model between the M6 Diesel site and J11 • How this compares to the survey data which we sent in October • If there is a difference and our survey data is greater than what HE have modelled, we are seeking assurance that M6 J11 and in particular the A460 south arm, will have sufficient capacity based on the adjusted / corrected data. <p>We will provide our traffic survey data with our Written Representation in due course.</p>	<p>surveyed flow would already have been accounted for within the model.</p> <p>Trips were assumed to enter and exit M6 J11 on a pro-rata basis to how modelled trips were entering/exiting. The LINSIG analysis showed that despite the addition of the counted HGV trips to the modelled trips, the junction operated under-capacity on all entry arms and circulatories in the AM and PM peaks in 2039 with a maximum saturation per arm of 88.2% and maximum mean max queue of 15 PCUs.</p> <p>BWB (on behalf of M6 Diesel) confirmed they were satisfied with this approach via email on 3 August 2020.</p>			
Potential Traffic Regulations on the A460	<p>We are concerned that the powers sought in Article 16 are far reaching and whilst we could understand the need for these (which only apply to non-trunk roads) during construction of the link road, or indeed its maintenance, the powers could be used to introduce restrictions on the current A460 past</p>	<p>With regards to the need for a weight restriction</p> <p>The current proposals do not include any restrictions on HGVs along the existing A460, nor does Highways England see any justification to do so as the current traffic model suggests a restriction would be unnecessary. Highways England has</p>	Agreed	Agreed	Agreed

Issue	Comment	Highways England Response	Status	Agreement likely? (app) ¹	Agreement likely? (IP)
	our site that could be of significant detriment to our business (for example restrictions on HGVs). In our view, if permanent traffic regulation measures are required to mitigate the impact of the link road, then these should be identified early, consulted on, and express provisions made within the DCO. This would mean that they can be considered during the Examination process and not left to be dealt with afterwards via a process that on the face of it would offer less protection than should such regulations be proposed using standard traffic order processes.	<p>obtained turning flow counts for HGVs using the M6 Diesel site and undertaken an assessment of these (M6 Diesel supplied their own count information on 21/10/20 and this correlates closely to the count information already held by Highways England). If it is assumed that a much greater volume of HGV traffic will use the existing A460 than the traffic modelling suggests by manually adding all existing trips to M6 Diesel to modelled figures, the HGV numbers along the A460 would still be 79% lower than currently using the road.</p> <p>Concern has been raised that following the opening of the Scheme, the number of HGVs travelling along the existing A460 will be excessive. Highways England does not consider the provision of a traffic regulation order to restrict access to HGVs to be necessary. The current traffic model suggests a restriction would be unnecessary.</p>			
		<p>With regards to the need to amend DCO Articles</p> <p>It is not Highways England's intention to seek an amendment to the powers sought in the DCO to include a traffic regulation order to restrict HGV traffic. If this position changes and a change is sought to the DCO then M6 Diesel will be notified of this. If, separate to the DCO process, the local highway authority, Staffordshire County Council, chooses to seek an order to this effect then this would be done</p>	Not Agreed	Not Agreed	Not Agreed

Issue	Comment	Highways England Response	Status	Agreement likely? (app) ¹	Agreement likely? (IP)
		<p>pursuant to the Road Traffic Regulation Act 1984 and would be subject to consultation.</p> <p>The power at Article 16 relates to the construction, maintenance and operation of the Scheme. Before a TRO can be made pursuant to Article 16, there must be consultation and publicity in the same way as if Staffordshire County Council were to make a TRO. Should a TRO be proposed to introduce a weight restriction pursuant to the power in Article 16, then M6 Diesel would be able to make representations on it and Highways England would be obliged to take them into account before making the TRO.</p> <p>Highways England recognises that M6 Diesel would like the option to create a permanent weight restriction TRO to be removed from the draft DCO but disagrees that this is necessary or desirable. Therefore, this point is 'not agreed'.</p>			
Signage	<p>Whilst we understand and support the wider objectives of the HE scheme, we clearly do not want to be at a commercial disadvantage as a result. Hence, we request that signage from the roundabouts at both M6 J11 and M54 J1 to the Saredon filling station is provided. We appreciate that the facility is not a motorway truckstop or</p>	<p>Highways England agree that M6 Diesel is not a motorway truckstop or service area and cannot be signed from the mainline of either motorway.</p> <p>M6 Diesel has confirmed to Highways England on 21/10/20 that the site does not meet the minimum criteria set out in DfT Circular 02/13 'The Strategic Road Network</p>	Not Agreed	Not Agreed	Not Agreed

Issue	Comment	Highways England Response	Status	Agreement likely? (app) ¹	Agreement likely? (IP)
	<p>motorway service area and hence could not be signed from the mainline of either motorway, hence our request is for signage from the two junctions.</p> <p>Additional response received 02/10/20 Our view is that for both traffic management reasons and for commercial reasons it is important that we have signage so that our customers are duly informed to take the "old A460" rather than the new dual carriageway.</p> <p>The traffic management reasons are due to the number of HGVs that use the facility, 570 vehicles were recorded on the day of the survey that we undertook in Autumn 2019 (this data has been issued previously to HE). Our view is that this constitutes a significant number of large vehicles that need to safely navigate M6 J11 and/or M54 J1 to gain access to M6 Diesel and hence should be afforded signage accordingly.</p> <p>In terms of commercial reasons, our view is that this does merit detailed consideration especially in light of the recent Inspectors Report for the A303</p>	<p>and the delivery of sustainable development' for signing from the strategic road network and that the request is for local destination signage, rather than specific truck stop signage.</p> <p>The Scheme is not directly affecting the access to M6 Diesel or making it more difficult to access the fuel station. It is not standard practice for Highways England to signpost individual businesses from its network and we cannot see a justification to make an exception in this case. To signpost one fuel station could reasonably raise objections from other fuel stations about the lack of signposting for their facilities and issues around fairness and competition. Highways England is not proposing to add signage to any other businesses along the existing A460.</p> <p>In general, highways authorities aim to minimise signage at junctions to minimise driver distraction and clutter. Given that the facility does not meet the criteria for signage, the Scheme is not restricting access to the facility and there is no proposal to sign similar facilities in the area, there would need to be a clear case that this signage is necessary and this case has not been made.</p>			

Issue	Comment	Highways England Response	Status	Agreement likely? (app) ¹	Agreement likely? (IP)
	<p>Sparkford to Ilchester dualling scheme where, in the letter from the Department for Transport (who are minded to refuse consent) state under the heading Socio-economic effects that <i>"The Secretary of State notes that the adverse effect of the Proposed Development on business in the locality, such as the Mattia Diner and adjacent filling station, together with the failure of the Applicant to provide signage to help to mitigate these adverse effects is afforded significant weight by the ExA (ER 11.6.6)."</i></p> <p>M6 Diesel have provided the written submission of the oral case presented at Issue Specific Hearing 2 (ISH2) at Deadline 4 on 08/01/21. This set out further justification for provision of signage at M6 J11.</p>	<p>Highways England notes M6 Diesel's comments on the issue identified on the A303 Sparkford to Ilchester project and considers that this is a very different situation to the Scheme. The M6 Diesel site is located on the existing A460 and the Scheme does not amend or restrict access to this site. The Mattia diner and adjacent filling station, in the case of the A303 Sparkford to Ilchester scheme, are situated on the A303, which was proposed to be bypassed by the new dual carriageway, with a significant diversion along a cul-de-sac for traffic to reach this site.</p> <p>At the Issue Specific Hearing (ISH2) – Traffic and Transport, on Wednesday 9 December, M6 Diesel was asked to provide draft provisions for signage to M6 Diesel at M6 Junction 11 for possible inclusion in the DCO. M6 Diesel submitted these at Deadline 4 on 08/01/21. Highways England does not agree that protective provisions in favour of M6 Diesel to secure signage are necessary or appropriate. Highways England accordingly does not agree that the draft DCO should be amended to incorporate the wording proposed by M6 Diesel.</p>			
Articles and Requirements	M6 Diesel confirmed in their response at Deadline 3 [REP3-040] that they have no further comments on the draft DCO apart from those raised above.	No comment	Agreed (24/11/20)	Agreed	Agreed

Appendix A - Personnel

Initials	Name	Role or Discipline	Organisation
AK	Andrew Kelly	Project Manager	Highways England
HE	Highways England	Referred to when responding through M54 email mailbox/address	Highways England
PS	Peter Selfe	General Manager	M6 Diesel Ltd
SH	Simon Hilditch	Director	BWB Consulting
RR	Rob Ramshaw	Project Manager	Aecom