

## **M54 to M6 Link Road**

**TR010054**

### **8.8 Statement of Commonality for Statements of Common Ground**

APFP Regulation 5(2)(q)

Planning Act 2008

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Planning Act 2008

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

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

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

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<b>Author:</b>	M54 to M6 Link Road Project Team, Highways England

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## CONTENTS

<b>1</b>	<b>Introduction .....</b>	<b>1</b>
1.1	Purpose of this Document.....	1
1.2	Structure .....	1
<b>2</b>	<b>Structure of Statements of Common Ground.....</b>	<b>2</b>
2.1	Structure .....	2
2.2	List of SoCGs to be submitted.....	4
<b>3</b>	<b>Status of Statements of Common Ground.....</b>	<b>10</b>
3.1	Summary of current position .....	10
<b>4</b>	<b>Commonality .....</b>	<b>17</b>
<b>5</b>	<b>Principal Matters .....</b>	<b>20</b>

# 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 and final 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.

## 1.2 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 lists the abbreviations used throughout all of the SoCGs.

**Table 2-1: Abbreviations**

Abbreviation	In Full
<b>CEMP</b>	Construction Environmental Management Plan
<b>CoC</b>	Chamber of Commerce
<b>CRTN</b>	Calculation of Road Traffic Noise
<b>CWC</b>	City of Wolverhampton Council
<b>DCO</b>	Development Consent Order
<b>DMRB</b>	Design Manual for Roads and Bridges
<b>EA</b>	Environment Agency
<b>EIA</b>	Environmental Impact Assessment
<b>ES</b>	Environmental Statement
<b>ExA</b>	Examining Authority
<b>FEH</b>	Flood Estimation Handbook
<b>FRA</b>	Flood Risk Assessment
<b>GCN</b>	Great Crested Newt
<b>GI</b>	Ground Investigation
<b>HAWRAT</b>	Highways Agency Water Risk Assessment Tool
<b>HB</b>	Historic Building
<b>HE</b>	Highways England
<b>HEng</b>	Historic England
<b>HEC-RAS</b>	Hydrologic Engineering Centre's River Analysis System

Abbreviation	In Full
<b>HEGS</b>	Hedgerow Evaluation and Grading Systems
<b>HGVs</b>	Heavy Goods Vehicles
<b>HHa</b>	Human Health Assessment
<b>HRA</b>	Habitat Regulations Assessment
<b>LA</b>	Local Authority
<b>LEP</b>	Local Enterprise Partnership
<b>LLFA</b>	Lead Local Flood Authority
<b>LVIA</b>	Landscape Visual impact Assessment
<b>MACE</b>	Multi-sensory array cart system
<b>NEng</b>	Natural England
<b>NPSNN</b>	National Policy Statement for National Networks
<b>NT</b>	National Trust
<b>OS</b>	Ordnance Survey
<b>PM</b>	Project Manager
<b>PIER</b>	Preliminary Environmental Information Report
<b>PINS</b>	Planning Inspectorate
<b>PPT</b>	PowerPoint
<b>PRoW</b>	Public Rights of Way
<b>pWFDa</b>	Preliminary Water Framework Directive Assessment
<b>S42</b>	Section 42
<b>SAC</b>	Special Area of Conservation
<b>SBI</b>	Sites of Biological Importance
<b>SCC</b>	Staffordshire County Council
<b>SSC</b>	South Staffordshire Council
<b>SoCC</b>	Statement of Community Consultation
<b>SoCG</b>	Statement of Common Ground
<b>SoS</b>	Secretary of State
<b>SRN</b>	Strategic Road Network
<b>TMP</b>	Traffic Management Plan

Abbreviation	In Full
<b>TPO</b>	Tree Preservation Order
<b>TRO</b>	Traffic Regulation Order
<b>WCC</b>	Wolverhampton County Council
<b>WCHAR</b>	Walking, cycling & horse-riding assessment and review
<b>WFD</b>	Water Framework Directive
<b>WSI</b>	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
<b>Local Authorities (LA)</b>		
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 the final signed version was submitted at Deadline 7.
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 incorporated into the version issued at Deadline 4. The final signed version was submitted at Deadline 7.
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. The final signed version was submitted at Deadline 7.
Shropshire Council	Yes	Draft provided on 02/11/20 and submitted at Deadline 1.  The final signed version is submitted at Deadline 8.
<b>Prescribed Bodies (P)</b>		
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 was submitted at Deadline 6. A final position has been agreed with the EA, and the final signed SoCG is submitted at Deadline 8.
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 was produced and submitted at Deadline 6. The final signed version is submitted at Deadline 8.
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 was incorporated. Minor updates were made to the draft which was submitted at Deadline 6. The final signed version was submitted at Deadline 7.



Party	Required by ExA	Current status of draft
Hilton, Featherstone & Shareshill 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. A meeting was held with the Parish Councils regarding the SoCG on 29/01/21 and a revised draft was issued at Deadline 6. Following further meetings with the Parish Councils, a final signed version was submitted at Deadline 7.</p>
<b>Land Interests and Utilities (LIU)</b>		
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 revised version was been produced and submitted at Deadline 6. The final signed version is submitted at Deadline 8.</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 incorporated 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 incorporated minor updates to the communications log. The final version of this SoCG is submitted at Deadline 8, although this is unsigned as there has been no further progress towards agreeing issues due to no additional comments having been received.</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. A final signed version is submitted at Deadline 8.</p>
Nigel Simkin and Paul Simkin	Yes	<p>First draft was provided to Mr N &amp; Mr P Simkin on 15/07/2020. The contents of the first draft were discussed with Mr N &amp; Mr P Simkin but no formal comments have been received. A second draft was provided to Mr N &amp; 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 were incorporated into the version submitted at Deadline 6. The final version of this SoCG is submitted at Deadline 8, although this is unsigned as there has been no further progress towards agreeing issues due to no additional comments having been received.</p>

Party	Required by ExA	Current status of draft
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 into account comments received on 25/11/20 and 02/12/20. A revised version was submitted at Deadline 6. Following further correspondence with the landowner, a final signed SoCG was submitted at Deadline 7.</p>
Michael John Alfred Byard	Yes	<p>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.</p> <p>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. Minor updates were made to the version submitted at Deadline 6. The final version of this SoCG is submitted at Deadline 8, although this is unsigned as agreement has not been reached in time for the deadline. Highways England has issued a draft legal agreement and is working towards closing out the outstanding issues within the SoCG.</p>
Barry and Valerie Jones	Yes	<p>First draft was provided to Mr Barry &amp; Mrs Valerie Jones on 19/08/2020 but no comments were received. A second draft was issued to Mr Barry &amp; Mrs Valerie Jones on 30/10/2020. This was submitted at Deadline 1.</p> <p>Comments were received on 10/12/20 and were incorporated into the draft submitted at Deadline 6. The final version of this SoCG is submitted at Deadline 8, although this is unsigned as there has been no further progress towards agreeing issues due to no additional comments having been received.</p>
Ian Simkin and Adrian Simkin	Yes	<p>First draft was provided to Mr Ian Simkin and Mr Adrian Simkin on 26/10/2020, which was submitted at Deadline 1.</p> <p>Comments were received on 03/11/20 which were incorporated into the version submitted at Deadline 4. This document also documented 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. A further draft was submitted at Deadline 6. The final signed version is submitted at Deadline 8.</p>
Mrs Whitehouse & Mrs S L M Arblaster	Yes	<p>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.</p> <p>Comments were received on 10/12/20 and these were incorporated into the version submitted at Deadline 6. The final version of this SoCG is submitted at Deadline 8, although this is unsigned as there has been no further progress towards agreeing issues due to no additional comments having been received.</p>

Party	Required by ExA	Current status of draft
Nurton Developments (Hilton) Limited	Yes	<p>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.</p> <p>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 were received on this second draft but as it incorporated Nurton's previous comments, the revised version was submitted at Deadline 4. Minor updates to the communications log were incorporated into the version submitted at Deadline 6. The final signed version is submitted at Deadline 8.</p>
The National Trust for Places of Historic Interest or Natural Beauty	Yes	<p>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.</p> <p>Further comments were provided on 11/12/20 and are incorporated into the draft submitted at Deadline 4. A signed SoCG was submitted at Deadline 6.</p>
BT	Yes	<p>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.</p> <p>No comments have been received. The version of the SoCG submitted at Deadline 7 was considered by HE to be in its final form, as our expectation of receiving a response before the end of the Examination remained low.</p>
Cadent Gas	Yes	<p>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 minor information was provided on 07/01/21. The final version of this SoCG is submitted at Deadline 8, although this is unsigned as there has been no further progress towards agreeing issues.</p>
Severn Trent Water	Yes	<p>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.</p> <p>No comments have been received. The final version of this SoCG is submitted at Deadline 8, although this is unsigned but agreed.</p>
South Staffordshire Water	Yes	<p>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.</p> <p>The SoCG was been updated for Deadline 4, taking into account comments made in SSW's submission to the ExA. Further comments were received on 10 February were incorporated. The final version of this SoCG is submitted at Deadline 8, although this is unsigned as there has been little further progress towards agreeing issues not relating to the protective provisions.</p>
Western Power Distribution	Yes	<p>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.</p> <p>No comments have been received. The final version of this SoCG is submitted at Deadline 8, although this is unsigned as there has been no little further progress towards agreeing issues not relating to the protective provisions.</p>

Party	Required by ExA	Current status of draft
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 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. The final version of this SoCG is submitted at Deadline 8, although this is unsigned as there has been no further progress towards agreeing issues due to lack of engagement.
<b>Other (O)</b>		
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 was submitted at Deadline 4. To the best of the Applicant's knowledge, this represents an agreed draft. The final signed version is submitted at Deadline 8.
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. A revised version was submitted at Deadline 6, mainly incorporating minor updates to the communications log. The final signed version is submitted at Deadline 8.
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. The final signed version was submitted at Deadline 6.
Staffordshire Wildlife Trust	Yes	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.  A revised version was submitted at Deadline 4, which incorporated comments made by SWT. Further changes were made to the version submitted at Deadline 6. The final signed version with all matters agreed was submitted at Deadline 7.

## 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 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 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. This includes some SoCGs which have not been signed but agreement has been provided in email form.
- **Final SoCG with matters outstanding** – The final unsigned version of the SoCG is considered by HE to be in its final form, as our expectation of receiving further engagement to agree remaining issues before the end of the Examination is low.

**Table 3-1: Status of SoCGs at Deadline 8, 7 April 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	Final SoCG matters outstanding signed with	N/A
8.8 LA(B)	South Staffordshire Council	SoCG with matters outstanding	SoCG with matters outstanding	SoCG matters outstanding with	SoCG matters outstanding with	Final SoCG matters outstanding signed with	N/A
8.8 LA(C)	City of Wolverhampton Council	SoCG with matters outstanding	SoCG with matters outstanding	SoCG matters outstanding with	SoCG matters outstanding with	Final SoCG with all matters agreed signed	N/A
8.8 LA(D)	Shropshire Council	SoCG in draft	SoCG in draft	SoCG in draft	SoCG matters outstanding with	SoCG matters outstanding with	Final SoCG with all matters agreed signed
<b>Prescribed Consultees (P)</b>							
8.8 P(A)	Environment Agency	SoCG with matters outstanding	SoCG with matters outstanding	SoCG matters outstanding with	SoCG matters outstanding with	SoCG matters outstanding with	Final SoCG with all matters agreed signed

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	SoCG matters outstanding with	SoCG matters outstanding with	Final SoCG signed with matters outstanding
8.8 P(C)	Historic England	SoCG with matters outstanding	SoCG with matters outstanding	SoCG matters outstanding with	SoCG matters outstanding with	Final SoCG signed with matters outstanding	N/A
8.8P(D)	Hilton, Featherstone & Shareshill Parish Councils	SoCG in draft	SoCG in draft	SoCG in draft	SoCG matters outstanding with	Final SoCG signed with matters outstanding	N/A
<b>Land Interests and Utilities (LIU)</b>							
8.8 LIU(A)	Allow Ltd	SoCG in draft	SoCG with matters outstanding	SoCG matters outstanding with	SoCG matters outstanding with	SoCG matters outstanding with	Final SoCG signed with matters outstanding
8.8 LIU(B)	William Bibbey, c/o Paul Mourtou Ladders Solicitors LLP	SoCG in draft	SoCG with matters outstanding	SoCG matters outstanding with	SoCG matters outstanding with	SoCG matters outstanding with	Final SoCG with matters outstanding
8.8 LIU(C)	Robert Edward Rowe	SoCG in draft	SoCG in draft	SoCG matters outstanding with	SoCG matters outstanding with	SoCG matters outstanding with	Final SoCG signed with matters outstanding

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	SoCG matters outstanding with	SoCG matters outstanding with	Final SoCG with matters outstanding
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	SoCG matters outstanding with	Final signed SoCG with all matters agreed	N/A
8.8 LIU(G)	Michael John Alfred Byard	SoCG in draft	SoCG in draft	SoCG matters outstanding with	SoCG matters outstanding with	SoCG matters outstanding with	Final SoCG with matters outstanding
8.8 LIU(H)	Barry and Valerie Jones	SoCG in draft	SoCG in draft	SoCG matters outstanding with	SoCG matters outstanding with	SoCG matters outstanding with	Final SoCG with matters outstanding
8.8 LIU(I)	Ian Simkin and Adrian Simkin	SoCG in draft	SoCG with matters outstanding	SoCG matters outstanding with	SoCG matters outstanding with	SoCG matters outstanding with	Final signed SoCG with all matters agreed
8.8 LIU(J)	Elizabeth Whitehouse	SoCG in draft	SoCG in draft	SoCG matters outstanding with	SoCG matters outstanding with	SoCG matters outstanding with	Final SoCG with matters outstanding



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	SoCG matters outstanding with	SoCG matters outstanding with	Final signed SoCG with matters outstanding
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	Final signed SoCG with all matters agreed	N/A	N/A
8.8 LIU(M)	BT	SoCG in draft	SoCG in draft	SoCG in draft	SoCG in draft	Final SoCG with matters outstanding	N/A
8.8 LIU(N)	Cadent Gas	SoCG in draft	SoCG in draft	SoCG matters outstanding with	SoCG matters outstanding with	SoCG matters outstanding with	Final SoCG with matters outstanding
8.8 LIU(O)	Severn Trent Water	SoCG in draft	SoCG in draft	SoCG in draft	SoCG in draft	SoCG in draft	Final SoCG with all matters agreed
8.8 LIU(P)	South Staffordshire Water	SoCG in draft	SoCG in draft	SoCG matters outstanding with	SoCG matters outstanding with	SoCG matters outstanding with	Final SoCG with matters outstanding

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	SoCG in draft	SoCG in draft	Final SoCG with matters outstanding
8.8 LIU(R)	Zayo	SoCG in draft	SoCG in draft	Final signed SoCG with all matters agreed	N/A	N/A	N/A
8.8 LIU(S)	Vodafone	SoCG in draft	SoCG in draft	SoCG in draft	SoCG in draft	SoCG in draft	Final SoCG with matters outstanding
<b>Other</b>							
8.8 O(A)	M6 Diesel	SoCG with matters outstanding	SoCG with matters outstanding	SoCG matters outstanding with	SoCG matters outstanding with	SoCG matters outstanding with	Final signed SoCG with matters outstanding
8.8 O(B)	Four Ashes Limited	SoCG in draft	SoCG with matters outstanding	SoCG matters outstanding with	SoCG matters outstanding with	SoCG matters outstanding with	Final signed SoCG with all matters agreed
8.8 O(C)	St Francis Group	SoCG with matters outstanding	SoCG with matters outstanding	SoCG matters outstanding with	Final signed SoCG with all matters agreed	N/A	N/A

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	Final signed SoCG with all matters agreed	N/A

## 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 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 not agreed
	No response received

4.1.3 At Deadline 8, the Applicant has now concluded the SoCGs with each party. In order to complete the SoCGs by Deadline 8 it is the case that there remains matters which are not agreed between the Applicant and the respective parties and it will be for the ExA to reach a view as to whether the Applicant's position is acceptable or not. Table 4-1 sets out in tabular format those areas where there is disagreement.

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 of Commonality (Deadline 8)

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	Dark Lane Fence	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
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																									

SoCG Ref.	(part)	Party			Topics																							
					Cumulative	Climate	Road Drainage & Water Environment	Population & Health	Noise & Vibration	Material Assets & Waste	Geology & Soils	Biodiversity	Landscape & Visual	Cultural Heritage	Air Quality	EIA Methodology	Assessment of Alternatives	Planning Policy	Traffic Impact & Management	Transport – Non-Motorised	Weight Restriction on A460	Dark Lane Fence	Compulsory Purchase/ Land Acquisition	Design and Engineering	CEMP and Associated Documents	Other Consents and Licenses	Protective Provisions	Draft DCO
		South Staffordshire Water																										
		Western Power Distribution																										
		Zayo																										
		Vodafone																										
		M6 Diesel																										
		Four Ashes Limited																										
		St Francis Group																										
		Staffordshire Wildlife Trust																										

## 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 8 Highways England has been working with all Parties in order to finalise SoCGs as set out in Table 3-1 above.
- 5.1.3 The focus for Section 5 is to summarise the final positions of the respective Parties on the identified key issues in order to aid the ExA.
- 5.1.4 Accordingly, Section 5 has been amended at Deadline 8 to reflect the final positions with relevant Parties.

### **Draft DCO**

- 5.1.5 The SoCG as submitted at Deadline 7 with SCC demonstrates that matters relating to the Draft DCO are now agreed.
- 5.1.6 Significant progress and agreement has been reached with SCC in relation to protective provisions. It has been agreed that the Draft DCO does not need to include protective provisions for SCC. As set out within the finalised SoCG submitted at Deadline 7, other controls have been agreed.
- 5.1.7 SSC raised two points on the draft DCO on 06 January 2021 and 8 January 2021. The Applicant is working with SSC on these two points and at Deadline 7 one of these two matters has been resolved and there is a degree of confidence that the remaining matter will be resolved prior to the end of the Examination. Apart from those points, SSC does not raise any points themselves but supports SCC in the points made by the County Council.
- 5.1.8 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 now complete agreement on both the content and means of securing the OEMP. Both parties have also confirmed that they do not have specific comments on the exact wording or Articles and Requirements.
- 5.1.9 Historic England, as set out in the SoCG submitted at Deadline 7, does not have any comments or feedback in respect of the draft DCO or the exact wording of Articles and Requirements. There is agreement with Historic England on almost all points, with the exception of the categorization (moderate or minor) to Hilton Hall and in respect of matters outside of the DCO in respect of Portobello Tower as set out within the current version of the SoCG.
- 5.1.10 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.
- 5.1.11 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**

- 5.1.12 The Applicant has been continuing to work with the Statutory Undertakers to agree the scope and content of protective provisions. Agreement has been reached with South Staffordshire Water in respect of Protective Provisions but not with Cadent. The Applicant has updated the draft DCO consistent with similar Protective Provisions in Cadent's favour as per previously granted DCOs. If agreement is reached before the conclusion of the Examination, the Applicant will update the ExA accordingly. .
- 5.1.13 As noted above, the Applicant and SCC have now reached agreement that protective provisions for SCC are not necessary.

### **CEMP & Associated Documents**

- 5.1.14 Discussions with the host authorities, NEng, EA and HE regarding the content of the CEMP have been ongoing but there is now agreement on the content of these documents.
- 5.1.15 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.

### **Design & Engineering**

- 5.1.16 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.
- 5.1.17 A number of issues were actively under discussion at Deadline 6. However, we are pleased to report that all of these have now been resolved as set out within the final versions of the SoCGs.
- 5.1.18 A number of detailed design issues are also under discussion with landowners, particularly around boundary treatments. The SoCG submitted at Deadline 8 provide an update on these discussions. However, a small number remain areas of disagreement. The Applicant will continue discussions and will provide updates should matters change..
- 5.1.19 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**

- 5.1.20 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 signed SoCG was submitted at Deadline 6 and a draft Unilateral Undertaking is submitted to the Examination at Deadline 8 in response to the ExA's request.
- 5.1.21 The issues associated with the objections to land acquisition will be the subject of subsequent hearing sessions.



- 5.1.22 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. Such matters will not be agreed during the course of the Examination.

**Weight restriction on A460**

- 5.1.23 SCC remains 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.
- 5.1.24 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.
- 5.1.25 SSC and the Parish Council's agree with and support SCC's position.
- 5.1.26 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.
- 5.1.27 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.
- 5.1.28 M6 Diesel supports the Applicant's position on this.
- 5.1.29 At the request of the ExA, SCC set out details of their proposed weight restriction 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.
- 5.1.30 At Deadline 7, it seems likely that on this matter there will be no agreement reached between the parties during the Examination. Accordingly, the SoCGs have been updated to reflect this position.

**Ecological Mitigation/Land Acquisition**

- 5.1.31 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.
- 5.1.32 It should be noted that progress on aspects of land acquisition have been made

with parties and this is reflected in the finalised SoCGs submitted at Deadline 8, although the general thrust of objection remains for the majority of parties.

- 5.1.33 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.
- 5.1.34 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.
- 5.1.35 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.
- 5.1.36 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 and as per the submitted SoCGs at Deadline 7 there is now agreement with both parties.
- 5.1.37 Discussions with NEng and the EA have been ongoing between Deadline 7 and 8 and the final version of the respective SoCGs shows that there is now agreement on all matters with the EA but a minor area of disagreement remains in respect of soils with Natural England..
- 5.1.38 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.
- 5.1.39 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.
- 5.1.40 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.

### **Dark Lane Fence**

- 5.1.41 The existing Dark Lane fence is to be removed and replaced by a hedgerow and a new fence as part of the Scheme. The exact format and layout of the fencing generated differing views between Allow Ltd, the Parish Councils and SCC.

- 5.1.42 The Applicant has been in discussion with all of the aforementioned parties and agreement has now been reached. It has been agreed with Allow Ltd that the land where the Dark Lane fence is to be located will no longer be acquired permanently. Instead the Applicant will take possession on a temporary basis to carry out the works.
- 5.1.43 In addition, it has also been agreed that the hedgerow will be planted on Allow Ltd's land with the fence then provided on highways land. There is also agreement between Allow Ltd and the Parish Councils regarding the type of fence to be erected as per the design appended to the Parish Council SoCG. Accordingly, this matter is considered to be fully resolved.