Land to the North of Junction 11, of M62, Warrington

HS2 Statement of Common Ground

"Erection of a Motorway Service Area including Facilities Building, up to 100 bedroom Hotel, service yard, Fuel Filling Station, Electric Charging Station, parking facilities for each category of vehicle, access and internal circulation roads, structured and natural landscaping with outside amenity space/picnic space and dog walking zone, pedestrian and cycle links, boundary fencing, surface water drainage areas, ecological mitigation, pumping station(s), substation(s), retaining structures and associated infrastructure and earthworks."

Application Ref: 2019/35726

Spawforths ref:- P0-TP-SPA-NT-P4151-0068-03

Date: 16 November 2021

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SECTION 1 Introduction

1.1 This Document

1.1.1 This document is a Statement of Common Ground agreed between the Appellant (Extra MSA Group) and High Speed Two (HS2) Limited (herein after referred to as HS2SoCG).

1.1.2 It relates to an appeal against refusal of planning permission by Warrington MBC (WBC) (in its capacity as the Local Planning Authority) in respect of planning application ref: 2019/35726. The Applicant is appealing this decision.

1.1.3 A Public Inquiry is expected to be held in Spring 2022.

1.2 Appeal Proposal

1.2.1 The site address is:

Land North of Junction 11, M62, Warrington.

1.2.2 The description of development is:

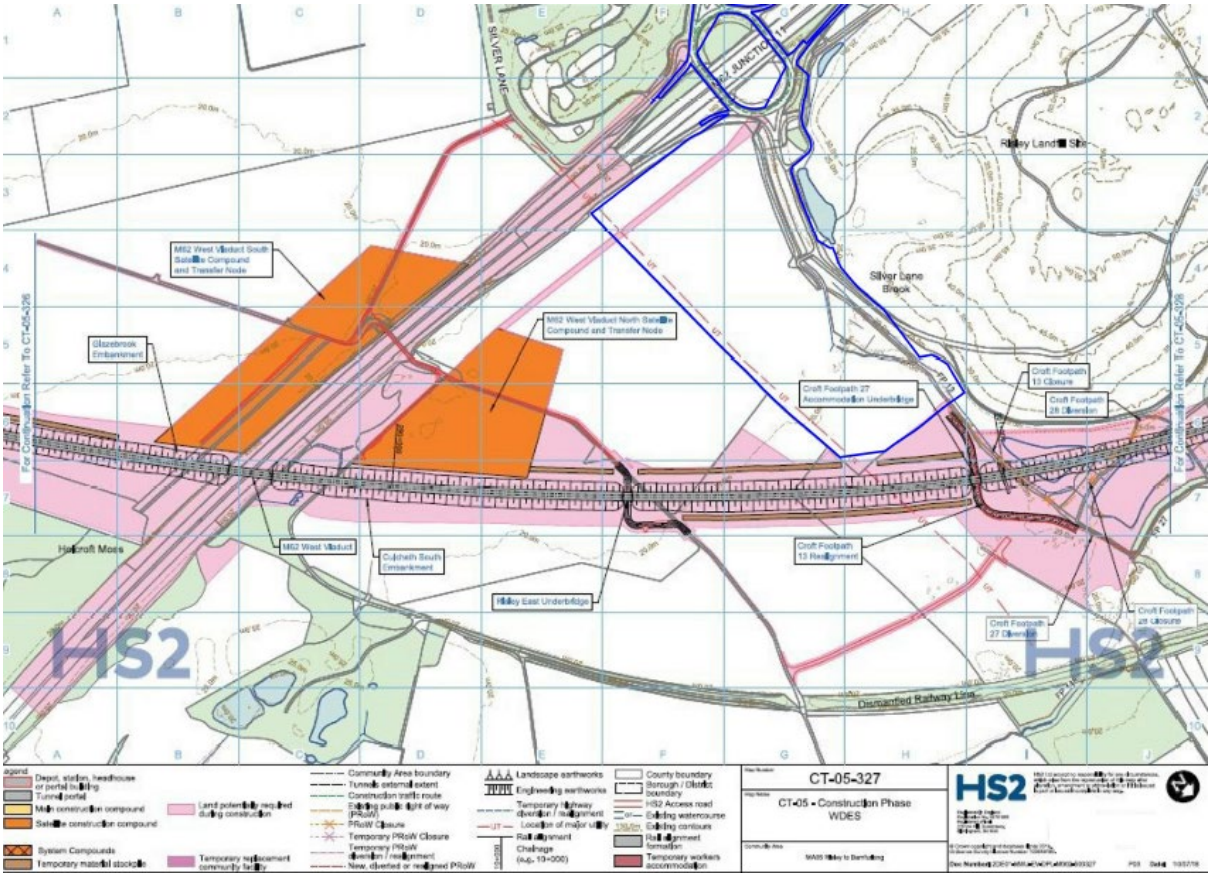
'Erection of a Motorway Service Area including Facilities Building, up to 100 bedroom Hotel, service yard, Fuel Filling Station, Electric Charging Station, parking facilities for each category of vehicle, access and internal circulation roads, structured and natural landscaping with outside amenity space/picnic space and dog walking zone, pedestrian and cycle links, boundary fencing, surface water drainage areas, ecological mitigation, pumping station(s), substation(s), retaining structures and associated infrastructure and earthworks.'

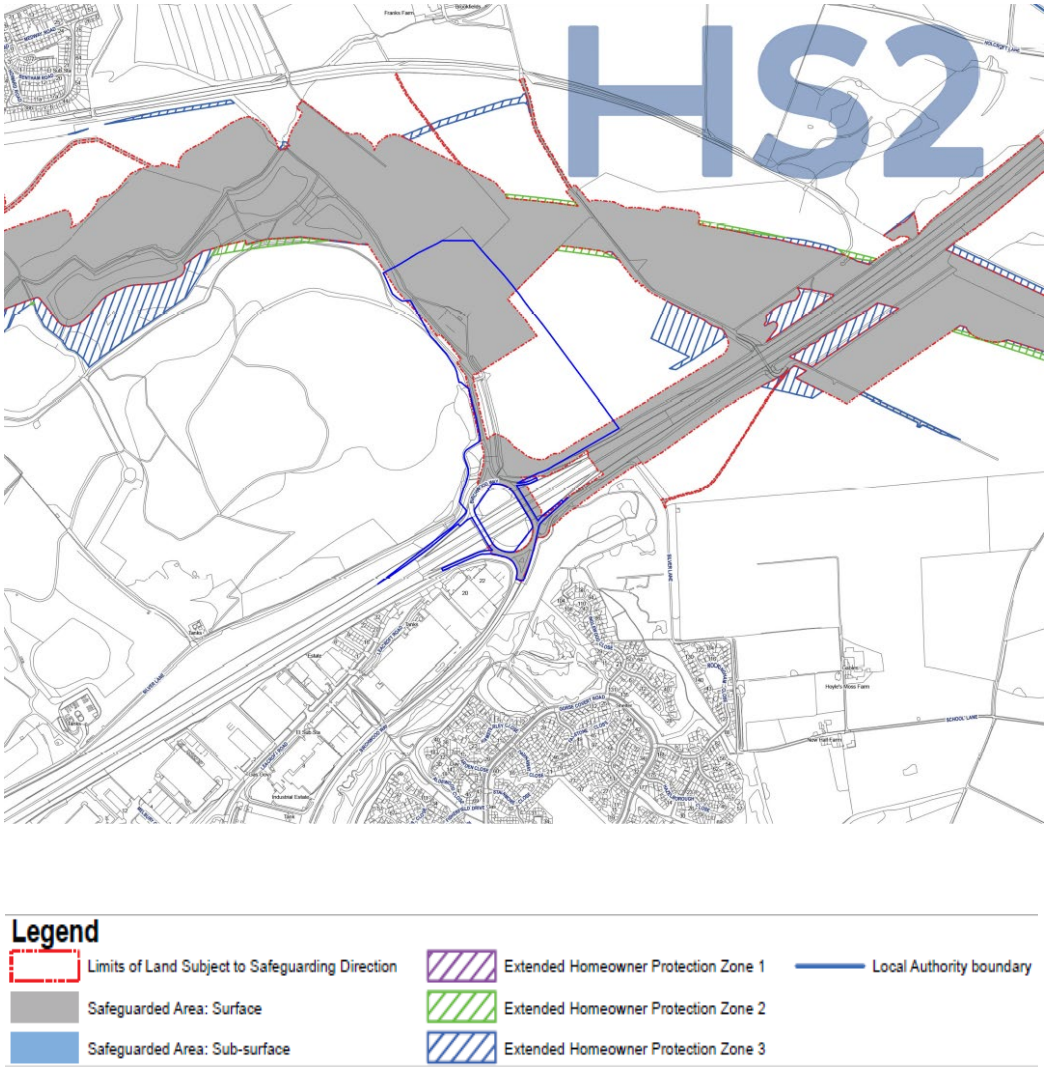
1.2.3 The Decision Notice confirming refusal of the application was issued on 17th June 2021.

1.2.4 Appendix A comprises the Site Location Plan; Appendix B comprises the Application Proposals Parameters Plan; Appendix C comprises the Application Proposals Illustrative Masterplan; Appendix D is the HS2 Rights of Access Plan; and Appendix E is a copy of the HS2 Ltd withdrawal of the objection to the Application Proposals.

1.3 HS2 Background

1.3.1 The HS2 Working Draft Environmental Statement dated October 2018 included a strip of land for a construction access for HS2 through the Application Site (edged blue) as shown below.


SILVER LANE
Silver Lane Brook
M62 West Viaduct South Satellite Compound and Transfer Node
M62 West Viaduct North Satellite Compound and Transfer Node
Glazebrook Embankment
Croft Footpath 27 Accommodation Underbridge
Croft Footpath 13 Closure
Croft Footpath 28 Diversion
Croft Footpath 13 Realignment
M62 West Viaduct
Culcheth South Embankment
Riley East Underbridge
Croft Footpath 27 Diversion
Croft Footpath 28 Closure
Dismantled Railway Line
HS2
CT-05-327
CT-05 - Construction Phase
WDES



1.4 HS2 Ltd comments upon the Application Proposals

1.5 HS2 Ltd issued a holding response in September 2019 in respect of the Application proposals which confirmed its intention to investigate the interfaces between HS2 and the Application proposals.

1.6 In January 2020 WBC consulted HS2 Ltd on amended plans received in relation to the application. On 19 February 2020 HS2 Ltd responded that discussions were ongoing with the developer and as such it was not yet in a position to remove the original holding response.

1.7 On 19 June 2020 HS2 Ltd responded to WBC with a procedural holding objection, as whilst discussions continued with the developer, there was not yet an agreed way forward to ensure the proposed development would not conflict with the ability to construct and/or operate the railway.

1.8 HS2 Ltd issued an updated response on 11th February 2021 which confirmed HS2 Ltd's intention to formally lift the holding objection subject to the inclusion of the 3 planning conditions requested by HS2 Ltd that were drafted in consultation with the developer and subsequently agreed by WBC on 8 March 2021 (wording as set out in Section 2), and completion of a legal agreement to ensure that the objectives of the safeguarding directions are not compromised.

1.9 HS2 Ltd issued a further updated response on 19th May 2021 to confirm that matters have been agreed between the developer and HS2 regarding the interfaces with safeguarded land but that a legal agreement was still awaiting execution and until formal confirmation of this process is received HS2's objection to the application stands.

1.10 At the time of determination of the Application Proposals by WMC (17th June 2021), HS2 Ltd retained an objection to the Application Proposals.

1.11 On 29th July 2021 HS2 Ltd confirmed the legal agreement had been completed and their withdrawal of their procedural holding objection (see Appendix E).

1.12 Structure

1.13 The remainder of this HS2SoCG sets out:

- Section 2.0 – Matters of Agreement;
- Section 3.0 - A signed declaration between HS2 Ltd and Spawforths (on behalf of the Appellant).

SECTION 2 Matters of Agreement

2.1 Agreement has been reached between the Appellant and HS2 Ltd ("the Parties") in respect of the matters set out in the following table.

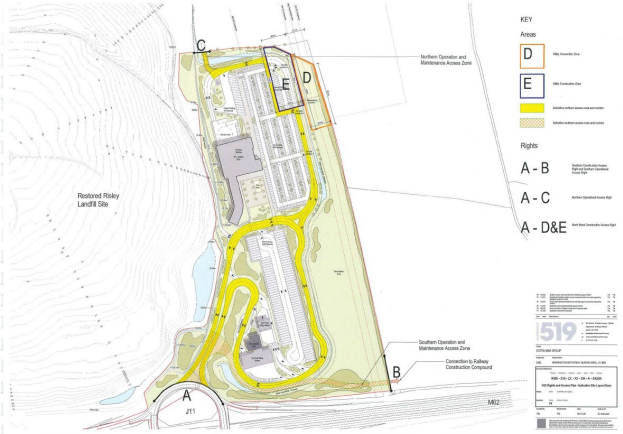
2.2 There are no matters still to be resolved in relation to the Application Proposals, nor are there any matters of disagreement between the Parties.

Item	Appellant	HS2 Ltd
Agreement that HS2 Ltd have no objection (subject to specified planning conditions) to the Application Proposal.	Following a period of detailed engagement between the Appellant and HS2 Ltd, agreement has been reached between all the Parties which allowed HS2 Ltd to withdraw their objection to the Application Proposals subject to the imposition of three planning conditions plus the legal agreement to provide mechanisms to ensure that the objectives of the safeguarding directions are not compromised.	Agreed
Agreement that the Application Proposals do not prejudice the delivery of HS2.	All the Parties have agreed that the Application Proposals will not prejudice the delivery of HS2 or compromise the objectives of the safeguarding directions provided that the processes outlined in the three planning conditions plus the legal agreement are followed.	Agreed

Item	Appellant	HS2 Ltd
Agreement over the need for and wording of the HS2 Access condition:- *43. "No development hereby permitted shall take place in any part of the area shown edged red on the Safeguarding plans [Plan SG-02-113] being an area subject to safeguarding directions dated 7 October 2020 made by the Secretary of State for Transport unless and until detailed design and method statements for all works, proposed to be constructed on the Site to provide access to the HS2 compound from Junction 11 of the M62 have been submitted to, and approved in writing by, the local planning authority in consultation with HS2 Limited. The detailed design for the works on the Site must be supported by appropriate traffic modelling which demonstrates that Junction 11 of the M62 will [safely] accommodate the overall level of traffic anticipated during the construction of HS2 works, including the HS2 construction traffic which will access Junction 11 from the Site and from the compound off Silver Lane South, and that waiting times at the proposed traffic signals on the Junction will be acceptable to the local highway authority [and Highways England]. The Development shall be carried out in accordance with the detailed design and method statements so approved"* *Reason: In the interests of the interfaces with the HS2 safeguarded area.*	HS2 require the ability to cross the Application Site for both construction and operational purposes. Agreement has been reached that the Application Proposals and HS2 construction and operational access activities can operate effectively within the Application Site to facilitate such temporary construction access and permanent operational accesses. The HS2 Access condition establishes a framework for more detailed design and method statements to be evolved as the Reserved Matters scheme for the Application Proposals are worked up. The condition requires such detailed design and method statements (including appropriate traffic modelling of Junction 11 of the M62) to be agreed by the Local Planning Authority in consultation with HS2 Ltd and for the Application Proposals to be carried out in accordance with those approved details.	Agreed

Item	Appellant	HS2 Ltd
Agreement over the need for and wording of the HS2 Utility condition:- *44. "No development hereby permitted shall take place in any part of the area shown edged red on the Safeguarding Plans [SG-02-113] being an area subject to safeguarding directions dated 7 October 2020 made by the Secretary of State for Transport ("the Utility Safeguarded Area") unless and until the Utility Construction Zone Assessment undertaken by National Grid on behalf of HS2 Ltd has been completed and either:* *(a) HS2 has confirmed in writing that the Utility Safeguarded Area is not required for any works relating to HS2; or* *(b) Detailed design and method statements for all works proposed in respect of the Utility Construction Zone Assessment affecting the Site which allow for the necessary HS2 Utilities Works to be undertaken have been submitted to, and approved in writing by, the local planning authority in consultation with HS2 Limited. The Development shall be carried out in accordance with the detailed design and method statements so approved."* *Reason: In the interests of the interfaces with the HS2 safeguarded area.*	HS2 require the ability to utilise part of the Application Site as a temporary Utility Construction Zone should National Grid need to establish a storage compound / working area whilst they undertake diversion works for the high pressure gas pipe that runs through the Application Site and under the proposed HS2 rail line. Agreement has been reached in principle that the Application Proposal and HS2 utility construction activities can operate effectively within the Application Site to facilitate such temporary activities. The Utility Condition establishes a framework for more detailed design and method statements to be evolved as the Reserved Matters scheme for the Application Proposals are worked up. The condition requires such detailed design and method statements to be agreed by the Local Planning Authority in consultation with HS2 Ltd and for the Application proposals to be carried out in accordance with those approved details.	Agreed

Item	Appellant	HS2 Ltd
Agreement over the need for and wording of the Ecological Mitigation Area condition:- *45. "No development hereby permitted shall take place in any part of the area shown edged red on the Safeguarding Plan [SG-02-113] being an area subject to safeguarding directions dated 7 October 2020 made by the Secretary of State for Transport ("the Ecology Safeguarded Area") unless and until the Ecological Mitigation Assessment undertaken on behalf of HS2 Ltd has been completed and either:* *(a) HS2 has confirmed in writing that the Ecology Safeguarded Area is not required for any works relating to HS2; or* *(b) Detailed design and method statements for all works proposed in respect of the Ecological Mitigation Assessment affecting the Site which allow the necessary HS2 ecological mitigation works to be carried out have been submitted to, and approved in writing by, the local planning authority in consultation with HS2 Limited.* *The Development shall be carried out in accordance with the detailed design and method statements so approved."* *Reason: In the interests of the interfaces with the HS2 safeguarded area.*	HS2 require the potential opportunity to utilise part of the Application Site as an Ecological Mitigation Area for HS2. Agreement has been reached in principle that the Application Proposals are not prejudiced by the HS2 Ecological Mitigation Area requirements which are agreed by HS2 Ltd to be accommodated outside of the Application Site. Should this not be the case, the Ecological Mitigation Area condition establishes a framework for more detailed design and method statements to be evolved as the Reserved Matters scheme for the Application Proposals are worked up if any HS2 Ecological Mitigation Areas are required within the Application Site. The condition requires such detailed design and method statements to be agreed by the Local Planning Authority in consultation with HS2 Ltd and for the Application proposals to be carried out in accordance with those approved details.	Agreed

Item	Appellant	HS2 Ltd
Agreement that the "reasonable worst case" implications of HS2 on the Application Proposals are shown on the HS2 Rights of Access Plan below (See Appendix D for larger scale plan)  	The Appellant and HS2 have entered into a Legal Agreement to ensure that the Application Proposals and HS2 can both be delivered without prejudicing each other. The Legal Agreement includes a HS2 Rights Of Access Plan which confirms:- <u>The Access Rights</u>:- • A-B – Southern construction Access Right and Southern Operational Access Right. • A-C – Northern Operational Access Right. • A-D&E – North West Construction Access Right. The Access Rights to satisfy the HS2 Access condition are set out above and indicative routes to achieve these rights are shown on the Plan but these routes are agreed to be indicative only. <u>The Utility Rights</u>. The Utility Connection and Construction Zones are shown within the Plan:- • Area D – Utility Connection Zone. • Area E – Utility Construction Zone. Areas D and E are the maximum areas within the Application Site that could be utilised by HS2 Ltd on a temporary basis to satisfy the Utility condition. <u>Ecological Mitigation areas</u>.	Agreed

Item	Appellant	HS2 Ltd
	No areas are reserved within the HS2 Rights Of Access Plan for HS2 Ecological Mitigation as it is agreed that the HS2 Ecological Mitigation Assessment referred to in the Ecological Mitigation Area condition does not require any of the Application Site to mitigate the ecological impact of HS2. <u>Reasonable worst case requirements.</u> It is agreed that the HS2 Rights of Access Plan represents the "reasonable worst case" implications of HS2 on the Application Proposals.	
Planning Obligations	There are no planning obligations relevant to HS2.	Agreed

SECTION 3 Declaration

3.1 This HS2 Statement of Common Ground is agreed by:

Signed on behalf of HS2 Ltd by:

Name: James Fox

Position: Safeguarding Planning Manager

Date: 17th November 2021

Signature:

Signed on behalf of the Appellant by:

Name: Dave Rolinson

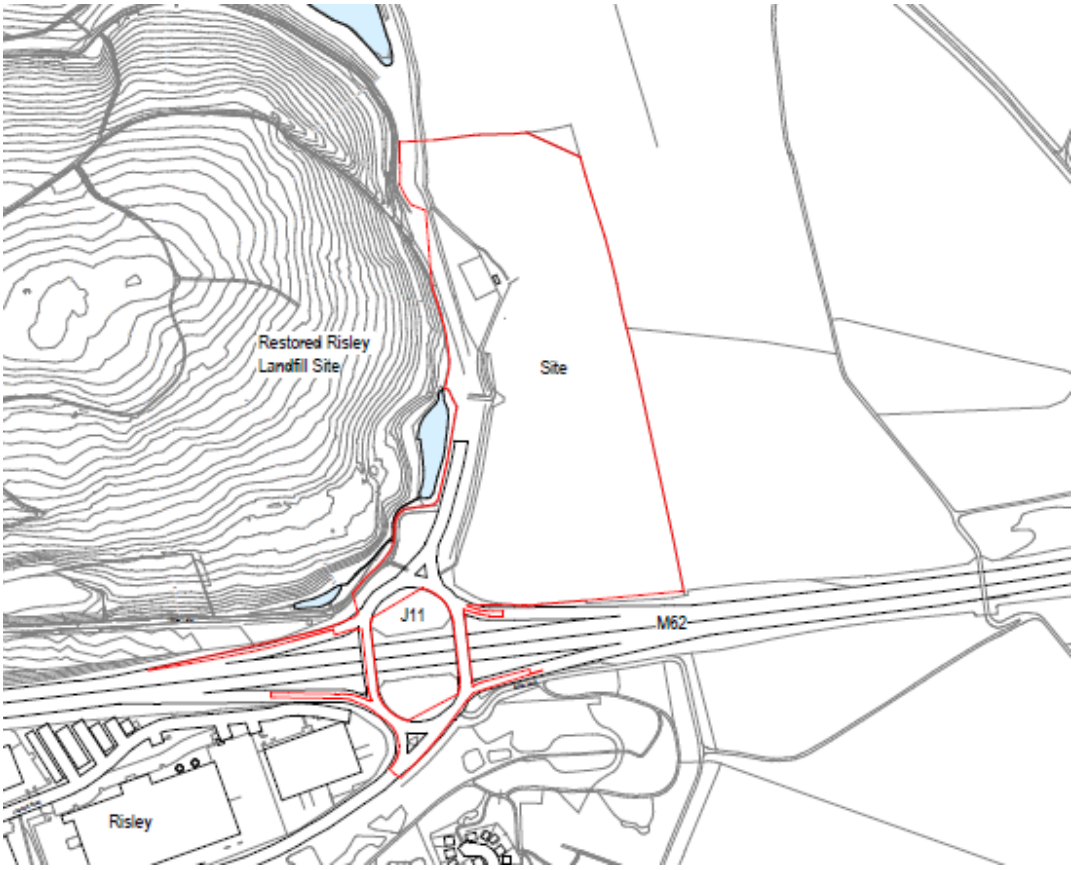
Position: Chairman, Spawforths

Date: 16th November 2021

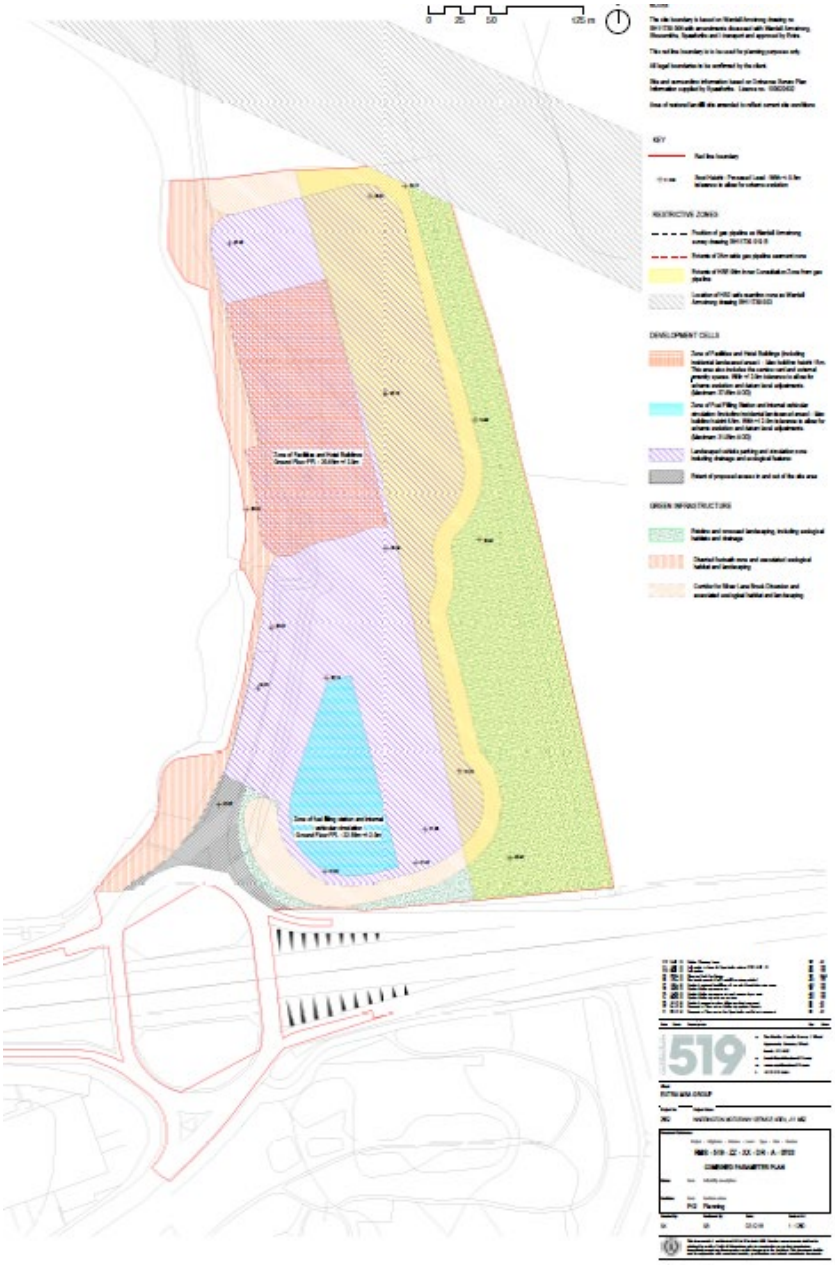
Signature:

APPENDICES

APPENDIX A. SITE LOCATION PLAN

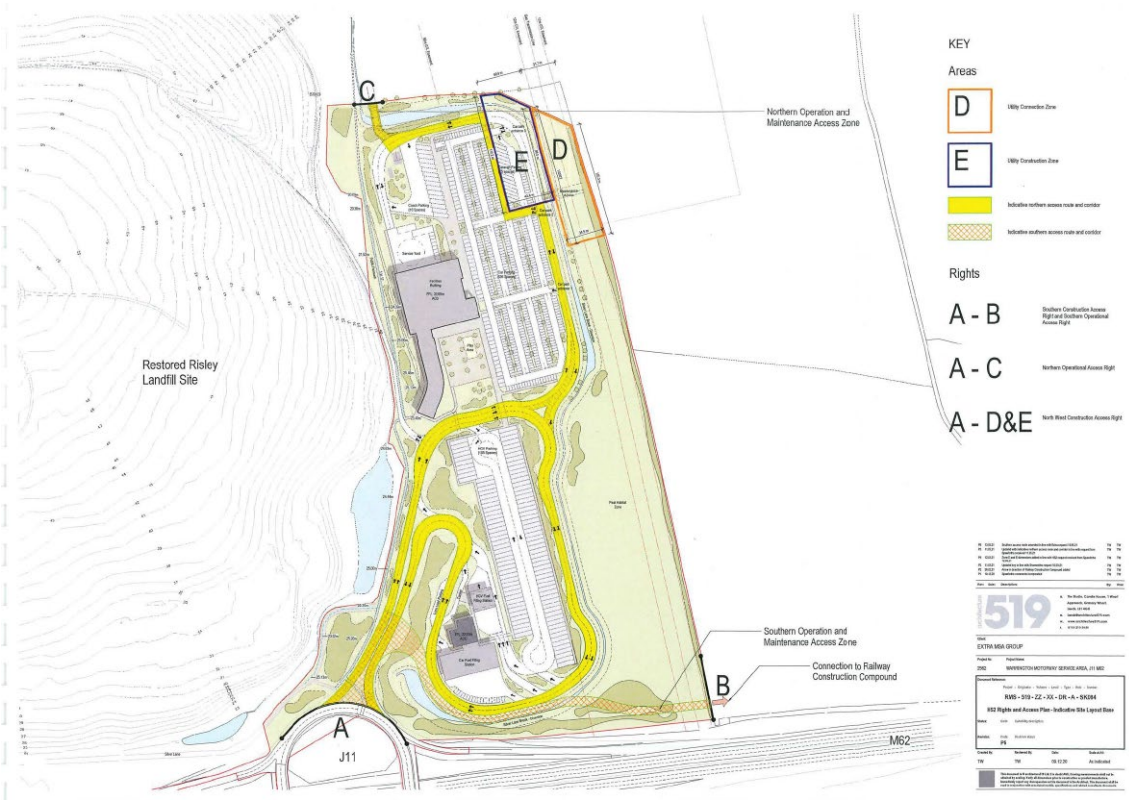


APPENDIX B. APPLICATION PROPOSALS PARAMETERS PLAN



APPENDIX C. APPLICATION PROPOSALS ILLUSTRATIVE MASTERPLAN

APPENDIX D. HS2 Rights of Access Plan



APPENDIX E. HS2 WITHDRAWAL OF OBJECTION TO APPLICATION PROPOSALS.

Town Planning <town.planning@hs2.org.uk> devcontrol; Hughes, Martha; David Rolinson; Allison Blakeway; David Brierley; James Fox 29/07/20

Planning Application: 2019/35726 - Land to the North of Junction 11, of the M62, Warrington (Withdrawal of Holding Objection)

You replied to this message on 29/07/2021 14:54.

Our ref: HS2-WBC-SC-006

Dear Martha,

I am pleased to confirm that the legal agreement addressing the interface between the proposed development and the Phase 2b safeguarding directions has now been completed and therefore HS2 Ltd removes the procedural holding objection to the application, which I understand was recently refused by Warrington Council's planning committee.

I trust this response is sufficient for your records but should you require any further information do not hesitate to contact me at: town.planning@hs2.org.uk and you will note I have also copied the applicant in to this response for awareness.

Kind regards

Peter Attwell | Phase 2a Town Planning Manager | Infrastructure Directorate | HS2 Ltd

Mob: 07909933933 | peter.attwell@hs2.org.uk | Facebook | Twitter |

High Speed Two (HS2) Limited, Two Snowhill, Snow Hill Queensway, Birmingham, B4 6GA | www.gov.uk/hs2

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