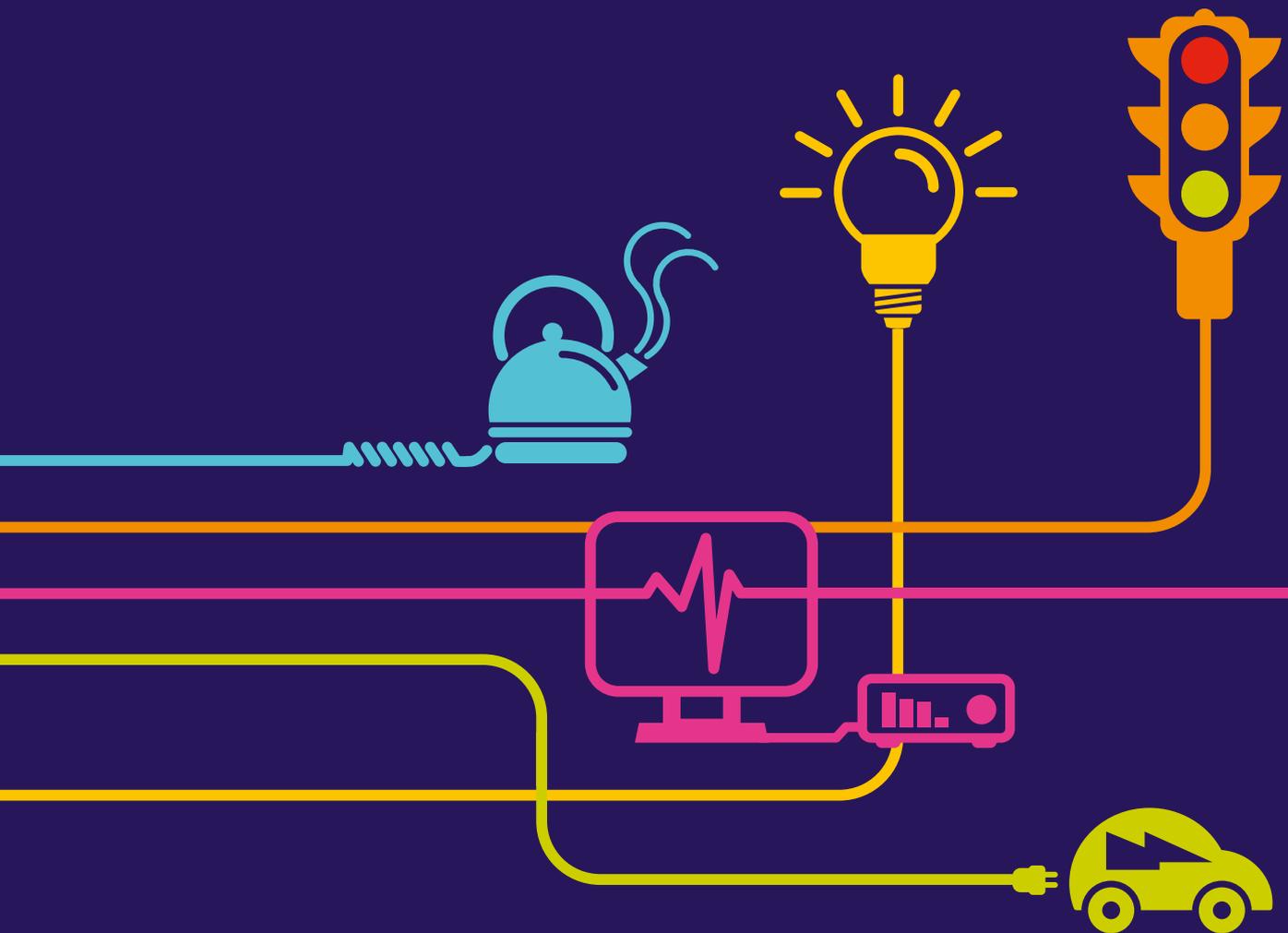


Statements of Common Ground Kent County Council (Highways/ProW)

National Grid (Richborough Connection Project) Order



Richborough Connection Project

Statement of Common Ground between National Grid and Kent County Council concerning PRow and Highways

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Version 6

(September 2016)

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1 INTRODUCTION

1.1 Purpose of this Document

- 1.1.1 This Statement of Common Ground (SoCG) is between National Grid Electricity Transmission Ltd (“National Grid”) and Kent County Council (KCC), relating to the Development Consent Order (“DCO”) application for the Richborough Connection Project. It has been prepared in accordance with the guidance¹ published by the Department of Communities and Local Government.
- 1.1.2 This SoCG has been prepared to identify matters agreed and matters currently outstanding between National Grid and KCC specifically in relation to Public Rights of Way (PRoW) and Highway matters.
- 1.1.3 The SoCG will evolve as the DCO application progresses to submission and through examination.

1.2 Approach to the SoCG

- 1.2.1 This SoCG is structured as follows:
- Section 1 provides an introduction to this SoCG and a description of its purpose.
 - Section 2 states the role of KCC in the DCO application process and details consultation undertaken between National Grid and KCC PRoW and Highways.
 - Section 3 sets out matters agreed between National Grid and KCC PRoW and Highways.
 - Section 4 sets out matters where agreement is currently outstanding between National Grid and KCC PRoW and Highways.
 - Appendix A includes the signing off sheet.

1.3 Status of the SoCG

- 1.3.1 This version (Version 6) of the SoCG represents the position between National Grid and KCC at September 2016 (covering the pre-application, acceptance and pre-examination stages of the process as well as actions arising from the Issue Specific Hearing (ISH) on the draft DCO, held on 28 July 2016 and the Examining Authority’s second round of written questions). National Grid and KCC will continue to review any matters that are still subject to negotiation. The SoCG will be reviewed and a table which shows the commonality on specific points between SoCGs will be updated and submitted to the Examining Panel during the Examination to reflect additional agreement achieved (as per Page D2, Annex D of the Rule 6 Letter).

¹ Planning Act 2008: Guidance for the examination of applications for development consent. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance_final_for_publication.pdf

2 CONSULTATION

2.1 Role of Kent County Council PRow and Highways in the DCO process

2.1.1 Kent County Council is the Local Highway Authority for the area in which the proposed development is located and manage the normal statutory processes through which works to the PRow and highways network must proceed.

2.1.2 Consultation with KCC has therefore be undertaken in order to explore the provisions of the DCO which relate to highways and PRow matters.

2.1.3 To date, KCC have been engaged in discussing works required with National Grid and have provided formal views on draft proposals at various stages of the design development.

2.2 Provisions in the DCO as submitted

2.2.1 The DCO as submitted includes a number of provisions of relevance to KCC that relate to works to the highway and PRow. These can be summarised as follows:

- Article 12 of the DCO provides National Grid with the powers to alter the layout of streets for the purposes of carrying out the authorised development as detailed in Schedule 6 (streets subject to alteration of layout). The Article also provides National Grid powers to alter the layout of any street within the Order limits and the layout of any street having a junction with such a street with prior consent from KCC.
- Article 13 of the DCO provides National Grid with the powers to temporarily stop up, alter or divert any street or public right of way shown on the access and rights of way plans or within the Order limits. This includes, without limitation, those streets and public rights of way specified in Parts 1 and 2 of Schedule 7 (streets or public rights of way to be temporarily stopped up). It also includes other works not specified with prior agreement from KCC.
- Article 10 includes powers for street works with Schedule 5 detailing those streets which are subject to such works.
- Article 40 and Schedule 12 provide powers relating to traffic regulation.

2.2.2 Where necessary, these provisions are referenced through this SoCG in order to direct the reader to the relevant parts of the DCO as submitted.

2.3 Summary of consultation

2.3.1 Consultation carried out by National Grid and the way in which it has informed the DCO application is set out in full in the Consultation Report (**Volume 6, Document 6.1**) submitted with the DCO application. KCC along with representatives from the other Councils were included in this pre-application consultation.

2.3.2 National Grid continue to be in direct communication in respect of the DCO application and issues pertinent to the PRow and Highway network and KCC interests.

2.3.3 Consultation and discussions to date are summarised in Table 2.1 and form the basis of this SoCG.

Table 2.1 Consultation between National Grid and the Kent County Council

Date	Details
30 May 2014	<p>Meeting between National Grid and KCC Highways relating to Highways and Traffic.</p> <p>Meeting to introduce the scheme and outline programme. Discussion around the Connections Options Report relating to Highways and Traffic, traffic flows and site access roads.</p>
16 June 2014	<p>Meeting between National Grid and KCC PRow relating to PRow.</p> <p>Meeting to introduce the scheme, programme and potential effect during construction and operation on PRow network. The proposed assessment and survey methodology was also discussed.</p>
15 May 2015	<p>Meeting between National Grid and KCC Planning Policy, KCC PRow, KCC Highways and DDC Planning.</p> <p>Meeting to discuss National Grid's approach to highways and PRows potentially affected by the Proposed Development, including consideration of diversions, effect of closures on the local network and location of sub-stations.</p>
19 May 2015	<p>Email from KCC Highways to National Grid.</p> <p>Comments in relation to proposed highway works.</p>
4 June 2015	<p>Email from KCC Highways to National Grid.</p> <p>Specific comments on draft diversion routes and bellmouth locations.</p>
7 August 2015	<p>Email exchange between National Grid and KCC Highways</p> <p>Exchange of emails in relation to visibility splays at bellmouth locations and measured speeds. Also confirmation of some design detail.</p>
29 October 2015	<p>Discussion between National Grid and Local Authorities – specific discussion relating to the Ash Levels and the number of access points needed in this area and the length of time that access was needed.</p>
25 April 2016	<p>Email from KCC to National Grid.</p> <p>Confirmed KCC PRow were in agreement with Version 2 of the SoCG and had no comments to make.</p>
18 May 2016	<p>Meeting between National Grid, KCC Planning Policy, KCC PRow and KCC Highways to discuss the draft SoCG, DCO submission documents, provisions of the DCO as submitted and relevant reps as submitted by KCC.</p>
30 May 2016	<p>Email from National Grid to KCC Highways.</p> <p>Issue of clearance information in relation to the Sturry Link Road in order to inform design discussions. This confirmed in excess of 16m clearance between pylons PC3 and PC4.</p>
16 June 2016	<p>Email from KCC.</p> <p>Based on the information provided by National Grid on KCC updated their position on the Sturry Link Road through review of this SoCG.</p>
27 June 2016	<p>Email from KCC</p> <p>Confirming that the position on the Sturry Link Road is agreed.</p>

Date	Details
4 August 2016	Submissions from KCC and National Grid at Deadline 3, including: <ul style="list-style-type: none"> • KCC responses to Hearing Action Points published by the ExA on 01 August 2016 following the Issue Specific Hearing (ISH) on the draft Development Consent Order (28 July 2016). • National Grid's Written Summary of Case put forward orally at the ISH on the Development Consent Order held on 28 July 2016 (Doc 8.16) • The applicants hearing note on Actions requested at the Issue Specific Hearing on the Development Consent Order held on 28 July 2016 (Doc 8.23)
6 September 2016	Email correspondence between National Grid and KCC in relation to responses to the Second Round of Questions from the ExA [EN020017].

3 MATTERS AGREED

3.1 Summary of current position

3.1.1 National Grid and KCC have worked together on PRow and highways matters to ensure inclusion in the DCO application of a number of provisions requested in relation to these matters.

3.2 Kent County Council principal matters agreed

3.2.1 Project wide principal matters which have been agreed by KCC relating to the DCO application are detailed within the Councils SoCG².

3.2.2 Kent County Council have been supportive in discussions around required highway works and potential effects on highway users and users of the PRow network and have discussed and agreed approaches to mitigation, seeking to minimise effects on users wherever possible whilst maintaining safety.

3.2.3 This SoCG therefore focusses on specific matters which are agreed in relation to PRow and highways provisions.

3.3 Kent County Council specific matters agreed

3.3.1 Kent County Council and National Grid are in agreement with the specific matters detailed in **Table 3.1** in relation to PRow and highways.

² A separate SoCG between National Grid and the local authorities of Kent County Council, Canterbury City Council, Thanet District Council and Dover District Council.

Table 3.1 Matters Agreed between National Grid and Kent County Council

SoCG ID	Matter	Date Agreed
PRoW Matters		
3.1 Potential effects on the PRoW network		
3.1.1	KCC and National Grid agree that potential effects on the PRoW network during operation of the proposed development will be minimal, particularly given the context of the existing overhead line infrastructure in the area.	16 June 2014
3.1.2	KCC and National Grid agree that the PRoW diversion plans and Environmental Statement are based on a worst case scenario with National Grid committed to working with Kent County Council to minimise effects within the hierarchy of mitigation discussed and agreed in Chapter 15 of the ES: Socio-economics (Document 5.2) and the PRoW Management Plan (Document 5.4.3H).	15 May 2015 18 May 2016
3.2 Proposed approach to PRoW management / mitigation		
3.2.1	<p>Advance warning signs will be provided where a PRoW is subject to closure or diversion. Where applicable maps showing temporary diversions and alternative rights of way will be provided at sites affected by the works as detailed in Section 3.2 of the PRoW Management Plan (Document 5.4.3H).</p> <p>National Grid will also work with KCC to include information on proposed mitigation on the 'Explore Kent' website.</p> <p>In response to Question 2.10.3, KCC and National Grid agree that measures to provide advance warning to users of the PRoW network during times of temporary closure and diversions would be secured through the CEMP (Doc 5.4.3C (B)) and PRoW Management Plan (Doc 5.4.3H (A)) as documents certified by the Secretary of State under Article 43 of the draft DCO (Doc 2.1 (B)).</p>	16 June 2014 / 15 May 2015 6 September 2016
3.2.2	National Grid will undertake a photographic condition survey of all PRoW effected by proposed works as stated at Section 3.8 of the PRoW Management Plan (Document 5.4.3H). This is to be shared and agreed with KCC with all PRoW reinstated to an 'as is' state as a minimum.	16 June 2014

SoCG ID	Matter	Date Agreed
3.2.3	<p>That National Grid will work with KCC to ensure minimal impact on the PRoW network, applying the following hierarchy of mitigation (discussed and agreed at meeting) and set out at Section 3.3. of the PRoW Management Plan (Document 5.4.3H):</p> <ul style="list-style-type: none"> • Using signs for both PRoW users and construction vehicles to allow safe crossings of construction roads (local management); • Using contract staff to hold PRoW users for short periods while vehicles pass or construction activities are undertaken (local management); • Using scaffold protection over PRoW so they can still be used underneath constriction works; • Creating very short diversions, for example around a scaffold tower or other work site; or • Fully closing the PRoW for a temporary period and signing an acceptable longer diversion route. 	15 May 2015
3.2.4	<p>KCC agree with the powers to close or divert PRoW as contained within the Development Consent Order (DCO) as submitted (Article 13 and Schedule 7).</p> <p>National Grid will consult KCC on the details of proposed closures and mitigation in advance of the works as per Article 13 and seek approval for any other works to public rights of way not listed in Schedule 7 of the DCO as submitted if required. In this instance KCC will be required to respond within 28 days of the date of the application (discussed and agreed at meeting).</p>	18 May 2016
3.2.5	<p>National Grid agree to remove all furniture associated with construction works (e.g. gates) put in place along the PRoW network to enable the proposed development.</p> <p>Where National Grid wish to leave such furniture in place this is to be discussed and agreed with Kent County Council in order to avoid unlawful furniture on the PRoW network.</p>	16 June 2014
3.2.6	<p>National Grid and KCC agree with the contents and mitigation detailed within the PRoW Management Plan as submitted (Document 5.4.3H).</p>	18 May 2016
Highway Matters		
3.3 Technical Assessment Work		
3.3.1.	<p>KCC agree that one Transport Assessment (TA) is prepared for the construction of the new 400kV overhead line and the decommissioning of the existing PX route 132kV overhead line with the works separated into different sections (Document 5.4.10A as part of the DCO as submitted).</p>	16 June 2014

SoCG ID	Matter	Date Agreed
3.3.2	KCC agree with the scope of traffic surveys undertaken to inform the TA and environmental assessment work. A list of survey sites was provided to KCC as agreed at the meeting on 30 May 2014. This is contained in Annex 10A.1 of the Transport Assessment (Document 5.4.10A) as submitted.	16 June 2014 11 June 2014
3.3.3	In response to Question 2.10.2 [EN020017], KCC and National Grid agree with the assessment made of impacts on junction capacities and the assessment of likely queue lengths and potential delays presented through Chapter 10 of the ES (Doc 5.2). KCC and National Grid agree that further junction capacity analysis was not required as the increase in traffic flow on the highway network would not result in an increase in queue lengths or delays at junctions along the construction route.	6 September 2016
3.4 Potential effects on the highway network		
3.4.1	KCC agree that there will be no impact on the highway network following construction of the proposed development given the scale of maintenance required.	16 June 2014
3.4.2	KCC and National Grid agree that there will be no abnormal loads on the highway network as part of the construction process of the proposed development as detailed within Section 2.5 of the CTMP as submitted (Document 5.4.3G).	15 May 2015
3.4.3	KCC and National Grid agree that construction traffic would avoid travelling past local schools where possible. Construction traffic will not travel past schools during the morning and afternoon periods when pupils arrive and leave school. This is covered as a common issue/constraint in the Sections 3.4 and discussed in Section 5.3 of the CTMP (Document 5.4.3G) which seeks to avoid sensitive built up areas through final construction routeing and highway signage to be agreed with KCC. In response to Question 2.10.1 [EN020017], KCC and National Grid agree that measures to control construction traffic passing local schools will be agreed and secured through the CTMP (Doc 5.4.3G(A)).	15 May 2015 18 May 2016 6 September 2016
3.5 Proposed management / mitigation		
3.5.1	KCC and National Grid agree that highway condition surveys will be undertaken and agreed prior to works commencing. The approach to these surveys is discussed at Section 5.14 of the CTMP (Document 5.4.3G). The exact scope and extent of the highway condition surveys will be agreed with KCC Highway District Managers.	16 June 2014 18 May 2016
3.5.2	National Grid and KCC agree that speed restrictions should be a last resort to mitigate effects with a preference for advance signing and signals.	15 May 2015
3.5.3	Proposed works over the highway will be undertaken at night where permissible (in accordance with draft DCO Requirement 7(3)), in order to limit disruption to local road users.	15 May 2015

SoCG ID	Matter	Date Agreed
3.5.4	<p>KCC agree with the powers to undertake works to the highway as contained within the Development Consent Order (DCO) as submitted (Article 13 and Schedule 7).</p> <p>National Grid will consult KCC on the details of proposed closures and mitigation in advance of the works as per Article 13 and will seek approval for any other highways works not listed in Schedule 7 of the DCO as submitted if required. In this instance KCC will be required to respond within 28 days of the date of the application. (discussed and agreed at meeting).</p> <p>KCC agree that powers to alter the layout, etc, of streets will be contained within the Development Consent Order as submitted (Article 12 and Schedule 6).</p> <p>National Grid will seek approval from the street authority for any works not listed in Schedule 6 of the DCO as submitted if required. In this instance KCC will be required to respond within 28 days of the date of the application.</p>	18 May 2016
3.5.5	National Grid and KCC agree with the contents and mitigation detailed within the CTMP as submitted (Document 5.4.3G).	18 May 2016
3.5.6	In response to Question 2.5.7 [EN020017], National Grid and KCC agree that the Outline Travel Plan does not need to be set out as a separate requirement. This reflects the fact that it is already covered by Requirement 6 and KCC's view that the number of staff on any individual site at any one time would not be significant enough to warrant the Outline Travel Plan being a separate requirement.	6 September 2016
3.6 Design of site accesses and haul roads		
3.6.1	KCC and National Grid agree that where a secure working site is proposed a new kerb line will be installed and a minimum of 12m of tarmac on the access road from the highway where required. Vegetation clearance may also be required to improve visibility.	15 May 2015
3.6.2	KCC and National Grid agree that haul roads are to be constructed from crushed stone or track way with similar finishes in the working areas and around pylon locations.	15 May 2015
3.6.3	National Grid agree to have a contractor on standby in order to sweep any mud on the highway as a result of the proposed development. The approach to vehicle cleansing and cleansing of the local road network is discussed at Section 5.13 of the CTMP (Document 5.4.3G).	15 May 2015
3.6.4	<p>KCC agree that visibility from bellmouth junctions is based on average (observed) speeds rather than speed limits.</p> <p>Furthermore KCC agree with the recorded speeds and approach detailed in email correspondence dated 07.08.2015. This provided recorded speeds at a number of bellmouth locations with newly proposed visibility splays based on findings.</p>	<p>15 May 2015</p> <p>Email exchange 7 August.2015</p>

SoCG ID	Matter	Date Agreed
3.6.5	KCC agree that where roads are not heavily trafficked, National Grid can implement a 2.4m setback from proposed construction accesses.	Email – 7 August 2015
3.6.6	National Grid agree that where possible and safe to do so, pedestrian priority will be maintained at vehicle crossings.	15 May 2015
3.6.7	<p>KCC and National Grid agree the principle of the number and duration of access points required to enable construction of the proposed development.</p> <p>National Grid have provided draft details of access points and routes, the purpose of the accesses and duration for which they are required.</p>	Post meeting 29 October 2015
3.7 Sturry Link Road		
3.7.1	<p>KCC and National Grid agree that the proposed development and the proposed Sturry Link Road can co-exist.</p> <p>This position is based on the latest alignment of the proposed Sturry Link Road put forward by the site promoters (shown on drawing number 13-012-020 Rev F tabled at the KCC meeting with National Grid on 18 May 2016) and the plans provided by National Grid on 30 May 2016 showing the clearances between the proposed locations of pylons PC3 and PC4 and the <i>Energy Networks Association Document Technical Specification 43-8 Overhead Line Clearances</i>.</p> <p>National Grid confirm that there would be in excess of 16 metres clearance between the existing ground level and the overhead line conductors at the location where the proposed route of the Richborough Connection impacts upon the proposed Sturry Link Road.</p> <p>KCC's design consultant (Amey) has completed a vertical alignment review of the links to Shallock Road and is content that there is sufficient flexibility in the available clearance to the overhead cables where they cross the proposed route of the Sturry Link Road to accommodate the design of the road.</p> <p>KCC has identified that it may need to consider a nonstandard design of street lighting in this section due to the skewed angle of the cables as they sail over the proposed link road. The skew means the cables span the road over a distance of around 75 metres.</p> <p>KCC intends to make a planning application for the construction of the Sturry Link Road in spring 2017. On the basis of the details agreed with National Grid on this matter, KCC would not expect National Grid to lodge any objection in the planning application process.</p> <p>National Grid agree to continue to liaise with KCC on this matter to ensure that the two schemes can co-exist, and consider that it would have no objection to an application for the Sturry Link Road based on the current design.</p>	<p>18 May 2016</p> <p>16 June 2016</p> <p>27 June 2016</p>

SoCG ID	Matter	Date Agreed
3.8 Draft DCO		
3.8.1	<p>National Grid and KCC agree to the following update to the wording for Requirement 16 (16(3)):</p> <p><i>“The undertaker must carry out road safety audits of the highway works authorised by this Order in accordance with Standard HD 19/15 of the Department for Transport’s Design Manual for Roads and Bridges or in accordance with any standard that supersedes that Standard and must, to the reasonable satisfaction of the relevant highway authority, implement any recommendations to mitigate or remove road safety problems and defects identified in such road safety audits arising from the authorised development”.</i></p> <p>This updated wording forms part of the draft DCO (Doc 2.1 (B)) submitted at Deadline 4.</p>	<p>1 August 2016</p> <p>4 August 2016</p>
3.8.2	<p>KCC and National Grid agree that Schedule 6 of the draft DCO (Streets Subject to Temporary Alteration of Layout) and Schedule 12 (Traffic Regulation) can remain separate and there is no need to include sites in both Schedules. This responds to Action Point 12 from the ISH on the draft DCO (28 July 2016).</p>	<p>4 August 2016</p>
3.8.3	<p>KCC and National Grid agree that there is no requirement for vehicle marking scheme, highway signage scheme, travel plan (note: already identified under Requirement 6) and traffic incident management plan within Schedule 3 of the draft DCO and therefore there is no need to discharge requirements in Schedule 4 of the draft DCO.</p> <p>KCC confirm they are satisfied within the content of the Construction Traffic Management Plan (APP-068) and this SoCG (Doc 8.4.5 (A)).</p> <p>This responds to Action Point 49 from the ISH on the draft DCO (28 July 2016).</p>	<p>4 August 2016</p>

4 MATTERS CURRENTLY OUTSTANDING

4.1 Summary of current position

4.1.1 Kent County Council have worked closely with National Grid to discuss and agree potential effects and the approach to mitigation and design in relation to PRow and Highways and the majority of matters have been agreed, as detailed in Table 3.1.

4.2 Kent County Council principal matters currently outstanding

4.2.1 Project wide principal matters where agreement remains outstanding between National Grid and KCC are detailed within the Councils SoCG³.

4.3 Kent County Council specific matters outstanding

4.3.1 Through engagement between KCC and National Grid agreement has been reached on all matters.

³ A separate SoCG between National Grid and the local authorities of Kent County Council, Canterbury City Council, Thanet District Council and Dover District Council.

APPENDIX A – SIGNING SHEET

APPROVALS	
Signed	
On Behalf of	National Grid Electricity Transmission plc
Name	Emer McDonnell
Position	Senior Consents Officer
Date	06/09/2016

APPROVALS	
Signed	
On Behalf of	Kent County Council
Name	SALLY-ANN BENGE
Position	TRANSPORT & DEVELOPMENT MANAGER – EAST KENT
Date	07/09/16

APPROVALS	
Signed	
On Behalf of	Kent County Council
Name	ANDREW HUTCHINSON
Position	PUBLIC RIGHTS OF WAY AREA MANAGER
Date	07/09/16