

**Application by Highways England for an order granting development consent for  
the proposed M20 Junction 10a**

**Response to Department for Transport letter dated 28 September 2017**

**AGREED JOINT STATEMENT OF HIGHWAYS ENGLAND, SOUTHERN GAS NETWORKS  
AND FRIENDS LIFE LIMITED**

The terms of this statement have been agreed between Southern Gas Networks ("SGN"), Friends Life Limited ("FLL") and Highways England (the "Applicant") in response to the letter from the Department of Transport dated 28 September 2017.

Responses to the questions raised are set out below:

**Question 1**

**Please could the Applicant and SGN confirm to the Secretary of State that the side agreement dated 25 May 2017 referred to in Item I.05 (first row) of Examination Document REP8-027 is in place (as neither the Examining Authority nor the Secretary of State have seen the agreement)? In light of that agreement, is any amendment to the proposed Protective Provisions at Part 1 of Schedule 9 to the draft Order (last examination version at OD-033) required in relation to the protection of SGN's interests?**

**Answer**

The side agreement dated 25 May 2017 is in place. The terms of that side agreement adequately address any concerns that SGN had in relation to the proposed Protective Provisions at Part 1 of Schedule 9 to the draft Order and no amendments to the draft Order are required as a result of the agreement.

**Question 2**

**Please could the Applicant, SGN and FLL confirm whether arrangements satisfactory to all three parties have now been concluded in respect of a 9-metre strip of land outside the Order limits needed for access during the M20 Junction 10a works for the purpose of installing a diverted high pressure gas main? The last position statements available at present to the Examining Authority and the Secretary of State are REP8-027 Item I.05 (second row), and OD-040.**

**Answer**

The Applicant has entered into an agreement with FLL dated 24 July 2017. In that agreement, FLL agrees in principle that it authorises the route of the SGN gas main diversion over land owned by FLL (N.B. the pipeline itself will be within the Order limits). FLL also agrees that it will grant all rights and restrictions reasonably requested by SGN over the 9-metre strip to SGN. This is subject to: (a) the provision of SGN's standard indemnities in favour of FLL; (b) the provision of a schedule of condition of land owned by FLL in the vicinity of the SGN gas main diversion to FLL both pre and post the SGN gas main diversion works; and (c) SGN restoring the land to a condition satisfactory to FLL (acting reasonably) post the SGN gas main diversion works. The Applicant is to be responsible for the reasonable costs of FLL incurred in relation to the diversion works.

The Applicant is entitled to give written notice to FLL at any time after the making of the Order (for a period up to 5 years from the date the Order is made) calling upon FLL to grant the rights and restrictions reasonably requested by SGN over the 9-metre strip in accordance with SGN's standard requirements. Such rights and restrictions will, subject to agreement of a formal deed of easement and/or licence, be granted within 20 working days of receipt of the written notice from the Applicant.

Accordingly, satisfactory arrangements are now in place between the three parties in respect of the 9-metre strip of land.

Date: 12 October 2017