

# M25 junction 28 improvement scheme

TR010029

## 9.14 Statement of Common Ground with Eastern Power Networks

Rule 8(1)(e)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

Volume 9

January 2021

## Infrastructure Planning

### Planning Act 2008

### The Infrastructure Planning (Examination Procedure) Rules 2010

### M25 junction 28 scheme Development Consent Order 20[x ]

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#### 9.14 STATEMENT OF COMMON GROUND WITH EASTERN POWER NETWORKS

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<b>Rule Number:</b>	Rule 8(1)(e)
<b>Planning Inspectorate Scheme Reference</b>	TR010029
<b>Application Document Reference</b>	TR010029/EXAM/9.14
<b>Author:</b>	M25 junction 28 scheme, Project Team, Highways England

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 0	21 January 2021	Deadline 1

### STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Eastern Power Networks

Signed.....

  
Project Manager  
on behalf of Highways England  
Date: [DATE]

Signed.....

[NAME]  
[POSITION]  
on behalf of Eastern Power Network Date: [DATE]

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# Table of contents

Chapter	Pages
<b>1. Introduction</b>	<b>5</b>
1.1 Purpose of this document	5
1.2 Parties to this Statement of Common Ground	5
1.3 Terminology	5
<b>2. Record of Engagement</b>	<b>7</b>
<b>3. Issues</b>	<b>9</b>
3.1 Introduction and general matters	9
<b>Tables</b>	
Table 2-1: Record of Engagement	7
Table 3-1: Table of issues and matters to be agreed – Version as at 21 January 2021	10
Table 3-2: Examination Documents	12

DRAFT

# 1. Introduction

## 1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground (“SoCG”) has been prepared in respect of the application (“the Application”) for the M25 junction 28 improvement scheme (“the Scheme”) submitted by Highways England Company Limited (“Highways England”) to the Secretary of State (“Secretary of State”) for a Development Consent Order (“the Order”) under section 37 of the Planning Act 2008 (“PA 2008”).
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or Planning Inspectorate website.
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

## 1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) Eastern Power Networks.
- 1.2.2 Highways England became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing Highways England made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England.
- 1.2.3 Highways England understands that Eastern Power Networks plc (Eastern Power Networks) is a subsidiary company of UK Power Networks Holdings Limited (UKPN). It is understood that EPN cover the licencing for the area in which the Scheme falls, however, UKPN remain the parent company. To date Highways England has had and continues to have detailed discussions with UKPN as the distribution network operator.

## 1.3 Terminology

- 1.3.1 In Table 3-1 in the Issues section of this SoCG:
- “Agreed” indicates area(s) of agreement
  - “Under discussion” indicates area(s) of current disagreement where resolution remains possible, and where parties continue discussing the issue to determine whether they can reach agreement by the end of the examination

- “Not agreed” indicates a final position for area(s) of disagreement where the resolution of divergent positions will not be possible, and parties agree on this point.

1.3.2 It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to Eastern Power Networks, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Eastern Power Networks.

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## 2. Record of engagement

- 2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and Eastern Power Networks in relation to the Application is outlined in Table 2-1.
- 2.1.2 Reference has been made within the Statement of Common Ground to UK Power Networks (UKPN). Eastern Power Networks (EPN) are understood to be part of UK Power Networks and as such, correspondence with UK Power Networks is also included in this Statement of Common Ground.

**Table 2-1: Record of engagement**

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the issues tables)
15.12.16	Letter	Request for C2 estimate.
08.02.17	Email	Receipt of C3 estimate for Option 5F (originally sent 12 July 2016).
01.09.17	Email	Return of C2 searches.
30.11.18	Letter	Notification of statutory consultation as a prescribed consultation body and statutory undertaker.
06.02.19	Email	Request UKPN contact for information on electrical supplies to inform the technology design.
17.05.19	Email	Request for UKPN review of proposed electricity interfaces related to the Scheme.
22.05.19	Email	Follow-up email to provide correspondence from Stage 2 of the project (Option Development).
19.06.19	Email	Request for proposed scheme overlay to assess the impact that this might have with existing HV overhead line.
24.06.19	Email	Update on design changes and proposed location for new electricity interface.
16.09.19	Skype meeting	Meeting to provide project update, effect on UKPN power lines, clearance, maintenance access, construction works and DCO and easements.
30.10.19	Letter	Notification of supplementary consultation as a prescribed consultation body and statutory undertaker.
04.11.19	Meeting	Meeting at Atkins London office to discuss UK Power Networks diversionary works including 11kV underground diversion, UKPN plant at A12, maintenance access and construction impacts. UKPN representatives were content diversionary works can be accommodated and advised they were able to agree in principle to scheme proposals.
04.12.19	Email	Circulation of meeting minutes and request for information on protected width from cable diverted underground and a copy of the current easement for 11kV line.
13.12.19	Email	Follow-up request from previous meeting for UKPN to provide further information relating to utility diversion.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the issues tables)
20.12.19	Email	Response from UKPN to provide requested information discussed in meeting on 04.12.19.
02.01.20	Email	Information from Highways England to provide details of latest C3 estimate from UKPN.
10.01.20	Email	Email containing three indicative diversion drawings shared with UKPN for C3 estimate.
07.09.20	Teams meeting	Provided an update on the DCO. Discussed details of the diversion route and proposed corridor, proximity to the existing BPA pipeline and maintenance access.
22.10.20	Teams meeting	Meeting with BPA to discuss the siting of the 11kV diversion and explored desirable route alignments.
03.12.20	Teams meeting	Meeting with BPA to review the route options in more detail alongside the BPA pipeline. UKPN provided their agreement in principle to the diversion route.

2.1.3 It is agreed that this is an accurate record of the key meetings and other forms of consultation and engagement undertaken between (1) Highways England and (2) Eastern Power Networks in relation to the issues addressed in this SoCG.

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## 3. Issues

### 3.1 Introduction and general matters

3.1.1 This section sets out the ‘*issues*’ which are agreed, not agreed, or are under discussion between the Eastern Power Networks and Highways England. On 12 November 2020, the Examining Authority issued a letter under Section 88 of the Planning Act 2008 and Rules 4, 6 and 9 of The Infrastructure Planning (Examination Procedure) Rules 2010 (known as the ‘*Rule 6 Letter*’). Annex D sets out a request for Statements of Common Ground (SoCG) between Highways England and various parties, including Eastern Power Networks. For the Eastern Power Networks, the ‘*Rule 6 Letter*’ advises that the following issues should be in the SoCG:

- The effects on existing services, apparatus and infrastructure
- Protective Provisions contained within the draft DCO
- The provisions set out in section 127 of the Planning Act 2008
- Table 3-1 shows those matters which have been agreed or yet to be agreed by the parties, including a reference number for each matter, and the date and method by which it was agreed (if relevant).

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**Table 3-1: Table of issues and matters to be agreed – Version as at 21 January 2021**

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Eastern Power Networks and reasons for any different in views	Matters to be addressed/agreed
<b>1.0 The effects on existing services, apparatus and infrastructure</b>				
1.1	APP-006 and APP-015	The proposed route for the diversion of an existing overhead 11kV high voltage cable running north-south across the development as shown as Work no. 30 on the Works Plans (APP-006) and detailed in Schedule 1 of the draft DCO (APP-015) has been developed between Highways England and EPN.	Agreed – Highways England and EPN have engaged in detailed discussions with EPN as set out in Table 2.1 above. The route proposed in the DCO application has been developed in discussion with EPN. Highways England and EPN are in discussion over the final route of the diversion and a further meeting is to be arranged.	
1.2		The proposed diversion of an existing 11kV high voltage underground cable running east-west across the development within the new highway is acceptable.	Under discussion	
1.3	APP-015	The limits of deviation set out within Part 2 Schedule 7 of the draft DCO (APP-015) are sufficient for the requirements of EPN to develop the detailed design of the undergrounding of the cables.	Under discussion	
1.4		EPN would be able to carry out its statutory functions and contractual obligations no less efficiently than previously.	Under discussion	EPN currently has a holding objection against the Scheme submitted as part of their Relevant Representation.
<b>2.0 Protective Provisions contained within the draft DCO</b>				
2.1	APP-015	Schedule 9 of the draft DCO (APP-015) outlined the protective provisions afforded to utility undertakers including EPN.	Under discussion	Highways England and EPN are currently in ongoing discussions regarding the protective provisions set out in Schedule 9 of the DCO.
<b>3.0 The provisions set out in section 127 of the Planning Act 2008</b>				

<b>SoCG reference number</b>	<b>Document reference</b>	<b>Relevant issue</b>	<b>Position as regards agreement Highways England and Eastern Power Networks and reasons for any different in views</b>	<b>Matters to be addressed/agreed</b>
3.1	APP-015	Adequate protective provisions for the protection of EPN statutory undertaking are set out within Schedule 9 of the draft DCO (APP-015) and are acceptable for EPN.	Under discussion	See above

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3.1.2 The list below sets out the relevant examination documents used in Table 3.2.

**Table 3-2: Examination documents**

Reference	Title
APP-006	2.3 Works Plans
APP-015	3.1 Draft Development Consent Order
APP-038	6.1 Environmental Statement - Chapter 16 – Summary
RR-008	Relevant Representation from Eastern Power Networks

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Printed on paper from well-managed forests and other controlled sources.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ  
Highways England Company Limited registered in England and Wales number 09346363

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