

M25 junction 28 improvement scheme

TR010029

9.16 Statement of Common Ground with Network Rail

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 202[x]

9.16 STATEMENT OF COMMON GROUND WITH NETWORK RAIL

Rule Number:	Rule 8(1)(e)
Planning Inspectorate Scheme Reference	TR010029
Application Document Reference	TR010029/EXAM/9.16
Author:	M25 junction 28 scheme, Project Team, Highways England

Version	Date	Status of Version
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) Network Rail

Signed.....


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

Signed.....

[NAME]
[POSITION]
on behalf of Network Rail: [DATE]

DRAFT

Table of contents

Chapter	Pages
1. Introduction	5
1.1 Purpose of this document	5
1.2 Parties to this Statement of Common Ground	5
1.3 Terminology	5
2. Record of engagement	7
3. Issues	8
3.1 Introduction and general matters	8
Tables	
Table 2-1 Record of engagement	7
Table 3-1 Table of issues and matters to be agreed – Version as at 21 January 2021	9
Table 3-2 Examination documents	10

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”) made 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) Network Rail.
- 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 Network Rail is a statutory undertaker and owns, operates and maintains the majority of the rail infrastructure of Great Britain, including the Shenfield to Liverpool Street line which crosses the M25 to the north east of Nag's Head Lane, Brentwood, Essex, and immediately south of junction 28 of the M25 (Railway).
- 1.2.4 Network Rail is a Persons with an Interest in Land in respect of the application under section 57 of the Planning Act 2008.

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 Network Rail, 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 Network Rail.

DRAFT

2. Record of engagement

2.1.1 A summary of the correspondence between Highways England and Network Rail in relation to the Application is outlined in Table 2-1.

Table 2-1 Record of engagement

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the issues tables)
9 December 2020	Email	Email from Case surveyor at Network Rail and their appointed lawyers relating to regulatory procedures, costs, Protective Provisions and requesting that a Framework Agreement is entered into and shape files provided.
4 December 2020	Email from Network Rail to Highways England and Planning Inspectorate	Email from Network Rail responding to the request for a SoCG to be agreed with Highways England and requesting further information relating to its assets.
17 November 2020	Email	Highways England email to Network Rail outlining that in Annex D to the Rule 6 letter, the Planning inspectorate is seeking a Statement of Common Ground between Highways England and Network Rail and requesting a meeting to discuss the effects of the Scheme on existing infrastructure and to process the Statement of Common Ground.
2 November 2020	Email	Email requesting a meeting to discuss relevant representation and to provide an update on the Scheme.
9 September 2020	Relevant Representation	Submitted to the Planning Inspectorate by Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited.
19 August 2020	Letter / email	Highways England confirming to Network Rail that the Scheme will have no physical works that will directly affect the railway line, or the bridge, and that the Scheme will not be seeking to acquire any rights owned by Network Rail (Plot 4/2).
21 July 2020	S56 Notice	Planning Act 2008 Section 56: Notifying Persons of Accepted Application.
July 2020	Land Negotiation Letter and Plan	Issue of a letter, together with a land negotiation plan, to commence discussions with Network Rail.

2.1.2 It is agreed that this is an accurate record of the correspondence, consultation and engagement between (1) Highways England and (2) Network Rail in relation to the issues addressed in this SoCG.

3. Issues

3.1 Introduction and general matters

3.1.1 This chapter sets out the 'issues' which are agreed, not agreed, or are under discussion between Network Rail 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 Network Rail. As set out in Annex D the SoCG will cover:

- The effects on existing services, apparatus and infrastructure
- Protective Provisions contained within the draft DCO.

3.1.2 Table 3-1 has been discussed with Network Rail and this Interim Statement is version '0' as at 21 January 2021.

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

SoCG reference number	Document references	Relevant issue	Position as regards agreement Highways England and Network Rail and reasons for any difference in views	Matters to be addressed/agreed
1.0 The effects of existing services, apparatus and infrastructure				
1.1	APP-015, APP-005, RR-002, Email 4 & 9 Dec 2020	The Scheme does not involve any physical works to Network Rail's assets or acquisition of any rights owned by Network Rail.	<p>Under discussion.</p> <p>Network Rail has an interest in a section of railway carried over the M25 falling within plot 4/2. Highways England has informed Network Rail that this land has been included within the Order Limits due to the need to undertake ancillary works to the existing carriageway of the M25 motorway, including resurfacing works and works to update existing road markings. No physical works are proposed to the operational railway or to the bridge and Highways England will not be seeking to acquire any rights owned by Network Rail.</p> <p>Network Rail has indicated it requires additional details to consider potential effects on its assets relating to structures, electrification and plant (E&P), signals and track.</p> <p>Highways England will continue dialogue with Network Rail to confirm there are no impacts from the Scheme to Network Rail's assets and to ensure the continued safe operation of the railway.</p>	
2.0 Protective Provisions contained within the draft DCO				
2.1	APP-015, APP-005, RR002, Email 4 & 9 Dec 2020	Given there are no proposed physical works being undertaken under the railway bridge, protective provisions are not required.	<p>Under discussion.</p> <p>Network Rail would like their standard protective provisions secured in the DCO as well as completing a Framework Agreement with Highways England.</p>	

3.1.3 The list below states the relevant examination documents used in Table 3-2.

Table 3-2 Examination documents

Examination reference	Document title
APP-005	Highways England 2.2 Land Plans
APP-015	Highways England 3.1 Draft Development Consent Order
APP-021	Highways England 4.3 Book of Reference
RR-002	Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited

© Crown copyright (2021).

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/

write to the Information Policy Team, **The National Archives, Kew, London TW9 4DU**,
or email psi@nationalarchives.gsi.gov.uk.

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