

## M25 junction 28 improvement scheme

TR010029

### 9.13 Statement of Common Ground with Cadent Gas

Rule 8(1)(e)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

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# Infrastructure Planning Planning Act 2008

## The Infrastructure Planning (Examination Procedure) Rules 2010

### M25 junction 28 scheme Development Consent Order 202[x]

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#### 9.13 STATEMENT OF COMMON GROUND WITH CADENT GAS

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<b>Planning Inspectorate Scheme Reference</b>	TR010029
<b>Application Document Reference</b>	TR010029/EXAM/9.13
<b>Author:</b>	M25 junction 28 scheme, Project Team, Highways England

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1	20 May 2021	Deadline 7
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) Cadent Gas**

**Signed.....**  
**Thomas Selby**  
**Project Manager**  
**on behalf of Highways England**  
**Date: [20/05/2021]**

**Signed...Vicky Cashman**  
**Vicky Cashman**  
**Senior Land and Consents Officer**  
**on behalf of Cadent Gas**  
**Date: 20/05/21**

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# 1. Introduction

## 1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground (“SoCG”) has been prepared in respect of the proposed M25 junction 28 improvement scheme (“the Application”) 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) Cadent Gas.
- 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 Cadent Gas are the operator and maintainer of the local high-pressure gas pipeline that runs through the application site.

## 1.3 Terminology

- 1.3.1 In the table 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 disagree on this point.

- 1.3.2 It can be assumed that any matters not specifically referred to in the Issues section of this SoCG are not of material interest or relevance to Cadent Gas 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 Cadent Gas.

## 2. Record of engagement

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and Cadent Gas 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
05.12.17	Email	Asset information provided by Cadent Gas Ltd affected by the Scheme.
15.06.18	Email	Correspondence regarding C3 assets and change of asset ownership from National Grid to Cadent.
30.11.18	Letter	Notification of statutory consultation as a prescribed consultation body and statutory undertaker.
05.02.19	Meeting	Discussion of the scheme impact on assets. Decision made for Cadent to undertake trial holes to provide detail of the assets.
06.06.19	Skype meeting	Discussion of protective provision measures. Cadent confirmed requirement of diversion.
12.06.19	Meeting	To understand the diversion process involved. Cadent would need to undertake a design study for the work and a detailed design study.
21.06.19	Email	Further scheme information provided to Cadent including drawings and details of local planning applications.
27.06.19	Skype meeting	Advice on the route for the potential diversion in advance of the design studies.
18.07.19	Skype meeting	Meeting with consents officer to discuss the requirements of the DCO.
18.07.19	Email	Email to Cadent providing details of LB Havering planning applications.
15.08.19	Skype meeting	Meeting to discuss gas pipeline diversion including land requirement south of the A12.
29.08.19	Skype meeting	Meeting to discuss gas pipeline diversion feasibility study.
19.09.19	Meeting	Meeting at Atkins office in Chelmsford to review feasibility design progress and pipeline route options identified.
10.10.19	Meeting	Meeting at Atkins London office to review progress on the feasibility design development.
19.10.19	Skype meeting	Discussed design development, programming and future maintenance access provisions.
24.10.19	Skype meeting	Meeting to discuss progress with gas pipeline diversion feasibility study including design, easement and future maintenance and liability.
24.10.19	Email	Request for existing easements and provisions Cadent would be seeking as part of the Scheme DCO.

Date	Form of correspondence	Key topics discussed and key outcomes
08.11.19	Email	Email to share previous meeting's notes, request latest design option drawings, weekly update on progress and current easements for affected asset.
11.11.19	Email	Email with the Deed of Easements that are currently protecting Cadent gas assets.
12.11.19	Skype meeting	Meeting to discuss gas pipeline diversion including C3 estimate, easement, protective provisions and DCO.
12.12.19	Meeting	Gas pipeline diversion progress meeting at Atkins Chelmsford to review design options and agree a preferred option.
16.12.19	Email	Email to provide information to Cadent on construction traffic crossing the route of the pipeline diversion to feed into the feasibility report.
16.12.19	Email	Drawings shared with Cadent to show haul routes overlain on General Arrangement drawings.
17.12.19	Email	Email from Atkins to provide assessment of Cadent feasibility design options from the Scheme designer's perspective.
18.12.19	Email	Email from Cadent providing comments on the Atkins assessment of feasibility options.
19.12.19	Email	High pressure pipeline diversion feasibility report received from Cadent.
20.12.19	Skype meeting	Meeting to discuss the outcome of the Cadent feasibility study.
20.12.19	Email	Updated feasibility report received from Cadent.
16.01.20	Email	Proposed amendments to Cadent Option 6 feasibility design to reduce future disruption to the golf course.
24.01.20	Meeting	Meeting at Cadent offices in Ashby-de-la-Zouche to provide a scheme update, finalise the feasibility design and detailed design.
13.02.20	Meeting	Meeting at Atkins London office to review pipeline design progress, design costs and funding, DCO provisions.
19.03.20	Skype meeting	Discussed the provisions for Cadent on the Works Plans, Land Plans, Book of Reference, protective provisions, detailed design mobilisation and programme.
02.04.20	Skype meeting	Discussed the provisions for the diversion in the DCO. Reviewed progress on pipeline detailed design.
28.08.20	Teams meeting	Reviewed progress on detailed pipeline design.
14.10.20	Teams meeting	Discussed the design of the A12 crossing.
19.10.20	Teams meeting	Risk reduction meeting to provide scheme detailed design information.
12.11.20	Teams meeting	Detailed pipeline design progress meeting.
25.11.20	Teams meeting	Meeting with Gardens of Peace to provide pipeline design update and address concerns over construction impacts.

Date	Form of correspondence	Key topics discussed and key outcomes
17.12.20	Teams Meeting	Meeting with Gardens of Peace to discuss concerns including drainage, car parking, conflict with burial plots, soil storage, services, easement
15.03.21	Teams Meeting	Update with Gardens of Peace and Savills on pipeline design, discussed shared use of maintenance access and provision of a soil storage area, burial plots, reinstatement, access to workshop and parking, easement and utilities.
20.04.21	Teams Meeting	Discussion with Gardens of Peace regarding drainage provisions and Cadent working area
27.04.21	Teams Meeting	Discussion regarding the impacts on Putwell Caravan Park residents from the construction activities

2.1.2 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) Cadent Gas 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 Cadent Gas 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 Cadent Gas. For the Cadent Gas, 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.

3.1.2 The '*Rule 6 Letter*' also advises that the SoCGs should cover where relevant:

- Methodology for environmental assessments including assessment of cumulative effects
- Data collection methods
- Baseline data
- Data/statistical analysis, approach to modelling and presentation of results
- Full expression of expert judgements and assumptions
- Identification and sensitivity of relevant features and quantification of potential impact
- Likely effects, including construction and operational effects
- Feasible and deliverable mitigation and method of securing such mitigation within the DCO.

3.1.3 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).

### Table 3-1 Tables of issues and matters to be agreed – Version as at January 2020

3.1.4 Table 3-1 has been discussed with Cadent Gas and this Interim Statement is version 1 at 21 January 2021.

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Cadent Gas and reasons for any difference in views	Matters to be addressed/agreed
<b>1.0 The effects on existing services, apparatus and infrastructure</b>				
1.1	REP6-003and REP6-005	Highway's England require the diversion of a section of high-pressure gas pipeline in order to construct the Scheme as Cadent Gas cannot operate their apparatus in compliance with national standards if the road scheme goes ahead.  Highways England have liaised with Cadent Gas throughout the pre-application stage of the Scheme and have agreed upon the most appropriate route for the diversion of the high-pressure gas pipeline.  The proposed route for the diversion is shown as Work no. 29 on the Works Plans (REP6-003) and detailed in Schedule 1 of the draft Development Consent Order (REP6-005).	Agreed	
1.2	REP6-005	The limits of deviation set out within Part 2 Schedule 7 of the draft Development Consent Order (REP6-005) are sufficient for the requirements of Cadent Gas to develop the detailed design of the high-pressure gas pipeline diversion.	Agreed	
1.3	REP5-002	It is demonstrated on the Land Plans (REP5-002) that along the route of the proposed high-pressure gas pipeline realignment, a permanent right of access is provided for Cadent Gas in the form a grant of easement over the land. These access rights are acceptable for the requirements of Cadent Gas	Agreed	

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Cadent Gas and reasons for any difference in views	Matters to be addressed/agreed
		to inspect, maintain, renew and repair their apparatus in situ.		
1.4	REP5-018	The proposed realignment of the high-pressure gas pipeline formed part of the Environmental Assessment for the Scheme. Cadent Gas accept that the findings of the Environmental Assessment, summarised within the ES Chapter 16 (REP5-018) represent an accurate reflection of the anticipated Environmental Impacts of the re-alignment of the high-pressure gas pipeline.	Agreed	
1.5		The extent of the land rights to be acquired pursuant to the DCO for the high-pressure gas pipeline are agreed.	Agreed	
1.6	REP6-005	Cadent Gas does not intend to block the access to or from the Putwell Bridge Caravan Park site and envisages that the occupiers can remain in situ for the duration of the works to construct, operate and maintain the Scheme.	Agreed	
1.7		Cadent Gas has been in discussions with the trustees of the Gardens of Peace Burial Ground and amended the alignment of the easement so that it would not cover burial plots that maybe occupied in the future.	Agreed	
<b>2.0 Protective Provisions contained within the draft DCO.</b>				
2.1	REP6-005	Schedule 9 of the draft Development Consent Order (REP6-005) outlined the protective provisions afforded to utility undertakers including Cadent Gas. The provisions outlines are acceptable to Cadent Gas.	Under discussion	Cadent Gas and Highways England are in discussion in respect of an overarching suite of protective provisions which (when agreed) will be included in Schedule 9. The current draft of the protective

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Cadent Gas and reasons for any difference in views	Matters to be addressed/agreed
<b>3.0 The provisions set out in section 127 of the Planning Act 2008</b>				
3.1	REP6-005	Adequate protective provisions for the protection of Cadent Gas' statutory undertaking are set out within Schedule 9 of the draft Development Consent Order (REP6-005) and are acceptable for Cadent Gas.	Under Discussion	<p>provisions do not address all of Cadent Gas' requirements. Cadent Gas provided a draft version of their preferred protective provisions at Deadline 5 (REP5-064). HE provided its proposed protective provisions to the ExA at Deadline 6, highlighting the points of disagreement between the parties, and providing a note of explanation for its preferred terms.</p> <p>Cadent Gas and Highways England are in discussion in respect of an overarching suite of protective provisions which (when agreed) will be included in Schedule 9. The current draft of the protective provisions does not address all of Cadent Gas' requirements. Cadent Gas provided a draft version of their preferred protective provisions at Deadline 5 (REP5-064). HE provided its proposed protective provisions to the ExA at Deadline 6, highlighting the points of disagreement between the parties, and</p>

SoCG reference number	Document reference	Relevant issue	Position as regards agreement Highways England and Cadent Gas and reasons for any difference in views	Matters to be addressed/agreed
				providing a note of explanation for its preferred terms.
<b>4.0 PROPOSED SCHEME CHANGES</b>				
4.1	REP5-002	A set of proposed changes to the Scheme are being consulted upon in January 2021 and February 2021. One of these changes involves an amendment to plot 1/8 as shown on the Land Plans (REP5-002) to reduce the area providing a right of access for Cadent Gas down to the minimum area required for an easement over the gas pipeline diversion. Cadent Gas have been consulted throughout the development of this change and consider the change acceptable.	Agreed	

3.1.5 The list below sets out the relevant examination documents used in Table 3-2.

**Table 3-2 Examination documents**

Reference	Title
REP5-002	2.2 Land Plans
REP6-003	2.3 Works Plans
REP6-005	3.1 Draft Development Consent Order
REP5-018	6.1 Environmental Statement - Chapter 16 - Summary

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