

A1 Birtley to Coal House

Scheme Number: TR010031

Statement of Common Ground with Northumbrian Water Limited

Rule 8(1)(e)
Planning Act 2008

The Infrastructure Planning (Examination Procedure Rules) 2010
July 2020

Infrastructure Planning

Planning Act 2008

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

The A1 Birtley to Coal House
Development Consent Order 20[xx]

**STATEMENT OF COMMON GROUND WITH
NORTHUMBRIAN WATER LIMITED**

APFP Number:	
Planning Inspectorate Scheme Reference	TR010031
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Rev 0	8 July 2020	Deadline 9 Submission

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Northumbrian Water Limited.

Signed.....

[NAME]

Project Manager

on behalf of Highways England

Date: **[DATE]**

Signed.....

[name]

[Job Title]

on behalf of [Northumbrian Water Limited]

Date: **[DATE]**

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1. INTRODUCTION

1.1 Purpose of this Document

- 1.1.1 This Statement of Common Ground (this "SoCG") relates to an application made by Highways England (the "Applicant") to the Secretary of State via the Planning Inspectorate (the "Inspectorate") under the Planning Act 2008 (the "2008 Act") for a Development Consent Order (DCO). If made, the DCO would grant consent for the A1 Birtley to Coal House (the "Scheme"). A detailed description of the Scheme can be found **Chapter 2** of the Environmental Statement (ES) [**APP-023**].
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available on the Inspectorate website.
<https://infrastructure.planninginspectorate.gov.uk/projects/north-east/a1-birtley-to-coal-house-improvement-scheme/>
- 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) **Northumbrian Water Limited**.
- 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 Northumbrian Water Limited (NWL) is the statutory undertaker responsible for providing mains water and sewerage services in the vicinity of the Scheme. NWL owns apparatus which will be affected by the Scheme, some of which is (or is potentially) in existing highway and some of which falls outside the highway boundary.

1.3 Terminology

- 1.3.1 In the tables in the Issues chapter of this SoCG, "Not Agreed" indicates a final position, and "Under discussion" where these points will be the subject of on-

going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. "Agreed" indicates where the issue has been resolved.

- 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 NWL, 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 NWL.

2. RECORD OF ENGAGEMENT

2.1.1 A summary of the meetings and correspondence that has taken place between Highways England and NWL in relation to the Application is outlined in Table 2.1.

Table 2.1 - Record of Specific Engagement

Date:	Form of Correspondence:	Key Topics Discussed and Key Outcomes:
18/12/2017	Letter received by NWL from WSP (on behalf of Highways England)	Enquiries regarding C3 draft schemes and budget estimates
22/03/2018	Correspondence from NWL water apparatus team to WSP (on behalf of Highways England)	C3 budget estimates provided by NWL to WSP
23/03/2018	Correspondence from NWL sewerage apparatus team to WSP (on behalf of Highways England)	C3 budget estimates provided by NWL to WSP
08/07/2019	Letter received by NWL from WSP (on behalf of Highways England)	Enquiries regarding C4 detailed scheme and detailed estimates (for 37" Derwent Main only)
From July 2019 and ongoing	Ongoing technical dialogue	Scope of C4 investigatory works (for 37" Derwent Main only)
29/01/2020	Email from NWL submitted to Examining Authority	Registering NWL as a registered party.
February 2020	Highways England response in Examination submission	Noted response in REP1-026 regarding the protection of assets and services for customers.
20/04/20	Emails to NWL from Highways England.	<p>To seek further information regarding any potentially compensatable interests and, if so, will they be making a claim.</p> <p>Discussions are ongoing between the Applicant and NWL regarding the protection of assets and services for customers.</p>

Date:	Form of Correspondence:	Key Topics Discussed and Key Outcomes:
21/05/2020	Purchase order issued by Highways England to NWL	Regarding trial holes required at Smithy Lane to determine necessity of diversion of 37" Derwent water main (Work No.22)
22/05/2020	NWL submission to Highways England	NWL provided Highways England with amended draft of Protective Provisions previously supplied to NWL along with a draft Agreement to address concerns regarding the approach to works affecting any NWL apparatus.
04/06/2020	Conference call between Highways England and NWL	Further discussions between technical teams regarding possible diversion of 37" Derwent water main and works to assess necessity of this.

3. ISSUES

- 3.1.1 This section sets out the 'issues' which are agreed, not agreed or are under discussion between NWL and Highways England.

Table 3.1 - Issues Related to Accessing Northumbrian Water's Apparatus

Section:	Sub-section:	Northumbrian Water Limited:	Highways England Position:	Status:
Appendix 3.3C - S128 Statutory Undertakers Apparatus	Northumbrian Water	<p>NWL does not have any operational land which is proposed to be acquired permanently or temporarily under the development consent order ("DCO"). However, NWL does have water and sewerage apparatus contained in land which is proposed to be acquired under or affected by the DCO and, therefore, has either rights of access or rights to place the apparatus within that third party land. For this reason, NWL does have compensatable interests in land included within the DCO.</p> <p>In line with the NRSWA Code of Practice, NWL's starting point is that apparatus, particularly the 37" Derwent main (which is the subject of Work No, 22 in the draft Order), which is such a critical water supply asset, should not be moved because of the proposed works to the A1 unless it cannot safely be protected.</p> <p>NWL has also provided Highways England with an amended draft of Protective Provisions previously supplied to NWL by Highways England and a draft Agreement (see below)</p>	<p>Discussions are ongoing on the precise details of works, including provision of access, need to divert NWL's apparatus and undertaking of investigative work including trial holes (specifically in relation to determining whether the 37" Derwent water main requires a diversion and, therefore, whether Work No. 22 is required).</p> <p>The parties continue to negotiate the draft protective provisions and the draft Agreement, and the final issues are in the process of being closed out.</p>	Under Discussion
		<p>Diversions may be required to apparatus, at the following locations. However, this list is not exhaustive and may be revised when further technical and design information is made available.</p> <p>For water apparatus:</p> <ul style="list-style-type: none"> • Through Coal House (J67) roundabout • Between Allerdene bridge and Smithy Lane see Work 22 • Through Eighton Lodge (J66) • Between North Dene footbridge and Birtley (J65) <p>For sewerage apparatus:</p> <ul style="list-style-type: none"> • Sewer to the east of 1, Lady Park • Storm sewer next to A1 Allerdene Bridge over East Coast Main Line • Combined sewer at Eighton Lodge interchange • Sewer crossing the A1 by Lockwood Avenue • Storm sewer at Northside, Birtley 	<p>Work No 22 is a diversion of NWL's 37" Derwent water main. As explained above, there are ongoing technical discussions and trial hole works taking place to determine whether such diversion is necessary.</p> <p>The principle of undertaking other diversions in these locations has been agreed and included within Appendix 3.3C - S128 Statutory Undertakers Apparatus (WQ.3.3.2) Details of scope, remit and programme for these works are currently under discussion between the two parties.</p>	Under Discussion

Table 3.2 - Issues Related to the Draft Protective Provisions

Section:	Sub-section:	Northumbrian Water Limited:	Highways England Position:	Status :
Document in Full	All sections	<p>On 22 May 2020, NWL provided Highways England with an amended draft of Protective Provisions previously supplied to NWL by Highways England.</p> <p>The outstanding matters of detail to be agreed in relation to the protective provisions are as follows:</p> <ul style="list-style-type: none"> • The wording of a definition for emergency works; • Other minor outstanding drafting matters. 	Highways England has reviewed the Draft Protective Provisions and is in correspondence with NWL on the content of this document. Negotiations are ongoing.	Under Discussion

Table 3.3 - Issues Related to the Draft Agreement

Section:	Sub-section:	Northumbrian Water Limited:	Highways England Position:	Status:
Document in Full	All sections	<p>A Draft Asset Protection Agreement has been prepared by NWL and issued to Highways England on 22 May 2020.</p> <p>NWL owns apparatus which will be affected by the A1 BCH scheme, some of which is (or is potentially) in existing highway and some of which falls outside the highway boundary.</p> <p>The Asset Protection Agreement covers the potential effects of the construction and operation of the A1 BCH scheme on NWL's statutory undertaking and to provide a consistent approach between the arrangements for affected apparatus within and beyond the highway boundary.</p> <p>The Asset Protection Agreement includes an agreement that NWL will refrain from further opposition to and participation in the Examination stage of the draft Order.</p>	Highways England has reviewed this document and is in correspondence with NWL on the content of the Asset Protection Agreement.	Under Discussion

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