

Lower Thames Crossing

5.4.2.3 Statement of Common Ground between (1) National Highways and (2) Thurrock Power Limited

APFP Regulation 5(2)(q)

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This is a draft Statement of Common Ground with matters outstanding and is unsigned. The draft Statement of Common Ground has been drafted by the Applicant but the stakeholder has not yet been able to complete their review in line with their governance process. The Applicant considers that this Statement of Common Ground presents an accurate description of the matters raised and the status of each matter, based on the engagement that has taken place to date.

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1 Introduction

1.1 Purpose of the Statement of Common Ground

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the Development Consent Order (DCO) application for the proposed A122 Lower Thames Crossing (the Project) made by National Highways Limited (National Highways) to the Secretary of State for Transport (Secretary of State) under section 37 of the Planning Act 2008.
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application Documents. All documents may be available on the 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 named below, 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 matters that may need to be addressed during the examination.

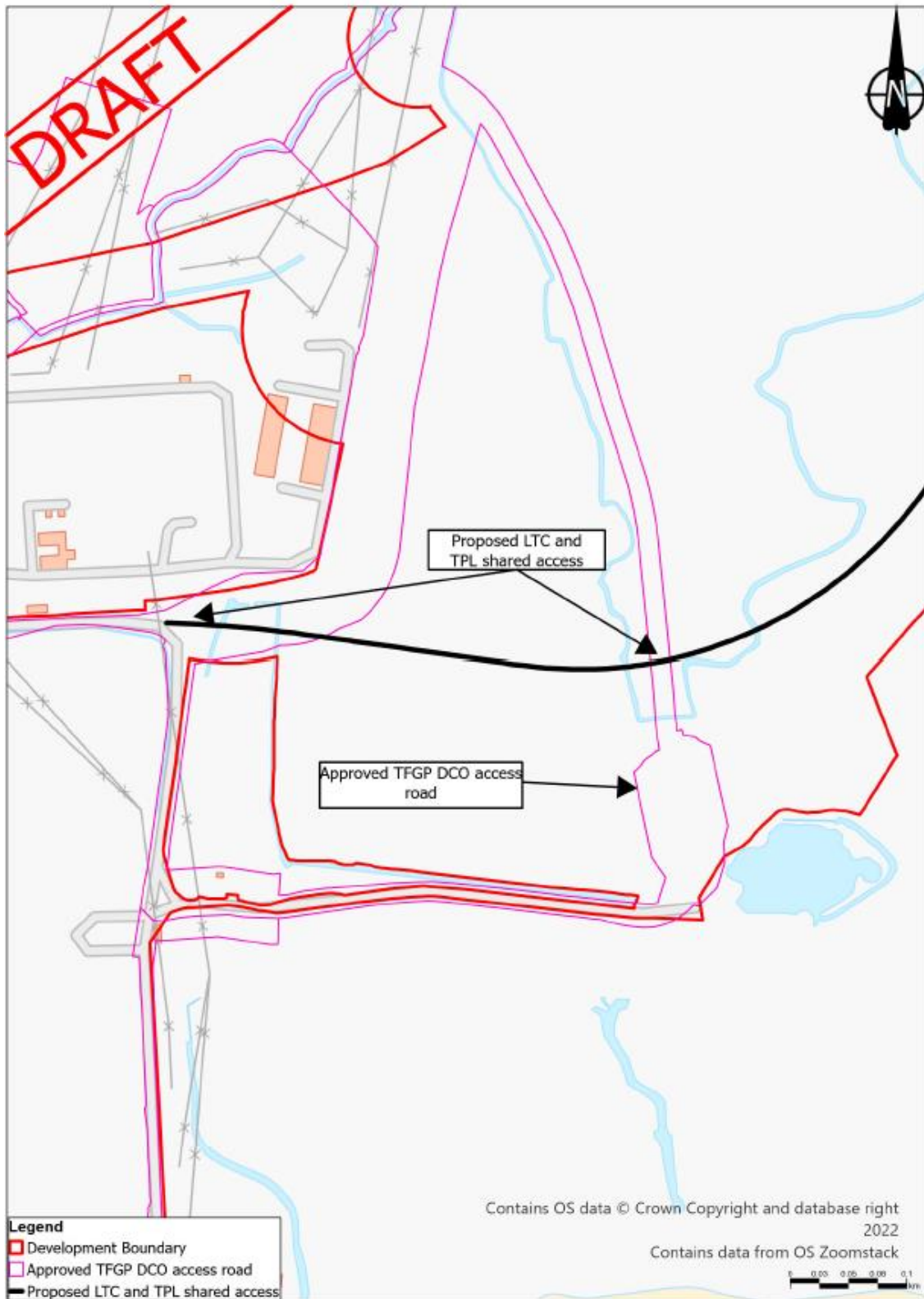
1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared in respect of the Project by (1) National Highways, and (2) Port of London Authority (PLA).
- 1.2.2 National Highways 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 National Highways made provision for all legal rights and obligations of the Highways Agency, including in respect of the Project, to be conferred upon or assumed by National Highways.
- 1.2.3 Thurrock Power Limited (TPL), a subsidiary of Statera Energy Limited, submitted a DCO application in July 2020 to develop a flexible generation and storage power plant known as Thurrock Flexible Generation Plant (TFGP). The Secretary of State for the Department of Business, Energy and Industrial Strategy granted development consent on 16 February 2022. The TFGP development comprises a gas fired electricity generating station and a battery storage facility on land to the north of Tilbury substation. As part of the TFGP DCO, National Highways and TPL agreed a SoCG in July 2020.
- 1.2.4 The TFGP order limits overlap with the order limits for the Project south of the Tilbury Loop railway line east of Tilbury in Thurrock. This land is needed by the Project for the construction of the main alignment (Works No 5B) among other things. The same land is needed by the TFGP for a new a high-pressure gas pipeline (TFGP DCO Work No 4).
- 1.2.5 Diversion of the gas pipeline has been included within Schedule 1 of the dDCO (Application Document 3.1) as Work No TFGP1. Powers enabling National Highways to construct the diversion are provided subject to Schedule 2 Requirement 15, which states notwithstanding paragraph 3 of Schedule 2 “*the*

undertaker must not carry out Work No. TFGP1 unless the Thurrock Flexible Generation Plant is granted development consent and commenced”.

- 1.2.6 Due to the phased nature of the TFGP project, construction works for it could overlap with the construction of the Project. TFGP and the Project have overlapping construction traffic routes through the Port of Tilbury from the A1089 and access off Substation Road. The TFGP construction traffic volumes are small compared to the construction traffic volumes for the Project.
- 1.2.7 TFGP and the Project are proposing to share access for the initial 400m (approximately) of the proposed Northern Tunnel Entrance Compound (Work No CA5) access route (i.e., first 400m from Substation Road heading east) to enable both projects to bring abnormal indivisible loads (AILs) to site (see Plate 1.1). The Project has engaged with TPL to review construction traffic access and routes through overlapping construction work areas to provide safe and efficient access for both projects and will continue to do so through the construction phase for the projects in accordance with the requirements of the Protective Provisions in the TFGP DCO.

**Plate 1.1 Proposed project and TPL shared access road at Northern Tunnel
Entrance Compound**



1.3 Terminology

- 1.3.1 In the matters table in section 2 of this SoCG, “Matter not agreed” indicates agreement on the matter could not be reached, and “Matter 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. “Matter agreed” indicates where the issue has been resolved.

1.4 Overview of previous engagement

- 1.4.1 A summary of the meetings and correspondence undertaken between the two parties in relation to the Project is outlined in Appendix C.

1.5 Status of the Statement of Common Ground

- 1.5.1 Thurrock Power Limited has not yet been able to complete their review of this Statement of Common Ground in line with their governance process. This Statement of Common Ground is therefore presented as an ‘unsigned’ Statement of Common Ground.
- 1.5.2 National Highways considers that this Statement of Common Ground is an accurate description of the matters raised Thurrock Power Limited and the status of each matter, based on the engagement that has taken place to date, as set out in Appendix C.

2 Matters

2.1 Matters agreed, not agreed or under discussion

- 2.1.1 Details the matters which have been agreed, not agreed, or are under discussion between (1) National Highways and (2) Thurrock Power Limited.
- 2.1.2 It is acknowledged there are some matters where further discussion may take place during the detailed design stage of the Project to finalise detail, but the matter is agreed in principle.

Table 2.1 Matters

Topic	Item number	TPL comment	National Highways comment	Document Reference	Status
Design – Road, Tunnels, Utilities					
Location of gas pipeline diversion under the route alignment.	2.1.1	TPL have an approved Development Consent Order (DCO) high-pressure gas pipeline route. The approved alignment will require a diversion where it crosses the Lower Thames Crossing (LTC) main alignment. TPL agrees in principle to the proposed diversion route provided in the LTC DCO. Sequencing and interface of construction will need to be detailed within the Interface Agreement to be agreed.	National Highways has made provision for the necessary land and works power in the Project DCO submission to deliver the diversion to the TFGP high-pressure gas pipeline around the Project's main alignment. Sequencing and interface of construction will need to be detailed within the Interface Agreement to be agreed.	N/A	Matter Agreed
Construction					
Substation Road shared access	2.1.2	TPL support the shared use of the initial 400m of the National Highways Tunnels Northern Portal compound access road and will	National Highways is in discussions with TPL about a shared access using the National Highways proposed access point	N/A	Matter Agreed

Topic	Item number	TPL comment	National Highways comment	Document Reference	Status
		work with National Highways to resolve any construction phase interface requirements. However, it is possible that TPL will need to construct its TFGP DCO approved access further south if TPL commences its development and needs to use the construction access in advance of the northern route if this is not ready to build from a land rights and planning perspective.	rather than the TFGP DCO approved access further south (Refer to Plate 1.1). Both parties propose to share the first 400m of the access road up to the TFGP junction which runs north to their site. However, it remains a possibility that TPL will need to construct its TFGP DCO approved access if land and planning for the shared access has not been secured in sufficient time for TPL commencing its development.		
Conveyor route height clearance above access road	2.1.3	TPL has requested that any conveyor constructed for the Project provides adequate access beneath the structure for their abnormal indivisible loads. This will be dealt with in the Interface Agreement.	National Highways has confirmed the required clearance with TPL and proposes to consider constructing the conveyor to avoid pylons and at suitable height to avoid impacting construction vehicles accessing the TPL site.	N/A	Matter Agreed
Construction interface agreement	2.1.4	TPL agree to the development of an Interface Agreement with National Highways.	National Highways agree to work with TPL on finalising an Interface Agreement setting out how the two projects will manage their interfaces and including matters relating to construction traffic volumes, management and access, project compound	N/A	Matter Agreed

Topic	Item number	TPL comment	National Highways comment	Document Reference	Status
			locations and the high-pressure gas pipeline construction.		
Protective Provisions					
Protective Provisions	2.1.5	TPL are reviewing the Protective Provisions included at Part 1 of Schedule 14 to the Lower Thames Crossing draft DCO to consider whether any adaptations are required.	National Highways agree to work with TPL in considering any appropriate adaptations to the Protective Provisions included at Part 1 of Schedule 14 to the Lower Thames Crossing draft DCO if requested by TPL.	Part 1 of DCO Schedule 14	Matter Under Discussion

Appendix A Documents considered within this Statement of Common Ground

N/A

Appendix B Glossary

Term	Abbreviation	Explanation
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Lower Thames Crossing	LTC	The Proposed A122 Lower Thames Crossing (the Project).
Statement of Common Ground	SoCG	This document detailing the issues agreed, under discussion or not agreed at the time of examination
Thurrock Flexible Generation Plant	TFGP	The TFGP development comprises a gas fired electricity generating station and a battery storage facility on land to the north of Tilbury substation.
Thurrock Power Limited	TPL	Thurrock Power Limited is a subsidiary of Statera Energy Limited and is the Proponent for the Thurrock Flexible Generation Plant.

Appendix C List of engagement activities

- C.1.1 The parties have been in regular contact and correspondence in respect of the Project since 2019 and this engagement has covered all of the issues set out in this SoCG. This has included National Highways engagement with Thurrock Power Limited in preparation for, and during, the TFGP DCO pre-examination and examination periods between 2021 and 2022.
- C.1.2 A summary of the key meetings undertaken between the two parties in relation to the Project is outlined in Table C.1 below.

Table C.1 Engagement activities between National Highways and Thurrock Power Limited

Date	Form of contact/ correspondence	Key topics discussed and key outcomes
October-December 2018	Statutory Consultation	Statutory Consultation on the latest designs for the Lower Thames Crossing.
15/07/2019	Meeting	Discussion on TPL's proposals to construct a jetty / causeway and potential opportunities for National Highways to utilise this.
18/07/2019	Meeting	Follow up meeting to discuss opportunities for the proposed TPL jetty. National Highways confirmed that they would not require it.
10/10/2019	Meeting	TPL discussed their proposed alternative for a southern access route and options for the gas pipe.
January 2020 – March 2020	Supplementary Consultation	Consultation on the latest designs and development boundary for the Project.
July – August 2020	Design Refinement Consultation	Consultation focusing on specific changes to the Project including the Order Limits.
09/09/2020	Meeting	Overview of LTC programme and TPL's programme to identify any potential overlaps during construction. Locations for the pipeline were discussed and it was agreed that further work was required.
30/09/2020	Meeting	National Highways provided an overview for their preferred location for the gas pipeline. Further discussions will be required to understand how this is incorporated into TPL's DCO.
22/10/2020	Meeting	National Highways shared baseline data for ecology to assist TPL in developing their mitigation plans.
October 2020 – August 2021	National Highways engagement in TFGP DCO examination	National Highways was an interested party and engaged in the pre-examination and examination period for the TFGP DCO application.

Date	Form of contact/ correspondence	Key topics discussed and key outcomes
11/02/2021	Meeting	National Highways presented an updated drawing with the preferred gas pipeline diversion. An overview of Trial Trenching was provided and National Highways agreed to share a programme of the remaining work once available. TPL confirmed the next steps for their DCO.
26/02/2021	Meeting	National Highways stated its preference for TPL to put through the alternative option for the gas pipeline in its DCO. It was agreed that details on the restrictions for the southern route would be provided to TPL.
01/03/2021	Meeting	National Highways provided land referencing details for the area required for the gas pipeline diversion.
26/04/2021	Meeting	Discussion about Interface Agreement between TPL and LTC
30/06/2021	Meeting	Discussion about Interface Agreement between TPL and LTC
11/02/2022	Meeting	Discussion about shared access point on Substation Road for use of LTC and TPL.
19/03/2022	Meeting	National Highways reiterated its preference for TPL to put forward the alternative option for the gas pipe but would remain neutral on this issue. There will be a requirement for Protective Provisions.
31/03/2022	Meeting	TPL provided an update on the project following their DCO submission. It was agreed that detailed discussions need to continue to agree locations and specifications for a substation as well as a shared water supply.
25/05/2022	Meeting	TPL provided an update on their project following the DCO approval.
17/06/2022	Email requesting document review	National Highways provided an extract of the draft Interrelationship with other NSIPS and major development schemes document to TPL for their review and comment as it related to the interrelationship with the TFGP.
22/06/2022	Meeting	TPL provided an update on the project following the DCO approval. National Highways discussed options for shared water supply, electrical connections, and access with TPL. The next meeting was agreed to be scheduled when TPL had an update on their electricity import discussions with NGET.
30/09/2022	Meeting	TPL and National Highways provided an update on respective projects

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