

# Lower Thames Crossing

## 5.4.3.2 Statement of Common Ground between (1) National Highways and (2) Barking Power Limited

APFP Regulation 5(2)(q)

Infrastructure Planning (Applications:  
Prescribed Forms and Procedure)  
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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) Barking Power Limited.
- 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 Barking Power Limited (BPL) is a wholly owned subsidiary of the City of London Corporation (CoLC) whose interest in the project comprises the elements of the Project (or the authorised development), which are described in Schedule 1 of the draft DCO (Application Document 3.1) in the form of numbered works, G8 and G9 as shown in the Schedule 1 and Works Plan. BPL owns a pipeline which formerly connected the now decommissioned Barking Reach Power Station to the gas transmission network. The pipeline is no longer operational – it is currently filled with 2 bar N<sub>2</sub> – and BPL propose to fill the pipeline with grout to decommission it permanently. The Project proposes to remove a section of the pipeline (Works G8 and G9 as shown in Schedule 1 to the DCO and on Works Plans (Application Document 2.6) (Application Document 3.1) to allow the construction of the Project.

## 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 Barking 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 by the Barking 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 Table 2.1 details the matters which have been agreed, not agreed, or are under discussion between (1) National Highways and (2) Barking 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	Barking Power Limited comment	National Highways comment	Document Reference	Status
<b>DCO and Consents</b>					
Affected asset	2.1.1	BPL require confirmation from National Highways as to how BPL assets are affected by the Project. Consider plans showing sections of BPL pipeline which interact with Project works.	The length of the pipeline considered to be affected by the Project is listed in Schedule 1 of draft DCO (dDCO), as well as represented in the Works Plans (works numbers G8 and G9). The relevant plans are attached to this document for ease of reference.	Draft DCO (Application Document 3.1) Works Plans (Application Document 2.6)	Matter Agreed
Description of works	2.1.2	BPL would like confirmation on how BPL pipeline and abandonment works associated with it are currently described in the DCO. BPL would like the proposed timeline and process for the BPL abandonment to be reflected in the DCO application.	The intent to either (a) divert the pipeline, or (b) cap and remove a section, was communicated at Community Impact Consultation. That has been superseded by the Project's decision to cap and remove a section, rather than divert. [Land associated with the diversion has been relinquished as communicated in the current consultation]	Draft DCO (Application Document 3.1)	Matter Under Discussion

Topic	Item number	Barking Power Limited comment	National Highways comment	Document Reference	Status
			In the event that BPL do not grout the relevant sections of their pipeline in advance of the works commencing, the Project will seek to treat the relevant sections of the pipeline using the powers in the DCO. However, there is no diversion proposed within the current DCO. The proposal is to cap the pipeline at the locations within the Order Limits and remove where interfacing with the Project.		
Scope of works in DCO	2.1.3	DCO to reflect that the diversion of BPL gas pipeline is no longer required.	Diversion of the pipeline was previously proposed as it was believed to be a live/viable commercial asset. Now BPL consider it a redundant/disused asset, it is proposed to remove a section instead, without a diversion. The application reflects this position.	Draft DCO (Application Document 3.1)	Matter Agreed
Assumptions on BPL assets	2.1.4	BPL would like National Highways to confirm whether the initial assumption is that the BPL pipeline will still be live and the necessary diversions and stopping off activities would need to be undertaken.	National Highways confirms that the assumption is that BPL have not been successful in the extinguishing of their own pipeline and associated rights, and the dDCO therefore contains the powers necessary to do so. However, there is no diversion in the current dDCO. The proposal is to cap the pipeline at the locations within the order limits and remove where interfacing with the Project.	Draft DCO (Application Document 3.1)	Matter Agreed

Topic	Item number	Barking Power Limited comment	National Highways comment	Document Reference	Status
<b>Consultation and engagement</b>					
Health and Safety Executive (HSE) Engagement	2.1.5	<p>National Highways need to ensure HSE engagement is consistent and that they have common discussions with the HSE Pipeline Inspector for the region.</p> <p>Consultation with the HSE has confirmed their agreement to the strategy of grouting as the mechanism for abandonment to render the pipeline safe and harmless in accordance with the Pipeline Safety Regulations.</p> <p>On completion of the abandonment of the entire pipeline length the grouting contractor and BPL will sign a Certificate of Abandonment which will be submitted to the HSE. On acceptance of this certificate the HSE will change the status of the BPL pipeline to abandoned and remove it from the Land Use Planning Register.</p>	<p>National Highways will continue to engage with BPL regarding engagement with the HSE and their asset to ensure a consistent communication of intent and progression from both parties.</p> <p>National Highways is engaging with the HSE on the basis that the BPL pipeline is categorised as a high-pressure pipeline at the point of works commencing, i.e. assuming that BPL's proposals have not progressed. However, National Highways understands that BPL expects works to grout fill the decommissioned pipeline will be done during 2023. If completed, that would facilitate the Project's proposed removal of certain sections of the pipeline, because there would be no need for capping. However, as National Highways cannot be certain that the works would be carried out as currently envisaged, the DCO as applied for will contain sufficient powers, as a contingency, to enable the Project to cap the pipe such that all works as may be necessary to remove the relevant sections of pipeline are authorised by the DCO.</p>	N/A	Matter Under Discussion



Topic	Item number	Barking Power Limited comment	National Highways comment	Document Reference	Status
			National Highways is engaging with the HSE on this basis and ensuring the consistency of messaging with BPL.		
Landowner Engagement Strategy	2.1.6	<p>A landowner engagement strategy should be developed which outlines a common approach from National Highways and BPL and gives a common message for the works being undertaken by both with respect to the gas pipeline.</p> <p>The intent is to notify relevant landowners of the change in the proposal to the BPL pipelines, Work Nos G8 and G9 and ensure BPL and the Project deliver a consistent message to the affected landowners.</p>	<p>Via engagement with the relevant landowners National Highways has notified its intent to no longer divert the pipeline and to cap and remove the pipeline for those sections as promoted shown as Work Nos G8 and G9.</p> <p>With regards to the BPL proposals, the Project has notified landowners that they are working with BPL and understand there is an overlap in the intentions of both parties, however LTC's proposals are included within the dDCO in the eventuality that BPL are unsuccessful in their endeavours.</p> <p>This development has given rise to the need for a combined Landowner Engagement Strategy, which the Project has agreed to undertake with BPL..</p> <p>The Project will notify BPL of the landowner strategy, and text contained within for the benefit of landowners once it has been formed.</p>	N/A	Matter Under Discussion

Topic	Item number	Barking Power Limited comment	National Highways comment	Document Reference	Status
<b>Design – Road, Tunnels, Utilities</b>					
Treatment of redundant pipeline	2.1.7	The pipeline will remain in situ on abandonment and be filled with cementitious grout to render pipeline safe and harmless to satisfaction of the HSE.	Agreed. The Contractor will remove the sections of pipe that interface with the Project. The landowners will be notified of these locations where relevant.	N/A	Matter Agreed
<b>Construction</b>					
Timing of works given proposed change to asset	2.1.8	Timing of BPL and the Project works and that the BPL pipeline status is likely to change from its current live status (with 2 bar N <sub>2</sub> ) to abandoned (with grout infill) in the period of the Project DCO process.	<p>The Application contains necessary powers to modify the existing pipeline for the requirements of the construction of the A122. The Project proposes this in the context of the pipeline being categorised as an operational high-pressure gas pipeline.</p> <p>National Highways acknowledges that the categorisation of the pipeline may change during the submission and examination period but are proceeding on the basis that BPL are unsuccessful in their endeavours.</p> <p>If BPL are successful, at such time that the Project is notified of this, its consideration of the pipeline will be reviewed.</p>	Draft DCO (Application Document 3.1)	Matter Under Discussion
<b>Protective Provisions</b>					
Land & Property –	2.1.9	The draft DCO currently proposes to discharge and extinguish the rights	The draft DCO reflects BPL's proposal to grout infill the pipeline.	Protective Provisions in	Matter Under Discussion

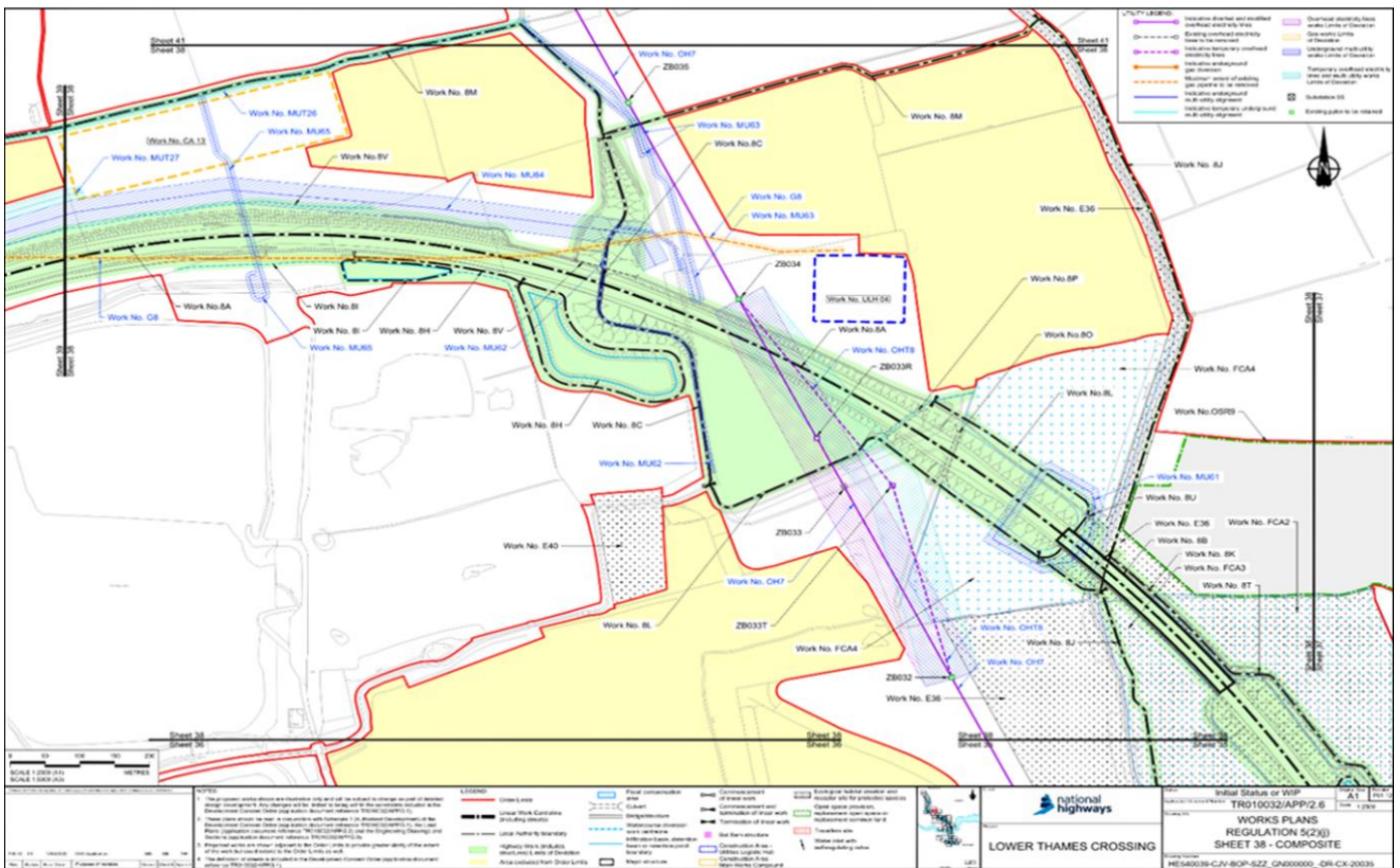
Topic	Item number	Barking Power Limited comment	National Highways comment	Document Reference	Status
extinguishment of easements		for the BPL gas pipeline in areas within the Project boundary. BPL needs clarity on what will happen with the easements.	<p>The draft DCO provides that the protective provisions for statutory undertakers, which would have obliged the Project to provide a new pipeline in place of the part being removed, <i>do not apply</i> to BPL with respect to the pipeline (Schedule 14, Part 1 (Protective Provisions for the protection of electricity, gas, water and sewerage undertakers) states at para. 7(9) that “No part of this paragraph, or this Schedule, apply to the disused pipeline in plots as shown in the land plans unless otherwise agreed with the City of London Corporation.”</p> <p>The following plots have the BPL pipeline located within it, that are within the Order Limits for the purposes of delivering other parts of the Project: 37-05, 38-41, 38-42, 38-43, 38-47, 40-09 &amp; 40-20</p> <p>The following plots have the BPL pipeline located within it, or potentially have rights associated with the pipeline, that are within the Order Limits for works associated with the pipeline:</p>	Schedule 14, of the Draft DCO (Application Document 3.1)	

Topic	Item number	Barking Power Limited comment	National Highways comment	Document Reference	Status
			38-03, 38-04, 38-05, 38-06, 38-07, 38-08, 38-11, 38-12, 38-21, 38-22, 38-26, 38-27, 38-31, 38-32, 38-36, 38-37, 38-39, 39-02, 39-03, 39-04, 39-07, 39-10, 39-11, 39-22, 39-23, 39-24, 39-25, 39-47, 39-60, 39-62, 39-67, 39-68, 39-77, 39-78, 39-79, 40-21, 40-22, 40-23, 42-127 & 42-104		

# Appendix A Documents considered within this Statement of Common Ground

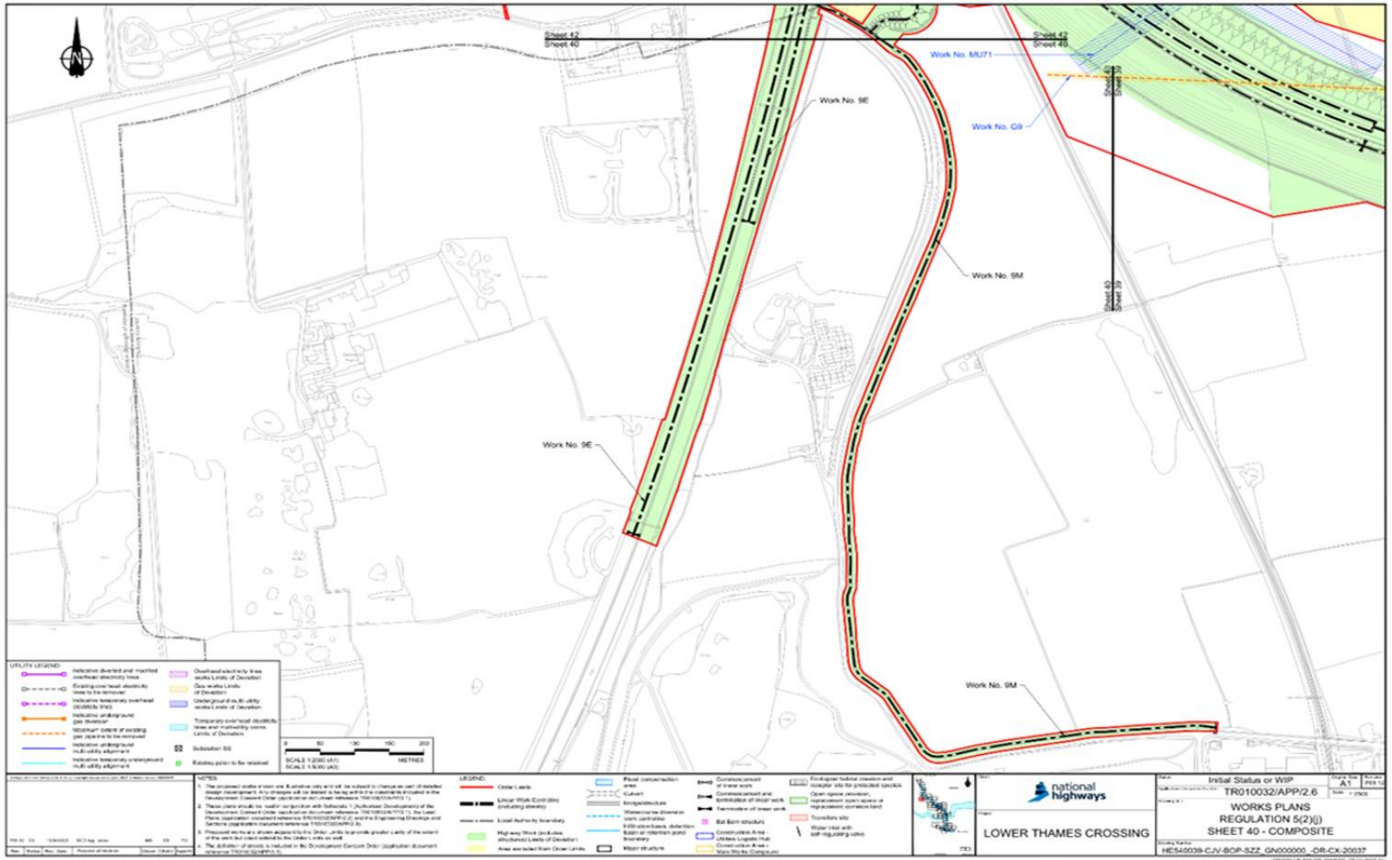
A.1.1 A summary of the documents which have been considered in the development on this SoCG outside of the DCO application documents are provided below, such as emails, meeting notes.

**Plate A.1 Extract of the Works Plans (Sheet 38) Showing Part Of Work No G8 Location**





### Plate A.3 Extract of the Works Plans (Sheet 40) Showing Part Of Work No G9 Location



## Appendix B Glossary

Term	Abbreviation	Explanation
Barking Power Limited	BPL	Barking Power Limited is a wholly owned subsidiary of the City of London Corporation (CoLC) and operates as an independent power generating company.
City of London Corporation	CoLC	The City of London Corporation is the municipal governing body of the City of London.
Development Consent Order	DCO	A DCO is a means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects under the Planning Act 2008.
Draft Development Consent Order	dDCO	dDCO is the draft document obtaining permission for developments categorised as Nationally Significant Infrastructure Projects.
Health & Safety Executive	HSE	The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. It prevents work-related death, injury and ill health.
Order Limits	OL	The Order Limits are the outermost extent of the Lower Thames Crossing indicated on the Plans by a red line. This is the Limit of Land to be Acquired or Used (LLAU) by the Lower Thames Crossing. This is the area in which the DCO would apply.
Statement of Common Ground	SoCG	A written statement containing information about the proposal which is the subject of the appeal that the appellant reasonably considers will not be disputed by the local planning authority.



## Appendix C List of engagement activities

C.1.1 A summary of the meetings and correspondence 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 Barking Power Limited.**

Date	Form of contact/ correspondence	Key topics discussed and key outcomes
29 Oct 2020	Email	Deloitte introduction
05 Oct 2020	Meeting	Introduction / notes issued 21 Oct 2020.
15 Oct 2020 05 Nov 2021	Email	Issued the LTC feasibility for the effected sections and the proposed diversion.
17 Mar 2021	Email	Request from LTC, if Barking Power Limited are a Statutory Undertaker – It was agreed not in this case.
23 Nov 2021	Email / Notes of Meeting	Notes issued 24 Nov 2021. City of London plan to leave the pipeline in place but fill with a cementitious grout material to render the pipeline safe and harmless to the satisfaction of the HSE.
25 Jan 2022	Meeting	Progress update. Notes issued 25 Jan 2021.
19 Apr 2022	Meeting	Progress update. Notes issued 22 Apr 2022
06 Jan 2022	Email	Draft SoCG
30 May 2022	Email and meeting	General discussion on the scope of SoCG and direction of travel towards submission of the DCO application. No notes issued to BPL.

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