

# Lower Thames Crossing

## 5.4.3.3 Statement of Common Ground between (1) National Highways and (2) Cadent Gas 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) Cadent Gas 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 Cadent Gas Limited is a licensed gas transporter and the UK's largest gas distribution network. Cadent distributes gas to homes and businesses throughout the North West, West Midlands, East Midlands, East of England and North London. It has a number of assets located within the Project boundary which form an essential part of the gas distribution network in this region

## 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 Cadent Gas 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 Cadent Gas 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) Cadent Gas 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	Cadent Gas Limited comments	National Highways comment	Document Reference	Status
<b>DCO and Consents</b>					
Transfer of Rights	2.1.1	The Land Plans, dDCO and Schedules are still to be provided by National Highways for Cadent's review.	The required information has been provided and National Highways are currently reviewing Cadent's comments with a view to progressing this matter.  The draft DCO (dDCO) contains the appropriate powers necessary for the diversion of Cadent's apparatus, including the powers necessary to acquire the land/rights required for that diversion, for any temporary works, and to extinguish rights for existing apparatus.	Land Plans (Application Document 2.2)  Draft DCO (Application Document 3.1)	Matter Under Discussion
24 hour working	2.1.2	Works such as the trenchless installation of assets beneath the M25, A13, A128 and the B188 High Road will require works to be	The Project works are to be consented by the DCO but are subject to consent being obtained from the relevant authority under Section 61 of the	Code of Construction Practice (CoCP) (Application Document 6.3)	Matter Agreed

Topic	Item number	Cadent Gas Limited comments	National Highways comment	Document Reference	Status
		<p>completed outside of the core working hours.</p> <p>Cadent are awaiting latest versions of documents to review.</p>	<p>Control of Pollution Act 1974 in accordance with the REAC.</p> <p>The consents are the responsibility of the contractor. As to which contractor will be subject to further discussion between Cadent and National Highways.</p> <p>The DCO application will include the required assessment to allow these works to be consented as part of the order.</p> <p>Tables 6.1, and 6.4 of CoCP sets out the types and instances and justification of the 24 hour (out of standard working hours) working and that the Contractor will only utilise these extended hours where it is not reasonably practicable to use the standard working hours.</p>	<p>Register of Environmental Actions and Commitments (REAC) (Chapter 7 of the CoCP)</p> <p>Draft DCO (Application Document 3.1)</p> <p>Environmental Statement (ES) (Application Documents 6.1 to 6.3) including Chapter 12 - Noise and Vibration of the ES.</p>	

Topic	Item number	Cadent Gas Limited comments	National Highways comment	Document Reference	Status
<b>Design – Road, Tunnels, Utilities</b>					
Division of Responsibility	2.1.3	Confirmation of responsibilities for delivering mitigation, discharging Requirements	The DCO, as drafted, makes National Highways solely responsible for the discharge of Requirements and other obligations as regards the conduct of the works. Where responsibility for the conduct of certain works is subsequently transferred to a third party (e.g. a utility in respect of significant works to their infrastructure), the division of responsibility for the discharge of such obligations as between National Highways and that third party would be determined on a contractual basis between them.	Draft DCO (Application Document 3.1)	Matter Under Discussion
Programming of the Works	2.1.4	Cadent are to communicate their construction programme and any relevant constraints to inform the Project's Programme. Cadent will provide its construction programme to the Project's Management team.	National Highways will liaise with Cadent.	Draft DCO (Application Document 3.1)	Matter Agreed
Green Lane Pond Interface	2.1.5	The pond west of the A122, north of Green Lane [POS11-002], is proposed in proximity to the diverted Horndon to Clockhouse Lane pipeline (Works No.G7)	National Highways will work with Cadent during the detailed design to ensure the pond and the pipeline have the required separations for operation and construction of the pond.	N/A	Matter Under Discussion



Topic	Item number	Cadent Gas Limited comments	National Highways comment	Document Reference	Status
		<p>HP6 – LTC detailed design DR3.3 shows ponds constraining pipeline diversionary works</p> <p>HP6 cannot be delivered in this location unless changes are made to Cadent's satisfaction.</p>	<p>This matter is made known to the detailed designer via inclusion within the Designers Risk Management Tool.</p> <p>To be considered for inclusion in the Side Agreement.</p>		
Cadent - Network Management	2.1.6	<p>Cadent will manage personnel and works required within their Stations (AGI's, PRS') associated with the Works required by the Project.</p> <p>Cadent are to communicate any requirements to be undertaken to inform the Project Programme.</p>	<p>National Highways will support Cadent in undertaking required works to the gas network and imbed network requirements into the detailed construction programme</p>	N/A	Matter Agreed
Proposed haul roads	2.1.7	<p>Site access and haul roads interface with the existing and diverted gas networks.</p> <p>Any works proposed in proximity to Cadent apparatus will be in accordance with agreed form of Protective Provisions, safety guidance and agreed with Cadent plant protection teams.</p>	<p>The haul roads alignment and associated plant protection measures will be designed at National Highway's detailed design stage in conjunction with Cadent to ensure safe working proposals around their infrastructure</p> <p>This work is to be done by the Contractor.</p>	N/A	Matter Agreed
Compounds and Utility Logistics Hubs	2.1.8	<p>Cadent will require temporary compounds to be provided by National Highways.</p>	<p>Cadent will be supplied a compound area by the Contractor and these areas are known as Utility Logistics Hubs (ULH). These are shown in the temporary works plans (Application Document 2.17).</p> <p>Where a compound or ULH is in proximity to a Cadent existing or</p>	N/A	Matter Agreed

Topic	Item number	Cadent Gas Limited comments	National Highways comment	Document Reference	Status
			diverted pipeline the contractor would adhere to the agreed Protective Provisions, relevant safety standards and liaise with the relevant Plant Protection team for approval prior to construction of the compound or ULH.		
Landscaping Proposals	2.1.9	Any proposed landscaping will be agreed with Cadent in accordance with its agreed form of Protective Provisions and existing easement/access restrictions.	Planting will be promoted in accordance with Cadent's planting guidance and policies, to be agreed with Cadent in the detailed design, in accordance with the Outline Landscape and Environment Management Plan (oLEMP).	Outline Landscape and Environment Management Plan (oLEMP) (Application Document 6.7)	Matter Agreed
<b>Protective Provisions</b>					
<b>Protective Provisions</b>	2.1.10	Cadent Gas Limited require that Protective Provisions be included within the DCO to ensure that the interests of Cadent are adequately protected and to ensure compliance with relevant safety standards.	National Highways and Cadent have agreed a form of Protective Provisions for Cadent's benefit for inclusion in the DCO.	Schedule 14, Part 5 of the Draft DCO (Application Document 3.1)	Matter Agreed

## Appendix A Documents considered within this Statement of Common Ground

N/A

## Appendix B Glossary

Term	Abbreviation	Explanation
Code of Construction Practice	CoCP	Control measures and standards to be implemented by the Project, including those to avoid or reduce environmental effects.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) 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.
Environmental Statement	ES	A document produced to support an application for development consent that is subject to Environmental Impact Assessment (EIA), which sets out the likely impacts on the environment arising from the proposed development.
Outline Landscape and Environment Management Plan	oLEMP	A document which outlines the proposed management of the landscape and ecological elements of the A122 Lower Thames Crossing.
Register of Environmental Actions and Commitments	REAC	The good practice and essential construction and operation mitigation measures presented in the Environmental Statement are collated in the REAC
Statement of Common Ground	SoCG	A Statement of Common Ground is a written statement containing factual 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.
Utility Logistics Hubs	ULH	The ULH receives, stores and distributes the plant machinery and materials for specific utility works.

## Appendix C List of engagement activities

- C.1.1 National Highways and Cadent Gas Limited have had extensive engagements since the inception of the Project. There has been engagement and dialogue through the various design iterations and releases. The engagement has been in the form of face-to-face meetings, MS Team meetings, telephone calls and email correspondence.
- C.1.2 Cadent Gas Limited have requested that engagement to date be captured in the statement as per the statement in C.1.1 and not listed out in full.

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