

# Lower Thames Crossing

## 5.4.3.4 Statement of Common Ground between (1) National Highways and (2) Cellnex UK Limited

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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) Cellnex UK 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 Cellnex Group is a significant pan-European tower operator with sites in the UK, Ireland, Spain, Portugal, Sweden, Denmark, Austria, Poland, Italy, France, Switzerland and the Netherlands. It has 131,000 communication sites, 71,000 of them already in the portfolio and the rest in the process of closing or planned roll-outs up to 2030 and positions the company to develop new generation networks.
- 1.2.4 Cellnex UK Limited is the largest supplier of sites available for sharing by other operators, for example, the Mobile Network Operators (MNOs), Airwave and other emergency/breakdown service network operators, the Royal National Lifeboat Institution (RNLI), the Coastguard and Maritime Services, Mountain Rescue and a range of central and local government departments and agencies. It operates around 9,000 active shared wireless infrastructure sites (neutral host) utilised by all the MNOs for the deployment of existing and future generations of mobile connectivity and particularly 5G. Additionally, Cellnex UK has access to other tall buildings and structures not yet developed for electronic communications use.
- 1.2.5 Cellnex UK Limited is the owner of telecommunication towers and ancillary equipment in the Ockendon and Gravesend areas.

1.2.6 National Highways currently anticipates that only one site will be within the boundary of the Development. That site is located on land at Inn On The Lake Hotel, Shorne, Gravesend and is often referred to as ‘Inn on the Lake’ (Cellnex Site Reference 1490517). However, Cellnex UK have further interests outside of the Order Limit boundary which may be affected by the Project specifically in connection to line of sight issues. These matters and relevant Cellnex UK assets are included in the Matters table.

1.2.7 Cellnex UK hold a leasehold interest in this site and there are four site sharers on the site which are, Airwave Solutions Limited, 3TM, Cornerstone and DRW NX UK Ltd.

## 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.

1.3.2 It is agreed that any matters not specifically referred to in Section 2 of this SoCG are not of material interest or relevance to Cellnex UK Limited. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Cellnex UK Limited. However, if new matters arise Cellnex UK Limited reserves the right to comment on those matters as it considers appropriate.

## 1.4 Overview of previous engagement

1.4.1 A summary of key 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 It is agreed that this statement is an accurate description of the matters raised by Cellnex UK Limited, and the current status of each matter.

1.5.2 It is agreed that Appendix C is an accurate record of the key meetings and correspondence undertaken between (1) National Highways and (2) Cellnex UK Limited in relation to the matters addressed in this Statement of Common Ground.

## 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) Cellnex UK 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. Matters to which this applies have an asterisk (\*) next to them.

**Table 2.1 Matters**

Topic	Item number	Cellnex UK Limited comment	National Highways comment	Document Reference	Status
<b>Design – Road, Tunnels, Utilities</b>					
All Cellnex towers	2.1.1	<p>Line of sight will be unaffected. M2 levels to remain the same, New Thong Lane bridge to replace existing bridge to be demolished. New bridge further west.</p> <p>Low voltage (LV) supply to the mast may be interrupted by UK Power Networks (UKPN) works. UKPN/Main Works Contractor (MWC) to liaise with Cellnex regarding scheduling and minimising impact of interruption.</p> <p>Openreach supply may be interrupted during changeover associated with Thong Lane diversion. Openreach will liaise with Cellnex to programme and coordinate any outage associated with connections</p>	<p>Line of sight checks will be confirmed once the Contractor has completed the detailed designs and Cellnex have reviewed the detailed design.</p> <p>Connections to the mast will be managed by the relevant supplier and any diversion works required within the vicinity would be considerate of the impacts to the mast and its connections.</p> <p>Contractor to liaise with Cellnex regarding any instrumentation and monitoring requirements in advance of the works.</p>	N/A	Matter Under Discussion

		<p>and changeover to minimise impact on service.</p> <p>Line of gas diversion to be confirmed. Mast falls outside of the 1mm settlement contour.</p> <p>Contractor will have limiting criteria regarding vibration and settlement.</p>			
<p>Pylon ZB050 (Reference Number 267720)</p>	2.1.2	<p>This mast is located in an area of National Grid Electricity Transmission works. Access will be maintained during the works and post completion.</p> <p>Cellnex require that the line of sight should be unaffected.</p> <p>Cellnex are concerned that the LV supply to the mast may be interrupted by UKPN works.</p> <p>UKPN/Contractor to liaise with Cellnex regarding scheduling and minimising impact of interruption.</p> <p>National Highways to clarifying comms connection at this location with Openreach.</p> <p>Mast falls outside of the 1mm settlement contour. Contractor will have limiting criteria re vibration and settlement.</p>	<p>No works are proposed to the ZB route in this region therefore the line of sight would remain unaffected.</p> <p>Works required to the UKPN networks will be managed in collaboration with UKPN and as such any interruption to the supply will be managed by UKPN.</p> <p>Contractor will liaise with Openreach and Cellnex regarding any works that would potentially impact the supply to the mast. None is currently envisaged.</p> <p>Contractor to liaise with Cellnex regarding any instrumentation and monitoring requirements in advance of the works.</p> <p>Contractor to communicate all of the above including the</p>	N/A	Matter Agreed

			construction programme at the detailed design stage.		
Grays Brentwood Road	2.1.3	<p>Grays Brentwood Road (Reference Number 265407) - Mast is located in existing gas compound. Works proposed to gas asset in compound. Access to be maintained at all times during construction and post-construction</p> <p>Brentwood Road is currently level. It will be diverted onto an embankment over the LTC as part of the works. This will potentially affect the line of sight. The Scope of Works has been prepared to allow for undertaking survey works to check line of sight.</p> <p>Cellnex concerned that the LV supply to the mast may be interrupted by UKPN works.</p> <p>UKPN/Contractor to liaise with Cellnex regarding scheduling and minimising impact of interruption.</p> <p>Openreach supply may be interrupted during the gas compound works.</p> <p>Openreach will liaise with Cellnex to programme and coordinate any outage associated with connections and</p>	<p>[High House Lane-Chadwell St Marys PRS]</p> <p>The works are to be undertaken by Cadent therefore all existing access arrangements with Cadent will be maintained during the project lifecycle. All other instances of access and any restrictions will be considered by the Contractor.</p> <p>Line of sight checks will be confirmed once the Contractor has completed the detailed designs.</p> <p>Works required to the UKPN networks will be managed in collaboration with UKPN, and as such any interruption to the supply will be managed by UKPN.</p> <p>The Contractor will liaise with Openreach and Cellnex regarding any works that would potentially impact the supply to the mast. None is currently envisaged.</p> <p>Contractor to communicate all of the above including the</p>	N/A	Matter Agreed



		changeover to minimise impact on service.	construction programme at the detailed design stage.		
Wick Place II	2.1.4	<p>Wick Place II (Reference Number 1490393) Access to be maintained during works and post completion.</p> <p>Cellnex require the line of sight to remain unaffected.</p> <p>LV supply to the mast may be interrupted by UKPN works.</p> <p>UKPN/ Contractor to liaise with Cellnex regarding scheduling and minimising impact of interruption.</p> <p>Openreach LV supply should not be interrupted during the works.</p> <p>Mast falls outside of the 1mm settlement contour.</p> <p>Contractor will have limiting criteria re vibration and settlement.</p>	Works are no longer proposed in the vicinity of this tower therefore Cellnex concerns are no longer relevant.	N/A	Matter Agreed
Manor Farm (Upminster)	2.1.5	<p>Manor Farm (Upminster) UK-LO-004703- The site is classed as 'Land is not included within the order limits' (Grey shading). Although difficult to see, the access route looks to be subject to 'permanent acquisition of land' (Pink shading).</p>	The route is included within the Order Limits to provide walkers, cyclists, horse riders connectivity from Ockendon Rd to the Thames Chase region. No impact on Cellnex asset envisaged and any of the works that would potentially impede access will be communicated by the Contractor. The Project does not seek to	N/A	Matter Agreed

			extinguish any of the existing Cellnex rights within the pink land.		
Bluebell Hill	2.1.6	Bluebell Hill 1, UK-KE-008925 & Bluebell Hill 2, UK-KE-000001 – as seen on sheet 1 and 2 of the Land Plans App doc 2.2. These two sites are surrounded by land which has been put forward for Ecology Compensation Planting (pink with black dots). The sites themselves are on ‘Land not included within the order limits’ (Grey shading). The access track appears to be subject to ‘Temporary possession of land and permanent acquisition of rights’ (Light blue shading).	National Highways has no intention of impeding or obstructing Cellnex's current access to their sites. National Highways do not intend to acquire the freehold of the blue land as seen on sheet 1 and 2 of the Land Plans App doc 2.2, however, National Highways do require access to the pink land for the construction, operation and maintenance of the ecology compensation planting sites (pink with black dots) as seen on sheet 1 and 2 of the General Arrangements (Application Document 2.5). Applicable rights will be obtained over the blue land.  During the construction of the Ecology Compensation Planting areas the Contractor will communicate any potential access considerations.	Land Plans (2.2)	Matter Under Discussion
<b>Protective Provisions</b>					
Protection of existing assets  (Telecom Towers)	2.1.7	Inn On The Lake (Reference Number 1490517) is to be closed so Cellnex, its contractors, its site share customers and their contractors will require unfettered vehicular access to the site throughout Project construction and post construction, access to be provided	The Protective Provisions in Part 2 of Schedule 14 to the Order contain the following text, confirming that the provisions of the Electronic Communications Code (ECC) continue to apply:	Protective Provisions in Schedule 14, Part 5 of the draft DCO (3.1).	Matter Agreed

		<p>&amp; guaranteed on a 24/7 basis for the purposes of installing, maintaining, repairing etc. at the site to ensure continuity of services from the site. Cellnex to be provided at all times with an appropriate project contact tasked with confirming access arrangements in a timely manner, throughout the project construction period, when site access is required by Cellnex/contractors/customers/customers' contractors.</p>	<p>The exercise of the powers conferred by article 37 (statutory undertakers) is subject to Part 10 (undertaker's works affecting electronic communications apparatus) to the electronic communications code.</p>		
Protective provisions	2.1.8	<p>Cellnex require that there is no disruption, interference, or disturbance to all utilities &amp; services (e.g. power, fibre) external to the site that serve the site.</p>	<p>Protective provisions for telecoms operators shared.</p> <p>National Highways acknowledges that some of the supplies to Cellnex assets may be affected during the undertaking of the works to construct the Project. National Highways will liaise with affected asset owners in the detailed planning stage and ensure those supplies are managed with the relevant provider to minimise any potential impact to Cellnex assets and services.</p> <p>Also see the comment in 2.1.7 above regarding the PPs and the ECC which prohibits interference with operators' apparatus except in certain circumstances / following specified procedures</p>	<p>Protective Provisions in Schedule 14, Part 5 of the draft DCO (Application Document 3.1)</p>	Matter Agreed

<p>Access to assets</p>	<p>2.1.9</p>	<p>Cellnex, its contractors, its site share customers and their contractors to be provided with use of land immediately adjoining the perimeter of the site on a temporary basis when needed to facilitate any installing, maintaining, repairing etc at the site.</p>	<p>Any restriction of this access will be on the grounds of safety and the Contractor will liaise with Cellnex in advance of the restrictions. There are adequate protections to Cellnex's interests set out in the Protective Provisions.</p> <p>Also see the comment in 2.1.7 above regarding the PPs and the ECC which prohibits interference with operators' apparatus except in certain circumstances / following specified procedures.</p>	<p>Protective Provisions in Schedule 14, Part 5 of the draft DCO (Application Document 3.1)</p>	<p>Matter Agreed, in principle</p>
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### 3 Agreement on this Statement of Common Ground

#### STATEMENT OF COMMON GROUND

**This Statement of Common Ground has been prepared and Matter Agreed by (1) National Highways Limited and (2) Cellnex UK Limited.**

Name	Fortune Gumbo
Position	Town Planner – DCO
Organisation	National Highways
Signature	<i>Fortune Gumbo</i>

Name	GEORGIOS KOLIOS
Position	ESTATES SURVEYOR
Organisation	Cellnex UK Limited
Signature	<i>Georgios D Kolios</i>

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

N/A

## Appendix B Glossary

Term	Abbreviation	Explanation
Development Consent Order	DCO	The Project Application Documents, collectively known as the 'DCO application'.
Electronic Communications Code	ECC	The electronic communications code is set out in Schedule 3A of the Communications Act 2003. It is a set of rights that are designed to facilitate the installation and maintenance of electronic communications networks.
Main Works Contractor	MWC	A term used to identify the contractor who will be awarded a main contract for the delivery of a section of the LTC programme. They will be responsible for delivering all main works and will work with the Client to discharge our obligations under the DCO.
Mobile Network Operators	MNOs	A mobile network operator is a telecommunications service provider organisation that provides wireless voice and data communication for its subscribed mobile users.
Royal National Lifeboat Institution	RNLI	A charity and lifeboat operator covering the coasts of the United Kingdom, the Republic of Ireland, the Channel Islands, and the Isle of Man as well as some inland waterways.
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.
UK Power Networks	UKPN	UK Power Networks is a distribution network operator for electricity covering South East England, the East of England and London.

## Appendix C List of engagement activities

- C.1.1 A summary of engagement activities between the two parties in relation to the Project is outlined in Table C.1 below.
- C.1.2 It is agreed that this is an accurate overview of the engagement undertaken between (1) National Highways and (2) Cellnex UK Limited in relation to the matters addressed in this SoCG.

**Table C.1 Engagement activities between National Highways and Cellnex UK Limited**

Date	Form of contact/ correspondence	Key topics discussed and key outcomes
20.05.2019	Email from LTC Third Party Infrastructure Manager	Non-Disclosure Agreement Issued
22.05.2019	Email from BDB Pitmans	Draft Protective Provisions Issued
05.06.2019	Email from LTC Third Party Infrastructure Manager	Agreement for Services Doc Issued
05.06.2019	Email from LTC Design Co- Ordination Team	LTC Alignment Plans Issued
04.06.2019	Meeting held at Project Offices in Beaufort House, Aldgate	<p><b>Topics</b></p> <ul style="list-style-type: none"> <li>• Project Overview</li> <li>• Cellnex Assets/ Company Overview</li> <li>• Programme</li> <li>• DCO Planning Permission Agreements</li> </ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>• Cellnex to provide feedback on PP, SA (NEC 4)</li> <li>• LTC to provide latest scheme alignment</li> <li>• Cellnex to provide feedback on Trial Hole proposal – SG by 28 June 2019</li> <li>• Cellnex to provide information around Long Lead items, Outage Restrictions and Contestable works for next meeting – SG by 26 July 2019</li> <li>• LTC to issue Highways England Service Agreement – to be issued (DJC) by 7 June 2019</li> <li>• LTC to issue latest scheme alignment – RD by 7 June 2019</li> <li>• LTC to provide details of the original C2 request from LTC to Cellnex – RD by 28 June 2019</li> </ul>



09.09.2019	Meeting held at Cluttons Head Office in Portman House,	<p><b>Topics</b></p> <ul style="list-style-type: none"> <li>• Project Overview</li> <li>• Cellnex Assets/ Company Overview</li> <li>• Programme</li> <li>• DCO Planning Permission Agreements</li> </ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>• Cellnex to provide feedback on NDA, PP, SA – <b>SG</b> by 28 September 2019</li> <li>• Cellnex to provide details of these locations –</li> <li>• Cellnex to provide feedback on Trial Hole proposal – <b>SG</b> by 28 September 2019</li> <li>• Cellnex to provide information around Long Lead items, Outage Restrictions and Contestable works for next meeting – <b>SG</b> by 26 November 2019</li> <li>• LTC to issue Highways England Service Agreement – <b>issued</b></li> <li>• LTC to issue latest scheme alignment – <b>issued</b></li> </ul>
10.12.2019	Meeting held at Project Offices in Beaufort House, Aldgate	<p><b>Topics</b></p> <ul style="list-style-type: none"> <li>• Project Overview</li> <li>• Cellnex Assets – 8 locations</li> <li>• Design Release DR2.14 Review</li> <li>• DCO Planning Permission Agreements</li> </ul> <p><b>Outcomes</b></p> <ul style="list-style-type: none"> <li>• Cellnex to provide feedback on PP, SA (NEC 4)</li> <li>• Agreeing a Service Agreement will allow Cellnex to recover cost associated with the LTC project.</li> <li>• Cellnex to provide details on constraints about moving assets, such as Outage restrictions and long lead materials.</li> <li>• Also, if LTC can undertake (Contestable works) using an approved contractor and with Cellnex in attendance.</li> <li>• LTC to provide settlement contours, to understand the potential risk.</li> </ul>
13.12.2019	Email from LTC Design Co-Ordination Team	LTC Design Release DR2.14 – 3/3
26.03.2020	Email from LTC Protective Provisions Team	Low Risk short form service agreement issued.
09.06.2020	Email from Squires Patton Boggs	Marked up Low Risk short form service agreement returned.

18.06.2020	Teams Meeting	<b>Topics</b> <ul style="list-style-type: none"> <li>• Project Update</li> <li>• Contract Strategy</li> <li>• Asset Protection</li> <li>• Commercial</li> <li>• Protective Provisions</li> <li>• SOCG</li> </ul>
18.10.2020	Email from LTC Third Party Infrastructure Manager	7 plans issued for review showing Cellnex assets within Development Boundary.
01.02.2022	Email from BDB Pitmans	Draft Protective Provisions to be included in DCO issued.
12.05.2022	Letter from LTC	Local refinement consultation notification from 12 May to 20 June 2022.
June – September 2022	MS Teams meetings and emails	Statement of Common Ground

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