

Lower Thames Crossing

5.4.3.10 Statement of Common Ground between (1) National Highways and (2) HS1 Limited

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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) HS1 Limited (HS1 Ltd).
- 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 HS1 Ltd holds the 30 year concession from the Government to operate, manage and maintain High Speed 1 (HS1), the 109 kilometre high speed rail line connecting St Pancras International to the Channel Tunnel. The line is used for high speed domestic services throughout Kent; international passenger services to destinations in continental Europe including Paris, Brussels and Amsterdam; as well as for freight traffic. The concession includes the stations along the route: St Pancras International, Stratford International, Ebbsfleet International and Ashford International.
- 1.2.4 HS1 is the 109km rail line between St Pancras International in London and the Channel Tunnel and connects the international high-speed routes between London and Paris, London and Brussels and London and Amsterdam, as well as the domestic route from London to Kent.

- 1.2.5 HS1 will interface with the Project along the A2 interface at the southern edge of the proposed route. The proposed new roadworks will impact HS1’s infrastructure between the Singlewell Infrastructure Maintenance Depot at Henhust Lane and land east of Brewers Road. In this location new road structures will be located in close proximity, and in some occasions, on HS1 land and a number of new structures are proposed which may have an interface with HS1 assets.
- 1.2.6 HS1 Ltd is a Person with an Interest in Land in respect of the application under section 57 of the Planning Act 2008.

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 HS1 Ltd has not yet been able to complete their review of this Statement of Common Ground and so this Statement of Common Ground is 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 HS1 Ltd 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) HS1 Ltd.
- 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	HS1 Ltd comment	National Highways comment	Document Reference	Status
Land and compulsory acquisition					
Singlewell Infrastructure Maintenance Depot (SIMD)	2.1.1	The SIMD is a critical facility for the operation and maintenance of the railway and is located between the A2 and HS1 on Henhurst Lane. Previous Land Use plans indicated that the whole of SIMD was an area to be used by the Project. This would not have been acceptable to HS1 and would have severely compromised the operation of the railway. We are therefore pleased to see that SIMD has been largely removed from the red line boundary of your site and it is no longer necessary to acquire this land.	National Highways is committed to reaching agreement with HS1 Ltd as to the terms on which it can secure the interests it requires which impact HS1 Ltd. The parties are now agreed as to the red line boundary.	N/A	Matter Agreed
	2.1.2	HS1 Ltd would like to continue further discussions with you regarding the future use and ownership of land to the West of SIMD.	The parties are engaged in ongoing discussions in this respect.	N/A	Matter Under Discussion
Design – Road, Tunnels, Utilities					
Support for the Project	2.1.3	HS1 has been working collaboratively with the project team for a number of years and is generally supportive of the proposal to provide an under river	National Highways is pleased to have the support of HS1 Ltd.	N/A	Matter Agreed

Topic	Item number	HS1 Ltd comment	National Highways comment	Document Reference	Status
		crossing to the east of Gravesham, especially given the congested nature of the A2 in the Ebbsfleet area and the delays that this regularly creates for users of HS1 services travelling to Ebbsfleet International Station. The additional capacity created on the A2 would, we believe be critical in terms of releasing development and regeneration opportunities in the Ebbsfleet area and in turn driving growth on the HS1 rail network through new housing and employment opportunities.			
Design interface	2.1.4	The access to SIMD will also be affected by a new roundabout and the Project will need to accommodate vehicular movements into SIMD, both during construction and once the new roundabout is operational. SIMD was designed and built to have direct access to the A2 in both directions. Further to our previous comments we are now pleased that access to the coastbound route is now much easier to achieve from SIMD and this should help with our emergency response times to incidents on the railway.	National Highways is committed to reaching agreement with HS1 Ltd. The parties are now agreed as to the access to the coastbound route.	N/A	Matter Agreed
Critical Infrastructure (UKPNS and NGET Compounds)	2.1.5	To the East of SIMD are located two electrical compounds which take power from the National Grid and then in turn supply power to HS1. These are critical facilities to the operation of HS1 and LTC will be expected to afford maximum protection to this infrastructure. HS1 is particularly keen to understand more detail about the potential relocation of electricity lines in the local vicinity, particularly as this may impact on electrical supply to the HS1 network and the level of resilience afforded to the railway. Consultation with UK Power Networks (UKPNS) and	The parties are engaged in ongoing discussion regarding the potential impact of proposed works to electrical infrastructure in the vicinity of HS1 assets. National Highways have committed to presenting the proposed NGET diversion to	N/A	Matter Under Discussion

Topic	Item number	HS1 Ltd comment	National Highways comment	Document Reference	Status
		<p>National Grid Electricity Transmission (NGET) should also be held separately to any discussions with HS1.</p> <p>The compounds are accessed via a gravel track on HS1 land with a junction on Henhurst Lane. Access for large low loaders will be required for renewals and therefore a central access lane through the roundabout was requested, we are pleased to see that this appears to have been included on the latest plans.</p> <p>Appropriate separation between new public roads and the electrical infrastructure will also need to be maintained.</p>	<p>HS1 and this is expected to take place in Q4 2022. It is anticipated that NGET will attend this or a subsequent session also.</p>		
Under track crossings	2.1.6	<p>In the past National Highways have raised the possibility of under track crossings for the redirection of utilities infrastructure, the requirement for these went away but should they be required again in the future then the following information should be considered.</p> <p>Although these type of crossings are common on other parts of the rail network, these would be the first such crossings installed under HS1 since its construction. Due to the High Speed services using the railway, track movement, tolerance and action levels will be far higher than on the normal rail network. HS1 is likely to insist on owning any UTX structure under the railway, although National Highways will be expected to pay a commuted sum for maintenance of the structure.</p>	<p>National Highways acknowledges the considerations for such crossings.</p> <p>The DCO design for the Project does not include any such crossings at present, however, should this change during design development HS1 will be consulted as a key stakeholder and potential future asset owner.</p>	N/A	Matter Under Discussion
Access to the railway	2.1.7	<p>Access to HS1 access gates and maintenance strips must be maintained at all times throughout the</p>	<p>National Highways is committed to working with HS1</p>	N/A	Matter Agreed

Topic	Item number	HS1 Ltd comment	National Highways comment	Document Reference	Status
		construction of the Project. Thereafter a similar level of access should be afforded to that which existed prior to the development, including where necessary parking facilities for Network Rail HighSpeed (NRHS) vehicles at access gates.	to ensure access during and post construction is maintained to HS1 with minimal disruption and with any disruption being subject to agreement with HS1 in advance.		
Construction					
Construction management	2.1.8	Windblown debris causes more lineside neighbour incidents than anything else by far and could be avoided with good housekeeping. Management and reduction of foreign object debris should be considered as part of any tender, this includes wind-blown debris/rubbish, materials left on site (which could be used as projectiles by vandals) and items dropped over fences by workforce. All plant or equipment with collapse radius within 4m of boundary fences will need a technical submission approval from HS1. Construction Management plans will be of particular interest to HS1 for any works taking place in the vicinity of the railway.	National Highways commits to ensuring our Contractors provide all reasonably required submissions to HS1 to ensure the safety of planned work in the vicinity of the railway. The parties are engaged in ongoing discussions in this respect.	N/A	Matter Under Discussion
Operation & Maintenance					
Errant Vehicle Protection (EVP)	2.1.9	Of long term importance to HS1 is the provision of suitably designed EVP. This is essential for the protection of the existing HS1 operational railway infrastructure, especially where any access/slip roads are located adjacent to HS1 infrastructure. Any proposal for EVP also needs to consider security cameras and lighting column protection along railway façade.	National Highways will ensure EVP is a consideration during the design of the Project and have requested any guidance or standards information from HS1 on this matter.	N/A	Matter Under Discussion

Topic	Item number	HS1 Ltd comment	National Highways comment	Document Reference	Status
Security	2.1.10	HS1 is one of the best performing railways in Europe, however trespass onto the railway is the leading cause of delay minutes to HS1. Security of our infrastructure is therefore of paramount importance and any proposals that increase the potential for unauthorised access to the railway need to be carefully considered and appropriate mitigation put in place. Any diverted footpaths or access tracks alongside the railway may need enhanced security measures to be implemented as part of any proposal.	National Highways will ensure that security is a consideration during design of the Project and requests any guidance or standards information from HS1 on this matter.	N/A	Matter Agreed
Surcharging	2.1.11	Attenuation and loads on top of any cutting will need to be checked for acceptability once a final design is being considered. This is to ensure the stability of the track and other structures and services and the safety and passing rail traffic.	National Highways have requested to discuss this further with HS1 to understand HS1's specific requirements regarding this item.	N/A	Matter Under Discussion
Signage	2.1.12	HS1 would ask that National Highways seek to improve signage for road users to Ebbsfleet International Station from these proposed junctions to avoid any confusion from new road alignments in the area.	National Highways notes this request and has requested to discuss this further to understand any specific suggestions for improvement HS1 may have.	N/A	Matter Under Discussion
Landscape and visual					
Planting	2.1.13	This should be avoided near to existing HS1 fences, in order to prevent opportunities for trespass and damage from falling branches or trees.	National Highways commits to consulting with HS1 on all proposed planting in the vicinity of their assets and boundaries.	N/A	Matter Agreed

Topic	Item number	HS1 Ltd comment	National Highways comment	Document Reference	Status
Terrestrial biodiversity					
Land to the south of SIMD / Church Road	2.1.14	HS1 note that on the latest set of consultation plans National Highways have included land to the south of Church Road as a potential site for ancient woodland compensation. As custodians of HS1 until December 2040 HS1 have a duty to safeguard for the future operation and growth of the high speed railway. Should SIMD ever need to expand in order to cater for additional HS1 services then the land south of Church Road would be an obvious potential site for development. Whilst accepting that it is located in the Green Belt and further alternative site analysis would be required, HS1 believe that “very special circumstances” could potentially make development on this land acceptable. Whilst there are no defined plans we consider it prudent to informally safeguard this land and therefore would request that alternative sites are considered for ancient woodland mitigation.	National Highways will review the plans for ancient woodland migration to this area and advise HS1 of the potential to amend the land use in light of their long term safeguarding request.	N/A	Matter Under Discussion
Road drainage and the water environment					
Drainage	2.1.15	HS1 would not expect to see any surface water runoff or drainage discharge onto adjacent HS1 land, which could cause issues for HS1 infrastructure and undermine embankments. There is also a concern over the future of the balancing pond to the East of Henhurst Lane where current plans show a new LTC road being constructed. HS1 will expect this balancing pond capacity to be maintained or re-provided in an appropriate alternative.	National Highways notes this concern and will work with HS1 to ensure our design provides satisfactory alternative arrangements if impacts are resulting from the Project’s scope.	N/A	Matter Agreed

Topic	Item number	HS1 Ltd comment	National Highways comment	Document Reference	Status
Protective Provisions					
Inclusion within the DCO	2.1.16	The DCO should include a set of protective provisions for the benefit of HS1 Ltd on its face.	Protective Provisions for railway undertakers, including HS1 Ltd, are included within the DCO (see Part 14 of Schedule 14).	Draft DCO (Application Document 3.1)	Matter Agreed
Legally binding obligations	2.1.17	National Highways will be expected to enter into a Planning Performance Agreement (PPA) with HS1, this is a legally binding document which assists in managing the risk from this project to the High Speed railway. National Highways will be expected to indemnify HS1 for any losses caused as a result of the project as well as carrying insurance up to £155 Million. The PPA will also cover the process involved in achieving signoff from HS1 on the detailed design of the Project.	The parties are engaged in discussions as to the terms of a Framework Agreement (FA). In this context, any additions or alterations that may be necessary to the protective provisions can be agreed between the parties. Indemnity provisions have been provided to ensure adequate and appropriate protection.	Draft DCO (Application Document 3.1)	Matter Under Discussion
Consent to the exercise of DCO powers	2.1.18	HS1 Ltd considers that the railway protective provisions should include provision to the effect that National Highways should not exercise various powers under the DCO without its consent.	National Highways does not agree that it is appropriate, necessary or proportionate for HS1 Ltd to enjoy authority over National Highways' ability to exercise statutory powers conferred on it by the Secretary of State. The railway protective provisions include appropriate and well precedented provisions to allow HS1 to review and approve the details	Draft DCO (Application Document 3.1)	Matter Not Agreed

Topic	Item number	HS1 Ltd comment	National Highways comment	Document Reference	Status
			of works affecting its railway and to inspect those works as they are undertaken. Indemnity provisions have also been provided and therefore adequate and appropriate protections are already proposed.		

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 of this SoCG outside of the Development Consent Order (DCO) application documents are provided below, such as emails, meeting notes, etc.
- a. Route Consultation (Opened January 2016, closed March 2016)
 - b. Scoping Opinion: Proposed Lower Thames Crossing, 2017
 - c. Statutory Consultation (Opened October 2018, closed December 2018)
 - d. Supplementary Consultation (Opened January 2020, closed April 2020)
 - e. Design Refinement Consultation (Opened July 2020, closed August 2020)
 - f. Community Impacts Consultation (Opened July 2021, closed September 2021)
 - g. Local Refinement Consultation (Opened May 2022, closed June 2022)

Appendix B Glossary

Term	Abbreviation	Explanation
Asset Definition Scope of Impact	ADSI	A document outlining the high-level scope of the project & impact on third party assets.
Development Consent Order	DCO	A statutory order which provides development consent for a project and means that a range of other consents, such as planning permission and listed building consent, will not be required. It is granted by the relevant Secretary of State under the Planning Act 2008, following examination by the Planning Inspectorate.
Errant Vehicle Protection	EVP	A barrier to protect from the travel of errant vehicles after leaving the carriageway.
Framework Agreement	FA	A form of agreement proposed to be entered into between National Highways and HS1 Limited to make overarching provision for the legal documentation to be agreed between them.
HS1 Limited	HS1 Ltd	The company which operates, manages and maintains the 109km rail line between St Pancras International in London and the Channel Tunnel.
Lower Thames Crossing	LTC	The proposed A122 Lower Thames Crossing (the Project).
National Grid Electricity Transmission	NGET	A UK company that builds and maintains the electricity transmission network in England and Wales.
Network Rail High Speed	NRHS	A separate company to Network Rail which maintains HS1.
Planning Performance Agreement	PPA	A planning performance agreement is a project management tool which the local planning authorities and applicants can use to agree timescales, actions and resources for handling particular applications.
Preferred Route Announcement	PRA	On 12 April 2017 the Secretary of State for Transport confirmed the preferred route for the Lower Thames Crossing.
Singlewell Infrastructure Maintenance Depot	SIMD	Singlewell infrastructure maintenance depot is a critical facility for the operation and maintenance of the railway and is located between the A2 and HS1 on Henhurst Lane.
UK Power Networks	UKPNS	An energy network operator. Owns and maintains the electricity cables in South East England, the East of England and London.
Under Track Crossing	UTX	A conduit to carry cables, etc. from one side of the line to another.

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.

Table C.1 Engagement activities between National Highways and HS1 Ltd

Date	Workstream	Key topics discussed and key outcomes
Oct 2018 – June 2022	Pre-application consultations	HS1 Ltd has been invited to take part on all public consultations undertaken by the Project.
Nov 2017 – present	Legal negotiations	National Highways and HS1 Ltd have been engaged in discussions as regards a suite of legal agreements to govern the interface between the Project and the operational railway.
March 2015 - present	Design interface	National Highways and HS1 Ltd have participated in a number of meetings and workshops to discuss and progress matters relating to the design interface as between the operational railway and the Project.

C.1.2 Key engagement activities between (1) National Highways and (2) HS1 Ltd in relation to the matters addressed in this SoCG are outlined in Table C.2 below.

Table C.2 Engagement activities between National Highways and HS1 Ltd

Date	Form of contact/ correspondence	Key topics discussed and key outcomes
9 March 2015	Meeting	Bilateral meeting: To introduce HS1/NRHS to the LTC Cascade Team and discuss access requirements for upcoming ecology surveys (before Project Route Announcement (PRA)).
19 April 2015	Meeting	Bilateral meeting: to establish relations, brief on the Project and to gain knowledge of HS1 assets which may influence the design and location of route options.
28 April 2015	Meeting	Bilateral meeting: A more detailed exploration of the interfaces between LTC and HS1 assets, with added technical input from HS1's attendees.
30 September 2015	Meeting	Bilateral meeting: To update HS1 Ltd with the emerging shortlist of options and to discuss its assets which might be affected by construction of LTC. HS1 Ltd welcomed the update on the emerging shortlist of options.
15 May 2017	Meeting	Bilateral meeting: To brief HS1 on the LTC preferred route announcement and next steps. Understand the extent of HS1's assets and operation (land boundary, substation and any planned developments) in relation to LTC.

Date	Form of contact/ correspondence	Key topics discussed and key outcomes
		Agree on engagement going forward.
22 August 2017	Meeting	Bilateral meeting: To brief HS1 on LTC design update, specifically on the changes around the A2/LTC junction. Understand HS1 assets within their land parcel, access, egress and maintenance requirements. Discuss agreements and engagement going forward.
11 September 2017	Meeting	Bilateral meeting: To understand HS1 requirements for HS1 substation. Attend a site visit at HS1's substation to visualise site layout.
29 November 2017	Meeting	To brief HS1 on the latest design changes at the A2 junction (Design Release 2.2) To progress with Cost Recovery Agreement and Heads of Terms.
13 February 2018	Meeting	Bilateral meeting: To update HS1/NRHS on the latest route alignment at the A2 Junction and A2 widening and obtain initial feedback on the design as it is being developed.
18 May 2018	Meeting	Issues discussed: Project/design update and Asset Definition Scope of Impact (ADSI).
21 August 2018	Meeting	Issues discussed: LTC/ design updates, LTC utility diversions.
26 September 2018	Meeting	Issues discussed: Joint LTC/HS1 meeting with DfT property team.
29 October 2018	Meeting	Issues discussed: Statement of Common Ground Workshop.
03 May 2019	Meeting	Issues discussed: LTC update, LTC/HS1 boundary, design submissions to HS1, Instrumentation & Monitoring, SoCG.
14 August 2019	Meeting	LTC update, latest LTC Design Release DR 2.11, proposed new boundary, Form 001 submission, Asset Definition & Scope of Impact documents.
15 November 2019	Email correspondence	The latest Design Release showing the LTC design along A2 (North of HS1 tracks), DR 2.14, was sent from National Rail to HS1 Ltd.
19 November 2019	Agreement completed	Licence to carry out site investigation surveys completed.
28 November 2019	Meeting	Issues discussed: LTC update, Latest Design Release DR 2.14, LTC/ HS1 permanent boundary and the way forward on the land take process, PPs/ LTC invoice, Form 001 submission/ Asset Identification and Scope of Impact (ADSI), baseline monitoring.

Date	Form of contact/ correspondence	Key topics discussed and key outcomes
9 March 2020	Email correspondence	The revised Asset Definition Scope of Impact (ADSI) documents detailing the LTC impacts on HS1 assets and operation (including the access to SIMD) and additional sections of the LTC design along A2 (North of HS1 tracks), DR 2.14 were sent by National Highways to HS1 Ltd.
11 May 2020	Teleconference with DfT	Joint LTC and HS1 meeting with DfT to agree the process for the land required by LTC.
20 September 2020	Agreement expired	The licence to carry out site investigation surveys expired.
20 June 2022	Consultation response	Consultation response received from HS1 Ltd

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