

Lower Thames Crossing

5.4.3.18 Statement of Common Ground between (1) National Highways and (2) Southern Gas Networks plc

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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) Southern Gas Network plc (SGN).
- 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 Southern Gas Network plc (SGN) is a UK gas distribution company which manages the networks that distributes natural and green gas to 5.9 million homes and businesses across the South of England and Scotland. SGN operates and manages more than 48,000 miles of pipes within these two areas. SGN owns and operates a 36" Iron main which transports gas from the Isle of Grain to St Marys Cray. A 4-kilometre section of this main will be adversely effected by the installation of the Lower Thames Crossing link road. The main will need to be removed and diverted to facilitate the installation of the link road, SGN will manage this diversion and abandonment for 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.
- 1.3.2 It is agreed that any matters not specifically referred to in Section 2 of this SoCG are not of material interest or relevance to Southern Gas Network plc. As

such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Southern Gas Network plc. However, if new matters arise Southern Gas Network plc reserves the right to comment on those matters as it considers appropriate.

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 It is agreed that this statement is an accurate description of the matters raised by Southern Gas Network plc 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 consultation undertaken between (1) National Highways and (2) Southern Gas Network plc 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) Southern Gas Network plc.
- 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	SGN comments	Highways England comment	Document Reference	Status
DCO and Consents					
SGN Works	2.1.1 (SGNI/R/R1)	SGN Works shown on Plans conflict unacceptably with Southern Water and National Grid Gas diversions and cannot be built out as currently being consented in the DCO.	National Highways will facilitate the coordination of other utility network designs with SGN at the detailed design stage to ensure all works are compliant. The DCO affords Limits of Deviation in which to resolve micro-siting issues.	Draft DCO (Application Document 3.1)	Matter Under Discussion
Protective Provisions	2.1.2	Protective Provisions are to be included within the DCO to ensure that the interests of SGN are adequately protected and to ensure compliance with relevant safety standards. SGN require this provision within the Order.	Form of protective provisions for DCO being discussed and current draft included within draft Order (Schedule 14, Part 5, Protective Provisions for Specified Gas Undertakers). Side Agreement provision being discussed to manage the remaining issues.	Draft DCO (Application Document 3.1)	Matter Under Discussion

Topic	Item number	SGN comments	Highways England comment	Document Reference	Status
Utility land/rights	2.1.3 (SGN/I/R/9) (SGN/I/R/10)	National Highways to confirm that all necessary land rights and Easements are included in the DCO. SGN has supplied all Land Easement requirements responsibility/risk to acquire the land needed is with National Highways before diversion works can start.	The DCO contains the appropriate powers necessary for the diversion of SGN’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 This has been communicated to SGN.	Land Plans and draft DCO (Application Document 3.1)	Matter Under Discussion
Division of Responsibility	2.1.4	Confirmation required of responsibilities for delivering mitigation, discharging Requirements and Phasing of Works re SGN/Southern Water/National Grid and other Statutory Undertakers.	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 provider 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. Conversations are to continue between National Highways and SGN regarding matters within that contract.	Draft DCO (Application Document 3.1)	Matter Under Discussion

Topic	Item number	SGN comments	Highways England comment	Document Reference	Status
Environmental Issues	2.1.5 (SGN/I/R43)	Regarding Environmental Issues, such as waste management and noise control, SGN need a full understanding of the Division of Responsibility for Pre works and possible Construction works. This applies to SGN's Phase 1 and Phase 2 works.	National Highways will facilitate the coordination of all environmental issues with SGN and the Contractor at detailed design to ensure all works are compliant.	N/A	Matter Under Discussion
SGN - 24 hour working	2.1.6	The Tunnel Boring Machine (TBM) needs to work 24 hours but hasn't been assessed/consented within the DCO. SGN cannot construct the Gas Diversions unless this is resolved. This can be addressed during the examination process. SGN are not convinced that S61 consent is an appropriate route to consent this, is there any certainty it will be obtained.	The 24 hour works are to be consented by the DCO. All relevant works, in agreement with the local planning authority, are subject to a further consent being obtained from under Section 61 of the Control of Pollution Act 1974. The applicable works (Work No G1b) and working hours are listed in Table 6.1 and Table 6.4 of the Code of Construction Practice (CoCP) (Application Document 6.3). The Micro-TBM operation has been assessed as part of the Environmental Statement (ES) (Application Document 6.1 to 6.3), Chapter 12 (Noise and Vibration), with further details included within Appendix 12.6 <i>Assessment of Ground-borne Noise and Vibration at land-based receptors</i> and is to be consented by the DCO. As per the CoCP, S61 consents will be required to communicate impacts,	Code of Construction Practice (CoCP) (Application Document 6.3) Register of Environmental Actions and Commitments (REAC) (Chapter 7 of the CoCP), dDCO (Application Document 3.1) Environmental Statement (ES) (Application Documents 6.1 to 6.3) including Chapter 12 - Noise and Vibration of the ES.	Matter Under Discussion

Topic	Item number	SGN comments	Highways England comment	Document Reference	Status
			mitigation and controls measures if required, in accordance with the REAC.		
Highway permits and orders	2.1.7 (SGN/I/R24)	Not all temporary stopping ups required are included in the DCO. National Highways to access, consent and carry out all temporary stopping ups, including Missing Footpaths and Park Pale Lane before SGN starts onsite works.	Temporary closure, Alteration, Diversion and Restriction of use of streets and Private means of access are included in Schedule 3 (Article 12) and are represented on the plans contained within (Application Document 2.8) Streets Subject to Temporary Restrictions.	Draft DCO (Application Document 3.1), Streets Subject to Temporary Restrictions (Application Document 2.8)	Matter Under Discussion
Design – Road, Tunnels, Utilities					
Abandoned SGN main (Marling Cross)	2.1.8	SGN is currently planning to grout the full length of its abandoned asset but would like confirmation if National Highways has any other plans for its use or removal?	National Highways has no further intent for the asset that is to be made redundant. The redundant length to remain in situ is to be grouted by SGN. Those sections to be removed, and the removal of them are to be coordinated with the Contractor.	N/A	Matter Under Discussion
Ground investigation (GI) information	2.1.9 (SGN/I/R3)	GI information not available for SGN route at various locations - Proposed Tunnel Location - Inn on the Lake - Marling Cross - Park Pale which will adversely affect the potential final designs.	National Highways to be responsible, unless otherwise agreed, for the provision of ground investigation (GI) data to be utilised by SGN in their design for the diversion of their assets.	N/A	Matter Under Discussion

Topic	Item number	SGN comments	Highways England comment	Document Reference	Status
Collection Pond Interface (Pond ID - POS02-002)	2.1.10	The Clay Lane pond located on new link road adjacent to A2 is proposed in proximity to the SGN easement strip which is a concern for SGN.	National Highways will work with SGN during the detailed design to ensure the pond (Work No 2N) and the pipeline have the required separations for operation, maintenance and construction of both the pipeline and the pond. The Contractor will consider this at the detailed design stage.	N/A	Matter Agreed
Proposed haul roads	2.1.11 (SGN/I/R14)	Site access and haul roads interface with the existing and diverted gas networks, and SGN will have very large materials and plant delivered to the Compounds. Will National Highways design roads capable of supporting these lorries?	The haul road alignments and associated plant protection measures will be designed at the detailed design stage in conjunction with SGN, in accordance with Design Manual for Roads and Bridges (DMRB), to ensure safe working proposals around SGN infrastructure.	N/A	Matter Under Discussion
Compounds	2.1.12 (SGN/I/R15)	SGN needs to use Compounds CA1, 2 and 3 and also the compound proposed at Park Pale. Risk related to the ability to lay and construct the section of main between Inn on the Lake and Park Pale. Also the added issue of the lack of welfare facilities between Inn on the Lake and Park Pale.	Compounds Marling Cross (CA1) A2 Compound (CA2) and Park Pale Utilities Logistics Hub (ULH16) have been considered for use of, for delivery of SGN works (Works number G1a & G1b), but the space allocated within each compound needs to be coordinated with the Contractor. Compound CA3 (Southern Tunnel Entrance Compound) has not been considered for the use of SGN to deliver the Works due to	N/A	Matter Under Discussion

Topic	Item number	SGN comments	Highways England comment	Document Reference	Status
			<p>geographical and contractual reasons.</p> <p>The section of pipeline to be laid between the A2 Compound and Park Pale ULH is within an environmentally sensitive area and has works to be completed by the Contractor abutting it. At the detailed design stage, the Contractor and SGN shall collaboratively review the proposals for the construction of the pipeline, including any additional pipe lay down areas and requirement of any additional welfare facilities.</p>		
Pipeline Route	2.1.13 (SGN/I/R30)	<p>Gas Main 3(GM3) & Gas Main 22 (GM22) run beside each other so will both be affected by the retaining wall</p> <ul style="list-style-type: none"> - Design element - More info required on retaining wall as SGN have prescriptive rules and would need to know more info in order to remove objections. 	<p>Considered a potential risk as design is still ongoing to ascertain the details of the retaining wall foundations and the proximity to the pipelines.</p> <p>Technical resolutions being investigated include potential derogation to design standards. Updates and resolutions will be included in progress meetings going forward.</p> <p>The Contractor will liaise with SGN at the detailed design stage and ensure the works (Work No 1A and Work No 1B) do not present any unacceptable risk to the two pipelines.</p>	N/A	Matter Under Discussion

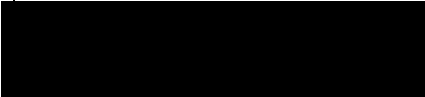
Topic	Item number	SGN comments	Highways England comment	Document Reference	Status
Existing Gas Network	2.1.14 (SGN/I/R33)	SGN would like clarity on the proposed path/direction of the Tunnel Boring Machine (TBM) – will it travel coastbound or London bound? This will help SGN work out which mains are affected.	The TBM movement is to be determined by the Contractor and the movement of the TBM is to be communicated via Electronic Service Delivery for Abnormal Loads (ESDAL) and via the project management teams. Specific provision re the movement of the TBM is being discussed as part of side agreement.	N/A	Matter Under Discussion
Landscaping, tree clearance and general flora and fauna proposals	2.1.15 (SGN/I/R23)	National Highways are to confirm that clearance of all Flora and Fauna will be the responsibility of National Highways and all clearance will take place before SGN takes over control of our proposed easement.	Vegetation clearance has been considered in line with the proposals of Design Release 3.3. The Contractor is proposed to undertake vegetation clearance on behalf of SGN. SGN are requested to communicate their specific requirements at the Detailed Design stage.	N/A	Matter Agreed
Construction					
Working in the vicinity of a live gas main	2.1.16	SGN would want to have involvement with the MWC to talk over incident management for all who work in the vicinity of SGN's plant across the project.	The Project Contractor is to liaise with SGN regarding plant protection in the detailed planning stage and during construction works where works are proposed in proximity to their network.	N/A	Matter Under Discussion

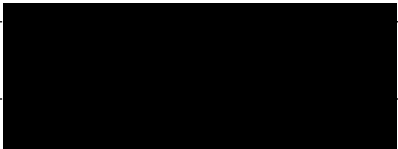
Topic	Item number	SGN comments	Highways England comment	Document Reference	Status
Programming of The Works	2.1.17	SGN need to be informed of all the programming milestones in conjunction with the Project.	SGN are to communicate their construction programme and any relevant constraints to inform the Project's Programme The Contractor will liaise with SGN at the detailed planning phase.	N/A	Matter Under Discussion
SGN - Network Management	2.1.18	National Highways are to support SGN in undertaking required works to the gas network and imbed network requirements into the detailed construction programme	SGN are to communicate any requirements to be undertaken to inform the Project's Programme. SGN will manage personnel and works required within their Stations (Above Ground Installation's, Pressure Reduction Stations etc.) associated with the Works required by the Project.	N/A	Matter Under Discussion
Environmental Surveys pre-construction	2.1.19 (SGN/I/R25)	There will be lots of surveys (e.g. badgers) that will be out of date and will need re-survey prior to construction works begin. Some of these will need at least 6 months advance notice.	In respect to protected Species, Schedule 2 of the DCO makes provision within Article 7 for the undertaking of pre-construction ecological surveys. All the relevant environmental reports will be issued in advance of construction phase. Designs to progress making reasonable assumptions.	Schedule 2 of the draft DCO (Application Document 3.1) & Terrestrial Biodiversity Chapter of Environmental Statement (Application Document 6.1)	Matter Agreed

3 Agreement on this Statement of Common Ground

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) National Highways Limited and (2) Southern Gas Networks plc.

Name	Fortune Gumbo
Position	Town Planner - DCO
Organisation	National Highways
Signature	

Name	Dean Vandeppeer
Position	Diversions Team Manager
Organisation	Southern Gas Networks plc.
Signature	

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.
Design Manual for Roads and Bridges	DMRB	A comprehensive manual which contains requirements, advice and other published documents relating to works on motorway and all-purpose trunk roads for which one of the Overseeing Organisations (National Highways, Transport Scotland, the Welsh Government or the Department for Regional Development (Northern Ireland)) is the highway authority. For the A122 Lower Thames Crossing, the Overseeing Organisation is National Highways.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
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.
Ground investigation	GI	Several levels of investigation from desk-based research to onsite sampling to evaluate challenges related to soil/ground.
National Grid Gas	NGG	National Grid Gas plc (NGG) is a legally separate business within the National Grid Group and owns, manages, and operates the national gas transmission network in Great Britain.
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
Southern Gas Network plc	SGN	Southern Gas Networks Ltd is a UK gas distribution company which manages the networks that distributes natural and green gas to 5.9 million homes and businesses across the South of England and Scotland.
Statement of Common Ground	SoCG	This document detailing the issues agreed, under discussion or not agreed at the time of examination
The Tunnel Boring Machine	TBM	Machine used to excavate tunnels with a circular cross-section.
Utilities Logistics Hub	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 Southern Gas Networks plc have had extensive engagement since the inception of the Project. There has been engagement and dialogue through the statutory and non-statutory consultation, the various design iterations and releases. The engagement has been in the form of face-to-face meetings, Microsoft Teams meetings, telephone calls and email correspondence.
- C.1.2 The parties are content for their engagement to be captured and presented in this manner.

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