

Lower Thames Crossing

5.4.3.6 Statement of Common Ground between (1) National Highways and (2) Essex & Suffolk Water

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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 Company 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 are available in the deposit locations and/or 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 to it, 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 by (1) National Highways and (2) Essex & Suffolk Water 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 Essex & Suffolk Water Limited (ESW) are part of Northumbrian Water Group. ESW provide 1.9 million people with high-quality water every day operating in two distinct geographical areas; part of southern Norfolk & Suffolk and East London & Essex. With 25 drinking water treatment plants and over 110 service reservoirs, water is distributed through over 10,000 km of pipework throughout the ESW 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.
- 1.3.2 It is agreed that any matters not specifically referred to in Section 2 of this SoCG are not of material interest or relevance to Essex & Suffolk Water 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 Essex & Suffolk Water

Limited. However, if new matters arise Essex & Suffolk Water 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 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 Essex and Suffolk Water, 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) Essex and Suffolk Water 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) Essex & Suffolk Water 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	Essex and Suffolk Water comment	National Highways comment	Document Reference	Status
DCO and Consents					
Order Limits Boundary	2.1.1	Essex & Suffolk Water Limited wish all their works to be within the Order Limits (OL) boundary going forwards.	The latest Order Limits (OL) boundary has been shared with Essex & Suffolk Water Limited and all works are within the OL.	Draft DCO (Application Document 3.1)	Matter Agreed
Linford Borehole Pipe (Raw Water): Scope to reopen for the Tunnel Boring Machine operation (Scope due with LTC July 2020)	2.1.2	The Linford Borehole site is meant to provide raw but chemically clean water (therefore not potable water under the Water Industry Act as it is untreated) for the Tunnel Boring Machine (TBM) use. As this is raw water and not potable, Essex & Suffolk Water Limited cannot lay the pipe(s) for that TBM use under the provisions of the WI Act.	The pipeline is its own Works within the DCO and is listed in <i>Article 2, Schedule 1 Authorised Development</i> of the DCO as 'Work No. MUT6' [as shown on sheets 20, 22, 23 and 24 of the Works Plans and being the temporary installation of multi-utilities, to include the installation or diversion of underground utilities connections for the construction area CA5 within a multi-corridor located along East Tilbury, for approximately 3,184 metres in length.] The works are considered as part of the Projects Environmental Impact Assessment	Draft DCO (Application Document 3.1)	Matter Under Discussion

Topic	Item number	Essex and Suffolk Water comment	National Highways comment	Document Reference	Status
			and included within the DCO Environmental Statement and all relevant Chapters of it.		
Gunn Hill Water mains installation: Project Early Works: Pre DCO Grant	2.1.3	Essex & Suffolk Water Limited would like confirmation on whether there are any other early works requirements pre DCO that will be required, e.g. for soil mixing. Need confirmation that the full route of the proposed Gunn Hill water main is within the "Order Limit".	This relates to the pipeline promoted as Work No MU29 for the provision of Work No CA5, Compound 5, and the requirements for soil mixing prior to the construction activities. The Project is open to discussions with ESW with regards to the appropriate mechanisms of delivering any early works that may be required.	N/A	Matter Under Discussion
Design – Road, Tunnels, Utilities					
Diversions: Clashes with Project Permanent Works	2.1.4	Detailed design has been completed up to a certain point where good progress can be made. Further work to be completed at a later stage that will contribute to the final detailed design packages for diversionary works.	National Highways acknowledge that detailed design has been completed up to a certain point, further development will take place post DCO during the detailed design phase.	N/A	Matter Agreed
Outages (constraints)	2.1.5	The full requirements for outages and relevant constraints have not yet been fully developed and will form part of the further works required to contribute to the full detailed design and the construction programme.	These need to be developed and included in the main programme. As detailed design develops these constraints will be included in the programme.	N/A	Matter Agreed

Topic	Item number	Essex and Suffolk Water comment	National Highways comment	Document Reference	Status
Temporary / Permanent Connections	2.1.6	Temporary/permanent connections application received and in progress.	Proposals for these requirements have been shared and are under review by Essex & Suffolk Water Limited Developer Services and will be developed into the detailed design and programme once the requirements of the Contractor are known.	N/A	Matter Agreed
Redundant Assets	2.1.7	The parties need to reach an agreement as to what to do with redundant new mains installed for potable water supply to construction compounds and any such redundant assets left behind after the project has been completed. Northumbrian Water Group would like the option to buy each redundant water main for £1 after the scheme has been completed.	While National Highways understand that an agreement may need to be reached on redundant assets, this is a matter to be discussed at the detailed design stage.	N/A	Matter Under Discussion
Construction					
Construction Contract	2.1.8	The understanding is that this will be delivered under New Roads and Street Works Act (NRSWA) 1991.	The works will be delivered under New Roads and Street Works Act (NRSWA) 1991 and the contract is subject to National Highways appointing its own Contractor.	N/A	Matter Agreed
Agreement for Linford Borehole site / water usage	2.1.9	The scope of requirements for the Linford Borehole is to be developed and a formal agreement put in place to between Essex & Suffolk Water	The necessary land rights are included in the DCO. In the meantime, National Highways remains open to discussions and hopes to be able to conclude these with an agreement between both parties.	N/A	Matter Under Discussion


Topic	Item number	Essex and Suffolk Water comment	National Highways comment	Document Reference	Status
		Limited and National Highways. Date to be confirmed.			
Maintenance Access	2.1.10	Access to existing apparatus within the confines of the Order Limits, requiring ongoing maintenance, ESW will need to have continued access throughout construction phase, and beyond construction phases.	Maintenance Access requirements will be developed with the Delivery Partner for both the temporary and permanent scenarios. The Protective Provisions for the protection of electricity, gas, water and sewage undertakers sufficiently protect ESW access to apparatus. National Highways note that these provisions are agreed between the parties. The detailed access arrangements will be agreed and set at detailed design.	Protective Provisions in Schedule 14, of the draft DCO (Application Document 3.1)	Matter Agreed
Diversion of Critical Asset: 900mm ST Trunk Main	2.1.11	An initial phase for the temporary diversion of the existing trunk main has been requested and detailed design to be progressed.	Discussions are on-going between ESW and National Highways and are largely dependent on the extent of the Ockendon Road closure. The initial phase proposal could potentially enable other works to commence that potentially could reduce the calendar length of the closure. The Works (Work No MU72) are a 2.9km long diversion of the 900mm trunk main and requires crossing of both the M25 and Network Rail assets. The diversion, including an initial phase, requires detailed consideration of constructability, including testing and commissioning plans. Outages will require detailed programming and planning to minimize disruption to the network.	N/A	Matter Under Discussion


Topic	Item number	Essex and Suffolk Water comment	National Highways comment	Document Reference	Status
Long lead Materials	2.1.12	<p>ESW are concerned about the challenges around the acquisition of the approximately 2.9km of 900mm steel pipe and considers this their main long lead item.</p> <p>Linford borehole submersible pumps may also be a long lead item.</p>	<p>National Highways notes that ESW have identified long lead delivery materials that have a long lead delivery requirement. ESW are currently projecting a period of 3-6 months for the acquisition of the 900mm pipe.</p> <p>ESW and the Contractor are to establish early engagement on when these works are programmed for delivery to minimise any potential delays with procurement and the delivery of the works.</p> <p>National Highways and ESW will continue to discuss this matter to ensure any changes in the procurement period are known.</p>	N/A	Matter Under Discussion
Protective Provisions					
Protection of existing Assets	2.1.13	<p>Asset protection requirements have not yet been fully explored between Essex & Suffolk Water Limited and National Highways.</p>	<p>The Protective Provisions for the protection of electricity, gas, water and sewage undertakers sufficiently protect ESW access to apparatus. National Highways note that these provisions are largely agreed between the parties.</p> <p>The detailed access arrangements and any required protection measures relating to ESW assets will be discussed and agreed at detailed design.</p>	<p>Protective Provisions in Schedule 14, of the draft DCO (Application Document 3.1)</p>	Matter Under discussion

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) Essex & Suffolk Water Limited.

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

Name	Paul Kelly
Position	Senior Lawyer
Organisation	Northumbrian Water Ltd trading as Essex & Suffolk Water
Signature	

Appendix A Documents considered within this Statement of Common Ground

N/A

Appendix B Glossary

Term	Abbreviation	Explanation
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Environmental Impact Assessment	EIA	A report prepared for a consenting authority who, when deciding whether to grant consent for a project which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision making process.
Essex & Suffolk Water Limited	ESW	Essex & Suffolk Water Limited are part of Northumbrian Water Group. ESW provide 1.9 million people with high-quality water every day operating in two distinct geographical areas; part of southern Norfolk & Suffolk and East London & Essex.
Lower Thames Crossing	LTC	The proposed A122 Lower Thames Crossing (the Project)
New Roads and Street Works Act	NRSWA	Legislation for the co-ordination of street works and works for road purposes and related matters.
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 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.
Town and County Planning Act	TCPA	The Act that forms part of the land use planning regime in the UK and (among other things) establishes the legal framework in respect of applications for, and determination of, planning permissions.
Tunnel Boring Machine	TBM	Machine used to excavate tunnels with a circular cross-section.

Appendix C List of engagement activities

- C.1.1 A summary of the meetings and correspondence that has taken place between Highways England and Essex & Suffolk Water Limited in relation to the Application is outlined in Table C.1 below.
- C.1.2 It is agreed that this is an accurate record of the key meetings and correspondence undertaken between (1) National Highways and (2) Essex & Suffolk Water Limited in relation to the matters addressed in this SoCG.

Table C.1 Engagement activities between National Highways and Essex & Suffolk Water Limited

Date	Form of contact/ correspondence	Key topics discussed and key outcomes
05/06/2018	Meeting	<ul style="list-style-type: none"> LTC project update Indicative diversion plans Contracts and next steps
03/07/2018	Meeting (senior managers)	<ul style="list-style-type: none"> LTC project update Agreements (SoCG and PPs)
20/08/2018	Meeting (technical)	<ul style="list-style-type: none"> LTC project update ESW diversion update Update on C3 progress
Oct-Dec 2018	Statutory consultation	<ul style="list-style-type: none"> Statutory consultation Opportunity to comment on Project proposals.
12/12/2018	Meeting (progress)	<ul style="list-style-type: none"> Contract – options and next steps Agree scope of services Requirements for asset surveys
20/02/2019	Meeting (technical)	<ul style="list-style-type: none"> LTC ground investigations and ESW requirements LTC programme update (including indicative design releases) Indicative compound locations and supply requirements Update on the progress of ESW contract
04/04/2019	Meeting (progress)	<ul style="list-style-type: none"> LTC ground investigations and ESW requirements LTC programme update (including indicative design releases) Indicative compound locations and supply requirements

Date	Form of contact/ correspondence	Key topics discussed and key outcomes
01/06/2019	Workshop	<ul style="list-style-type: none"> Statement of Common Ground Workshop
08/11/2019	Meeting (senior managers)	<ul style="list-style-type: none"> Progress of design proposals LTC programme Ways of working
08/03/2019	Document	<ul style="list-style-type: none"> Protective Provisions (Document Number BDB-BDB1.FID9982427). Still under review
12/12/2019	Meeting (Progress / Technical)	<ul style="list-style-type: none"> LTC Design and ESW Diversion Proposals DR2.14 discussed
15/01/2020	Letter	<ul style="list-style-type: none"> Project update and steps to achieve DCO.
Jan-March 2020	Supplementary consultation	<ul style="list-style-type: none"> Supplementary consultation
07/02/2020	Meeting (Progress)	<ul style="list-style-type: none"> LTC Design and ESW Diversion Proposals DR2.14 discussed
26/03/2020	Meeting (Progress / Technical)	<ul style="list-style-type: none"> LTC Design and ESW Diversion Proposals Site Compound supplies Review of C3 output for Diversions
Jul-Aug 2020	Design refinement consultation	Design refinement consultation
2020 -2022	Numerous	Design, Delivery, Consultation and SoCG

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