

Lower Thames Crossing

5.4.3.8 Statement of Common Ground between (1) National Highways and (2) EXA Infrastructure

APFP Regulation 5(2)(q)

Infrastructure Planning (Applications:
Prescribed Forms and Procedure)
Regulations 2009

Volume 5

DATE: October 2022

Planning Inspectorate Scheme Ref: TR010032
Application Document Ref: TR010032/APP/5.4.3.8

VERSION: 1.0

Lower Thames Crossing

5.4.3.8 Statement of Common Ground between (1) National Highways and (2) EXA Infrastructure

List of contents

	Page number
1 Introduction	1
1.1 Purpose of the Statement of Common Ground.....	1
1.2 Parties to this Statement of Common Ground	1
1.3 Terminology	2
1.4 Overview of previous engagement	2
1.5 Status of the Statement of Common Ground	2
2 Matters	3
2.1 Matters agreed, not agreed or under discussion.....	3
3 Agreement on this Statement of Common Ground.....	7
Appendix A Documents considered within this Statement of Common Ground.....	8
Appendix B Glossary	9
Appendix C List of engagement activities.....	10

List of tables

	Page number
Table 2.1 Matters.....	3
Table C.1 Engagement activities between National Highways and EXA Infrastructure.	10

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) EXA Infrastructure.
- 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 EXA Infrastructure own several UK Telco companies; Interoute, KPN International, Vtesse and Hibernia and provide managed telecommunication services and dark fibre to businesses. The company has a national and international footprint.
- 1.2.4 Instalcom maintain assets owned by (KPN & Interoute) for EXA Infrastructure that are affected by the Project.
- 1.2.5 Exa Infrastructure is a successor to GTT-KPN, however, their interests within the Project are held in Interoute Networks Limited, which is a subsidiary of Exa Infrastructure. Their registered address is: Interoute Networks Limited, 5th Floor, Strand, London, WC2N 5RN. Companies House #03773255. Any reference to GTT-KPN within the SoCG refers to discussions or agreements entered into prior to the formation of Exa Infrastructure when the company was still known as GTT-KPN.

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 EXA Infrastructure. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to EXA Infrastructure. However, if new matters arise EXA Infrastructure 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 EXA Infrastructure, 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) EXA Infrastructure 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) EXA Infrastructure.
- 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	EXA comment	National Highways comment	Document Reference	Status
DCO and Consents					
Order Limits Boundary	2.1.1	EXA Infrastructure assets within the Order Limits should be identified and agreed.	The assets have been identified, shared and agreed (29 March 2020).	Draft DCO (Application Document 3.1)	Matter Agreed
Design – Road, Tunnels, Utilities					
Diversions: Clashes with LTC Permanent Works	2.1.2	EXA Infrastructure / Instalcom has shared their designs with the Project.	Outline (Single) option diversions have been proposed by EXA Infrastructure and considered by the Project. Further development of these is required at the detailed design stage in conjunction with the Contractor.	N/A	Matter Under Discussion
Operational Outages (constraints)	2.1.3	EXA Infrastructure cables must remain in working condition at all times, planned outages will be controlled by EXA Infrastructure and its contractors. All planned outages Works to be	The protective provisions confirm that National Highways will continue to comply with the obligations in Part 10 (<i>undertaker's works affecting electronic communications</i>)	Protective Provisions in Schedule 14, of the draft DCO	Matter Under Discussion

Topic	Item number	EXA comment	National Highways comment	Document Reference	Status
		coordinated across the Project and to be scheduled in parallel.	<i>apparatus</i>) to the Electronic Communications Code. National Highways consider that this should provide EXA with comfort and resolve any concerns on outages.	(Application Document 3.1)	
Coordinated Design	2.1.4	EXA Infrastructure / Instalcom has shared their designs with the Project.	The Project has shared the Draft Coordinated Design to understand GTT-KPN assets in relation to other Statutory Undertakers (issued 1 May 2020). All of the Project design requirements are to be coordinated at the detailed design stage and where relevant, will be discussed with EXA Infrastructure prior to the commencement of works.	N/A	Matter Under Discussion
Redundant Assets	2.1.5	EXA Infrastructure are not responsible for removing any redundant assets.	The Project will remove any redundant assets wherever possible and where not feasible will be identified and marked for the construction period.	N/A	Matter Agreed
Construction					
Construction Contract	2.1.6	The understanding is that this will be delivered under New Road and Street Works Act 1991 (NRSWA) using the C3 – C9 process.	The works are to be delivered under NRSWA.	N/A	Matter Agreed
Operation and Maintenance					
Maintenance Access	2.1.7	EXA Infrastructure need to retain access to their network for	Maintenance access requirements will be developed with the Contractor	Protective Provisions	Matter Agreed


Topic	Item number	EXA comment	National Highways comment	Document Reference	Status
		maintenance throughout the duration of the Project 24*7 EXA infrastructure apparatus should be returned to public highway on completion of the works.	for both the temporary and permanent scenarios. Any restriction of this access will be on the grounds of safety and the Contractor will liaise with EXA Infrastructure in advance of the restrictions. National Highways consider the protective provisions, which incorporate the Electronic Communications Code, adequately protect EXA Infrastructure's access to apparatus for maintenance.	in Schedule 14, of the draft DCO (Application Document 3.1)	
Protective Provisions					
Protective Provisions	2.1.8	The parties continue to discuss the terms of the Protective Provisions. EXA Infrastructure has a statutory function to deliver a service and EXA needs to ensure that there is no detriment to its undertaking as a result of the works.	National Highways consider the protective provisions, which incorporate the Electronic Communications Code, adequately protect EXA Infrastructure's existing assets. EXA Infrastructure have agreed to standard National Highways Protective Provisions.	Protective Provisions in Schedule 14, Part 2 of the Draft DCO (Application Document 3.1)	Matter Agreed
Protection of existing Assets	2.1.9	EXA Infrastructure recognises that the draft protective provisions provide a mechanism for the protection of EXA's existing apparatus.	The Protective Provisions provide adequate protection for EXA Infrastructure assets.	Protective Provisions, Schedule 14, Part 2 of the Draft	Matter Under Discussion

Topic	Item number	EXA comment	National Highways comment	Document Reference	Status
			Protection of those assets impacted by the Project will be discussed at the detailed design stage, prior to the commencement of works, where relevant.	DCO (Application Document 3.1)	

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) EXA.

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

Name	Justin Hill
Position	Senior manager UK
Organisation	Exa Infrastructure
Signature	Justin hill

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.
New Roads and Street Works Act	NRSWA	Legislation for the Co-ordination of Street Works and Works for Road. Purposes and Related Matters.
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.

Appendix C List of engagement activities

- C.1.1 A summary of the meetings and correspondence undertaken 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 record of the key meetings and correspondence undertaken between (1) National Highways and (2) EXA Infrastructure in relation to the matters addressed in this SoCG.

Table C.1 Engagement activities between National Highways and EXA Infrastructure.

Date	Form of contact/ correspondence	Key topics discussed and key outcomes
Oct-Dec 2018	Statutory consultation	Statutory consultation Opportunity to comment on Project proposals
16/04/2019	Meeting (Progress)	Project Updated DR2.8 review Diversion Options
17/05/2019	Trial Hole (Drawings)	Trial hole information issued and reviewed
07/08/2019	Meeting (Progress)	LTC Project update Indicative diversions
10/09/2019	Workshop	Statement of Common Ground Workshop
10/09/2019	Meeting (Drawings)	DR2.11 Review (no change to proposal) Project Update Progress on C3+
13/08/2019	PP Document Issued to KPN under cover email from BDB Pitmans (N.Brown) to KPN (A.Vansoldt and W.Zuzarte) dated 13.8.2019 ref: LTC (KPN Assets) – Notes of Meeting {BDB-BDB1.FID9982427}	Protective Provisions Agreed 13.9.2020 and 30.4.2020.
01/10/2019	PP Document Issued to GTT under cover email from BDB Pitmans (N.Brown) to GTT (M.Hayward and N.Donovan) dated 01.10.2019 ref : LTC-Draft Protective Provisions (Telecoms) [BDB-BDB1.FID9982427]	Protective Provisions Agreed 4.2.2020

Date	Form of contact/ correspondence	Key topics discussed and key outcomes
19/11/2019	Meeting (Progress)	Discussed road alignment for DR2.14 Progress on the Project
15/01/2020	Letter	Project update and steps to achieve DCO.
Jan-March 2020	Supplementary consultation	Supplementary consultation
04/02/2020	Meeting (Progress)	Discussed road alignment for DR2.14 Progress on the project
04/05/2020	Design Release (Issued)	Issue of Design Release DR3.0A Road alignment Existing Assets Proposed Temporary & Permanent Diversions Combined Utilities Drawings
06/05/2020	Meeting (Technical)	Review the DR 3.0A Agree commencement of the detailed design
Jul-Aug 2020	Design refinement consultation	Design refinement consultation
May-Aug 2022	Email and Teams Meetings	SoCG issues and development

If you need help accessing this or any other National Highways information, please call **0300 123 5000** and we will help you.

© Crown copyright 2022.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/

write to the **Information Policy Team, The National Archives, Kew, London TW9 4DU**, or email psi@nationalarchives.gsi.gov.uk.

Mapping (where present): © Crown copyright and database rights 2022 OS 100030649. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

If you have any enquiries about this publication email info@nationalhighways.co.uk or call **0300 123 5000**.*

*Calls to 03 numbers cost no more than a national rate call to an 01 or 02 number and must count towards any inclusive minutes in the same way as 01 and 02 calls.

These rules apply to calls from any type of line including mobile, BT, other fixed line or payphone. Calls may be recorded or monitored.

Printed on paper from well-managed forests and other controlled sources when issued directly by National Highways.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

National Highways Company Limited registered in England and Wales number 09346363