

# Lower Thames Crossing

## 5.4.3.9 Statement of Common Ground between (1) National Highways and (2) the Health and Safety Executive

APFP Regulation 5(2)(q)

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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) National Grid Electricity Transmission plc (NGET).
- 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 The Health and Safety Executive (HSE) is Britain's national regulator for workplace health and safety. In the context of the Project, HSE has a specific interest in issues relating to an explosive anchorage located adjacent to the Project within the Thames River and proposed hyperbaric working conditions associated with tunnelling works. HSE also have a broader interest in the approach to be adopted by the Project for compliance with health and safety regulations, including the Construction (Design and Management) Regulations 2015 and technical aspects including making safe of the Barking Power Limited pipeline, which transects the construction site.

## 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 The Health and Safety Executive has not yet been able to complete their review of this Statement of Common Ground in line with their governance process. This Statement of Common Ground is therefore 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 the Health and Safety Executive 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) the Health and Safety Executive.

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	Health and Safety Executive comment	National Highways comment	Document Reference	Status
<b>DCO and consents</b>					
Disapplication of existing explosive licence	2.1.1	The HSE notes that the proposed tunnel lays under the Higham bight anchorage designated under the licence dated 28 May 1992 with the reference 9/92. That licence permits berthing and anchoring of vessels carrying explosives. The HSE has reviewed article 48 of the draft Development Consent Order and is content with the provisions included therein in relation to the existing licence.	National Highways takes seriously the safety of road users and agrees that the existing licence will need to be disappplied. The draft Development Consent Order includes a provision which ensures that the parts of the existing licence which would authorise the berthing or anchoring of vessels carrying mass explosion hazards and projection hazards cease to have effect from the date the Order is made.  National Highways is keeping the Port of London Authority informed on discussion with the HSE	Article 48 of draft DCO(3.1)	Matter Agreed
Hyperbaric working conditions -	2.1.2	The HSE considers that tunnelling contractors should do everything that can be reasonably done to avoid	National Highways takes seriously the safety of its tunnelling contractors. National Highways	N/A	Matter Agreed

Topic	Item number	Health and Safety Executive comment	National Highways comment	Document Reference	Status
Dispensation for working above 3.45 Bar pressure in tunnelling		working in conditions above 3.45 bar pressure during tunnelling works. If this cannot be accomplished, the HSE will review and consider a request by a Compressed Air Contractor for a dispensation from the 3.45 bar working limit upon receipt of a detailed method statement. Any agreement for dispensation will be subject to specific rules to be complied with by the Compressed Air Contractor. The HSE does not consider there is a barrier to the grant of that permission in due course, should it be necessary.	agrees to the HSE position that only a Compressed Air Contractor undertaking the tunnelling activities can apply for dispensation from the 3.45 bar working limit. National Highways will continue to work with its contractors and HSE to mitigate the need for hyperbaric working conditions where possible, or in the event that this cannot be achieved, support its contractors in seeking dispensation from HSE for working above the working limit. National Highways does not consider there is an impediment to seeking such a dispensation.		
The capping off and removal of sections of the former Barking Power Station gas pipeline	2.1.3	HSE position to be confirmed	<p>The Barking Power Limited (BPL) pipeline formerly connected the Barking Power Station to the gas transmission network. The pipeline is now redundant. A section of the pipeline transects the Project.</p> <p>National Highways is engaging with the HSE on the basis that the BPL pipeline is categorised as a high-pressure pipeline at the point of works commencing, i.e. assuming that BPL’s proposals have not progressed. However, National Highways understands</p>	N/A	Matter Under Discussion

Topic	Item number	Health and Safety Executive comment	National Highways comment	Document Reference	Status
			<p>that BPL expects works to grout fill the decommissioned pipeline will be done during 2023. If completed, that would facilitate the Project's proposed removal of certain sections of the pipeline, because there would be no need for capping. However, as National Highways cannot be certain that the works would be carried out as currently envisaged, the DCO as applied for will contain sufficient powers, as a contingency, to enable the Project to cap the pipe such that all works as may be necessary to remove the relevant sections of pipeline are authorised by the DCO. National Highways is engaging with the HSE on this basis and ensuring the consistency of messaging with BPL.</p>		



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

N/A

## Appendix B Glossary

<b>Term</b>	<b>Abbreviation</b>	<b>Explanation</b>
Barking Power Limited	BPL	Owner of the redundant high pressure gas pipeline between Barking Power Station and the gas transmission network
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
High pressure compressed air	HPCA	Associated with working in high pressure compressed air at the head of the tunnel boring machine
Health and Safety Executive	HSE	Britain's national regulator for workplace health and safety
Statement of Common Ground	SoCG	This document detailing the issues agreed, under discussion or not agreed at the time of examination

## 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.

**Table C.1 Engagement activities between National Highways and the Health and Safety Executive.**

Date	Form of contact/ correspondence	Key topics discussed and key outcomes
27/03/2019	Meeting	General update between HSE and the Project
22/05/2019	Meeting	General update between HSE and the Project
02/07/2019	Meeting	Review of HPCA
04/09/2019	Meeting	Discussion on hyperbaric working conditions associated with tunnelling activities
10/10/2019	Meeting	Discussion on hyperbaric working conditions associated with tunnelling activities
15/11/2019	Meeting	Discussion on hyperbaric working conditions associated with tunnelling activities
24/01/2020	Meeting	Discussion on hyperbaric working conditions associated with tunnelling activities
05/08/2022	Meeting	Discussion about disapplication of existing explosive licence as part of Project DCO
06/09/2022	Meeting	Overall Project update with HSE Principal Inspectors and discussion of SoCG topics

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