

Lower Thames Crossing

5.4.3.22 Statement of Common Ground between (1) National Highways and (2) Verizon UK Ltd

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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 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 in respect of the Project by (1) National Highways, and (2) Verizon UK 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 Verizon UK Limited offer telecommunication services within the UK. The company provide global internet technology, security and communication services, via its global fibre network. Providing fast and reliable communication to meet the needs of a business.

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 Verizon UK 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 Verizon UK Limited. However, if new matters arise Verizon UK 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 Verizon UK Limited, 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) Verizon UK Limited in relation to the matters addressed in this Statement of Common Ground.

2 Issues

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) Verizon UK 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	Verizon UK Ltd. comment	National Highways comment	Document Reference	Status
DCO and Consents					
Land Agreements/rights	2.1.1	Verizon UK Ltd. assets will only be in the adopted highway so there are no issues with land agreements or easements.	The draft DCO contains the appropriate powers necessary for the diversion of Verizon UK Ltd.'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. All Verizon UK Ltd. apparatus to remain within the publicly maintainable highway on completion of the Project.	Draft DCO (Application Document 3.1	Matter Agreed
Order Limits Boundary	2.1.2	The Verizon UK Ltd. assets within the Order Limits have been identified and agreed.	This has been shared and agreed	Draft DCO (Application Document 3.1	Matter Agreed

Topic	Item number	Verizon UK Ltd. comment	National Highways comment	Document Reference	Status
Design – Road, Tunnels, Utilities					
Diversions: Clashes with Permanent Works	2.1.3	Verizon UK Ltd. to share their designs with the Project.	Outline (Single) option diversions have been proposed. Further development of these is required. Designs are awaited from Verizon UK Ltd. and this will then be a matter for detailed design. However, the Protective Provisions adequately protect Verizon UK Ltd..	N/A	Matter Under Discussion
Operational Outages (constraints)	2.1.4	Works to be coordinated across the Project and to be scheduled in parallel.	These need to be developed and included in the main programme. Contingency Planning during switch over of assets. Designs are awaited from Verizon UK Ltd. and this will then be a matter for detailed design. However, the PPs adequately protect Verizon UK Ltd.. This is ongoing until start on site.	N/A	Matter Under Discussion
Coordinated Design	2.1.5	Verizon UK Ltd. to share their designs with the Project.	Draft Coordinated Designs to be shared between the Project and Verizon UK Ltd. to understand Verizon UK Ltd. assets in relation to other Statutory Undertakers assets. Designs are awaited from Verizon UK Ltd. and this will then be a matter for detailed design.	N/A	Matter Under Discussion

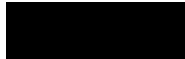
Topic	Item number	Verizon UK Ltd. comment	National Highways comment	Document Reference	Status
			However, the Protective Provisions adequately protect Verizon UK Ltd..		
Redundant Assets	2.1.6	Verizon UK Ltd. are not responsible for removing any redundant assets.	National Highways can confirm that the redundant assets will be removed by the Project during construction wherever possible and where not feasible will be identified and marked (upon the completion of the Project construction, the updating of this shall cease).	N/A	Matter Agreed
Construction					
Construction Contract	2.1.7	The understanding is that this will be delivered under the New Roads and Street Works Act 1991 (NRSWA).	Agree to be delivered through NRSWA.	N/A	Matter Agreed
Protective Provisions					
Protective Provisions	2.1.8	The parties continue to discuss the terms of the Protective Provisions. Verizon UK Ltd. has a statutory function to deliver a service and Verizon UK Ltd. needs to ensure that there is no detriment to its undertaking as a result of the works. Verizon UK Ltd. have provided a set of additional requirements. HE Engineering Team to confirm that the requirements are reasonable and manageable.	National Highways and Verizon UK Ltd. have agreed the protective provisions for operators of electronic communications code networks. The additional requirements sought by Verizon UK Ltd. have been approved by the Project.	Protective provisions, Schedule 14 of draft DCO (Application Document 3.1)	Matter Agreed

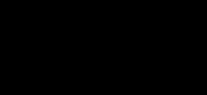
Topic	Item number	Verizon UK Ltd. comment	National Highways comment	Document Reference	Status
Protection of existing Assets	2.1.9	Verizon UK Ltd. recognises that the draft protective provisions provide a mechanism for the protection of Verizon UK Ltd.'s existing apparatus.	<p>The Protective Provisions in Part 2 of Schedule 14 to the Order contain the following text, confirming that the provisions of the Electronic Communications Code (ECC) continue to apply:</p> <p>The exercise of the powers conferred by article 37 (statutory undertakers) is subject to Part 10 (undertaker's works affecting electronic communications apparatus) to the electronic communications code.</p>	Protective provisions, Schedule 14 of draft DCO (Application Document 3.1)	Matter Agreed
Maintenance Access	2.1.10	Verizon UK Ltd. need to retain access to their network for maintenance throughout the duration of the Project.	<p>This will need to be developed when the Main Works contract has been awarded.</p> <p>Any restriction of this access will be on the grounds of safety and the Contractor will liaise with Verizon UK Ltd. in advance of the restrictions.</p> <p>There are adequate protections to Verizon UK Ltd.'s interests set out in the Protective Provisions. Also see the comment in regarding the Protective Provisions and the ECC which prohibits interference with operators' apparatus except in certain circumstances or following specified procedures.</p>	Protective provisions, Schedule 14 of draft DCO (Application Document 3.1)	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) Verizon UK Ltd.

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

Name	Mark Hutson
Position	Project Manager
Organisation	Verizon
Signature	 14.10.22

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.
Electronic Communications Code	ECC	The electronic communications code is set out in Schedule 3A of the Communications Act 2003. It is a set of rights that are designed to facilitate the installation and maintenance of electronic communications networks.
New Road and Street Works Act 1991	NRSWA	Legislation for the co-ordination of street works, works for road purposes and related matters.
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 that has taken place between Highways England and Verizon UK Ltd. 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) Highways England and (2) Verizon UK Ltd. Limited in relation to the matters addressed in this SoCG.

Table C.1 Engagement activities between National Highways and Verizon UK Ltd.

Date	Form of contact/correspondence	Key topics discussed and key outcomes
Oct-Dec 2018	Statutory consultation	<ul style="list-style-type: none"> Statutory consultation Opportunity to comment on Project proposals.
22/01/2019	Meeting (Progress)	<ul style="list-style-type: none"> Project Updated DR2.8 review Diversion Options
17/05/2019	Trial Hole (Drawings)	<ul style="list-style-type: none"> Trial hole information issued and reviewed
30/10/2019	Meeting (Progress)	<ul style="list-style-type: none"> LTC Project update Indicative diversions Contract Options – NRSWA only
30/10/2019	Workshop	<ul style="list-style-type: none"> Statement of Common Ground Workshop
11/11/2019	Meeting (Drawings)	<ul style="list-style-type: none"> DR2.11 Review (no change to proposal)
08/05/2019	Protective Provisions Document	<ul style="list-style-type: none"> Issued to Verizon UK Ltd. under cover of email from BDB Pitmans (N. Brown) to Verizon UK Ltd. (M. Hutson) dated 08/05/2019 ref: LTC-Draft PP (Telecoms) [BDB-BDB1.FID9982427] Protective Provisions Agreed 06/06/2019
21/12/2019	Meeting (Progress)	<ul style="list-style-type: none"> Discussed road alignment for DR2.14 Progress on the project
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
02/02/2020	Estimate (C3)	<ul style="list-style-type: none"> Cost Estimate received for diversions works
04/05/2020	Design Release (Issued)	<ul style="list-style-type: none"> Issue of Design Release DR3.0A Road alignment Existing Assets Proposed Temporary & Permanent Diversions

Date	Form of contact/correspondence	Key topics discussed and key outcomes
		<ul style="list-style-type: none"> • Combined Utilities Drawings
TBA	Meeting (Technical)	<ul style="list-style-type: none"> • Review the DR 3.0A • Agree commencement of the detailed design
Jul-Aug 2020	Design refinement consultation	<ul style="list-style-type: none"> • Design refinement consultation
29.01.2021	C4 Estimate issued by Verizon UK Ltd.	<ul style="list-style-type: none"> • Cost Estimate received for diversions works
22.04.2022	Revised C4 Estimate issued by Verizon UK Ltd.	<ul style="list-style-type: none"> • Revised Cost Estimate received for diversions works after design changes by LTC

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