

# Lower Thames Crossing

## 5.4.3.23 Statement of Common Ground between (1) National Highways and (2) Virgin Media Limited

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## Statement of Common Ground between (1) National Highways and (2) Virgin Media Limited

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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 in respect of the Project by (1) National Highways, and (2) Virgin Media Limited (Virgin).
- 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 Virgin Media Limited are a UK telecommunication company and since 2006 have merged with a number of UK fibre companies. Its network is to supply cabinets where service providers can take high speed fibre connections to premises, both domestic and commercial. Currently covering 51% of UK households.

## 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 Virgin Media 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 Virgin Media Limited. However, if new matters arise Virgin Media 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 Virgin Media 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) Virgin Media 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) Virgin Media 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	Virgin Media Limited comment	National Highways comment	Document Reference	Status
<b>Design – Road, Tunnels, Utilities</b>					
Diversions: Clashes with Permanent Works	2.1.1	Resolved by installing temporary diversions.	Outline (Single) option diversions have been proposed. Further development of these is required at the detailed design stage.	N/A	Matter Agreed
Coordinated Design	2.1.2	Virgin design has remained the same through the design releases except for the temporary diversions	The Project's Draft Coordinated Design has been shared with Virgin Media Limited to understand their assets in relation to other Statutory Undertakers.	N/A	Matter Agreed
Tunnel infrastructure	2.1.3	Virgin Media would like to install cables within the tunnel	National Highways continue to engage with Virgin Media to clarify the scope of the request.	N/A	Matter Under Discussion
Operational Outages (constraints)	2.1.4	90-day customer notification on the cable changeovers	These need to be developed and included in the main programme. Contingency planning during switch over of assets. Ongoing until start on site.	N/A	Matter Under Discussion


Topic	Item number	Virgin Media Limited comment	National Highways comment	Document Reference	Status
<b>Protective Provisions</b>					
Maintenance Access	2.1.5	Access required to chambers once cables are in.	Maintenance access to Virgin Media's assets is protected in the protective provisions which use the Electronic Communications Code (ECC). All assets are proposed to be relocated into the adoptable highway.	Protective Provisions in Schedule 14 of the draft DCO (3.1)	Matter Agreed
Protection of existing Assets	2.1.6	Virgin Media recognises that the draft protective provisions provide a mechanism for the protection of Virgin Media's existing apparatus.	Virgin Media assets are protected via the protective provisions. These robust provisions effectively protect Virgin Media and numerous other telecoms operators. Virgin Media has agreed to the protective provisions from National Highways.	Protective Provisions in Schedule 14 of the draft DCO (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) Virgin Media Limited.**

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

Name	Daniel Barrier
Position	Access Planner – Diversionary Works
Organisation	Virgin Media O2
Signature	



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

N/A

## Appendix B Glossary

<b>Term</b>	<b>Abbreviation</b>	<b>Explanation</b>
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.
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.
- 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) Virgin Media Limited in relation to the matters addressed in this SoCG.

**Table C.1 Engagement activities between National Highways and Virgin Media Limited.**

Date	Form of contact/correspondence	Key topics discussed and key outcomes
Oct-Dec 2018	Statutory consultation	<ul style="list-style-type: none"> <li>Statutory consultation</li> <li>Opportunity to comment on Project proposals.</li> </ul>
16/04/2019	Meeting (Progress)	<ul style="list-style-type: none"> <li>Project Updated</li> <li>DR2.8 review</li> <li>Diversion Options</li> </ul>
17/05/2019	Trial Hole (Drawings)	<ul style="list-style-type: none"> <li>Trial hole information issued and reviewed</li> </ul>
07/08/2019	Meeting (Progress)	<ul style="list-style-type: none"> <li>LTC Project update</li> <li>Indicative diversions</li> </ul>
10/09/2019	Workshop	<ul style="list-style-type: none"> <li>Statement of Common Ground Workshop</li> </ul>
10/09/2019	Meeting (Drawings)	<ul style="list-style-type: none"> <li>DR2.11 Review (no change to proposal)</li> <li>Project Update</li> <li>Progress on C3+</li> </ul>
07/05/2019	Protective Provisions Document Issued to Virgin Media Limited under cover email from BDB Pitmans (N. Brown) to Virgin Media Limited (D, Barrier) ref : Lower Thames Crossing	<ul style="list-style-type: none"> <li>Protective Provisions Agreed 05.06.2019</li> </ul>
13/11/2019	Meeting (Progress)	<ul style="list-style-type: none"> <li>Discussed road alignment for DR2.14</li> <li>Progress on the project</li> </ul>
15/01/2020	Letter	<ul style="list-style-type: none"> <li>Project update and steps to achieve DCO.</li> </ul>
Jan-March 2020	Supplementary consultation	<ul style="list-style-type: none"> <li>Supplementary consultation</li> </ul>
04/05/2020	Design Release (Issued)	<ul style="list-style-type: none"> <li>Issue of Design Release DR3.0A</li> <li>Road alignment</li> <li>Existing Assets</li> <li>Proposed Temporary &amp; Permanent Diversions</li> </ul>

<b>Date</b>	<b>Form of contact/correspondence</b>	<b>Key topics discussed and key outcomes</b>
		<ul style="list-style-type: none"><li>• Combined Utilities Drawings</li></ul>
02/06/2020	Meeting (Technical)	<ul style="list-style-type: none"><li>• Review the DR 3.0A</li><li>• Agree commencement of the detailed design</li></ul>
Jul-Aug 2020	Design refinement consultation	<ul style="list-style-type: none"><li>• Design refinement consultation</li></ul>
23/06/2022	Meeting	<ul style="list-style-type: none"><li>• SoCG meeting</li></ul>

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