

Lower Thames Crossing

5.4.3.25 Statement of Common Ground between (1) National Highways and (2) Zayo Group UK 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 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 issues 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) Zayo Group UK Limited (Zayo).
- 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 Zayo operate a number of fibre optic communication cables in Zayo owned ducts and 3rd party leased ducts affected by the Project.

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 Zayo. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Zayo, if new matters arise Zayo 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 Zayo, 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) Zayo 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) Zayo.

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	Zayo comment	National Highways comment	Document Reference	Status
DCO and consents					
Order Limits Boundary	2.1.1	Zayo assets within the Order Limits should be identified and agreed.	This has been shared and agreed.	Draft DCO (Application document 3.1)	Matter Agreed
Design – Road, Tunnels, Utilities					
Diversions: Clashes with LTC Permanent Works	2.1.2	Zayo/JSM who are the contractors working on behalf of Zayo have shared their designs with the Project.	Outline (Single) option diversions have been proposed. Further development of these is required: Completed by July 2021.	N/A	Matter Agreed
Operational Outages (constraints)	2.1.3	Zayo cables must remain in working condition at all times, planned outages will be controlled by Zayo and its contractors. All planned outages Works to be coordinated across the Project and to be scheduled in parallel.	These will 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
Coordinated Design	2.1.4	Zayo/ JSM has shared their designs with the Project.	Draft Coordinated Design is to be shared by the Project to be shared	N/A	Matter Agreed


Topic	Item number	Zayo comment	National Highways comment	Document Reference	Status
			to understand JSM Construction Limited and Zayo Group UK Limited assets in relation to other Statutory Undertakers (issued 1 May 2020).		
Redundant Assets	2.1.5	Zayo are not responsible for removing any redundant assets.	National Highways can confirm that the redundant assets will be removed wherever possible and where not feasible will be identified and marked during the construction period.	N/A	Matter Agreed
Construction					
Ground Investigation (GI)	2.1.6	Zayo require Ground Investigation information.	The ground investigation works have commenced and liaison with the Utilities Trial Trench Team is on-going. There are no missing assets identified to date.	N/A	Matter Agreed
Construction Contract	2.1.7	The understanding is that this will be delivered under New Road and Street Works Act 1991 (NRSWA) using the C3 – C9 process.	National Highways can confirm that this will be delivered through NRSWA 1991 with confirmation on date and version to be confirmed.	N/A	Matter Agreed
Operation and Maintenance					
Maintenance Access	2.1.8	Zayo need to retain access to their network for maintenance throughout the duration of the Project 24/7 Zayo apparatus should be returned to public highway on completion of the works.	As set out in the Protective Provisions, National Highways will comply with the provisions of the Electronic Communications Code which should resolve any concerns from Zayo on access to their assets.	N/A	Matter Agreed


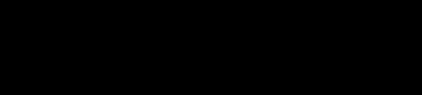
Topic	Item number	Zayo comment	National Highways comment	Document Reference	Status
Protective Provisions					
Protective Provisions	2.1.9	Zayo recognises that the draft protective provisions provide a mechanism for the protection of Zayo’s existing apparatus.	National Highways have shared draft protective provisions for the protection of operators of the electronic communications code with Zayo. National Highways is pleased to note that these provisions have been agreed and believe that the provisions of the ECC sufficiently deal with Zayo’s concerns	Protective Provisions	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) Zayo Group UK Limited.

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

Name	Steve Witt
Position	Planning Manager
Organisation	 half of Zayo
Signature	 [21/09/2022]

Appendix A Documents considered within this Statement of Common Ground

N/A

Appendix B Glossary

Term	Abbreviation	Explanation
Development Consent Order	DCO	The Project Application Documents, collectively known as the 'DCO application'.
Ground Investigation	GI	Several levels of investigation from desk-based research to onsite sampling to evaluate challenges related to soil/ground.
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	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 consultation undertaken between (1) National Highways and (2) Zayo in relation to the issues addressed in this SoCG.

Table C.1 Engagement activities between National Highways and Zayo.

Date	Form of contact/ correspondence	Key topics discussed and key outcomes
26/11/2021	Meeting	Monthly progress meeting for Detailed Design Contract (C4) and Project Update
21/01/2022	Meeting	Monthly progress meeting for Detailed Design Contract (C4) and Project Update
16/02/2022	Meeting	Monthly progress meeting for Detailed Design Contract (C4) and Project Update
13/04/2022	Meeting	Monthly progress meeting for Detailed Design Contract (C4) and Project Update
13/05/2022	Meeting	Monthly progress meeting for Detailed Design Contract (C4) and Project Update
29/06/2022	Email	SoCG
10/08/2022	Meeting	SoCG
19/08/2022	Email	SoCG
02/09/2022	Email	SoCG
09/2022	Meeting	Monthly progress meeting for Detailed Design Contract (C4) and Project Update
12/09/2022	Email	SoCG

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