

Lower Thames Crossing

5.4.3.21 Statement of Common Ground between (1) National Highways and (2) UK Power Networks

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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) UK Power Networks.
- 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 UK Power Networks (UKPN) is a licensed distribution network operator (DNO) for electricity covering Southeast England, the East of England and London, managing three licensed distribution networks (Southeastern Power Networks PLC, Eastern Power networks PLC and London Power Networks PLC) which together cover an area of 30000 square kilometres and approximately eight million customers.

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 UK Power Networks. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to UK Power Networks. However, if new matters arise UK Power Networks 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 UKPN, 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) UKPN 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) UK Power Networks.
- 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 | UK Power Networks comment | National Highways comment | Document Reference | Status |
|-----------------------------------|-------------|--|--|------------------------------|-------------------------|
| DCO and Consents | | | | | |
| Scope of the Order | 2.1.1 | UKPN require all their works to be consented within the scope of works in the DCO. | All UKPN works to be consented within the scope of works in the draft DCO including any associated enabling works. | Draft DCO (3.1) | Matter Agreed |
| Land requirements and land rights | 2.1.2 | The land requirements and land rights for the benefit of UKPN to be sought. | The draft DCO contains the appropriate powers necessary for the diversion of UKPN'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. Compounds and access roads for the use of UKPN have been assessed as part of the Project and are shown in the Temporary Works Plans (Application Document 2.17). UKPN are requested to continue to liaise with the Project during the detailed design development to ensure their requirements are considered. | Temporary Works Plans (2.17) | Matter Under Discussion |
| | | Access routes required for UKPN works and compounds to be included in DCO boundary and responsibility of the Project. Linked to Division of Responsibilities document – “SU MIL Rev 26- UKPN_1st Draft SF” | | | |
| Division of Responsibility | 2.1.3 | Confirmation of responsibilities for delivering mitigation, discharging Requirements | The DCO, as drafted, makes National Highways solely responsible for the discharge of Requirements and other obligations as regards the conduct of the works. Where responsibility for the conduct of certain works is subsequently transferred to a third party (e.g. a utility in respect of significant works to their infrastructure), the division of responsibility for the discharge of such obligations as between National Highways and that third party would be determined on a contractual basis between them. | Draft DCO (3.1) | Matter Under Discussion |

| Topic | Item number | UK Power Networks comment | National Highways comment | Document Reference | Status |
|------------------------|-------------|--|--|--|-------------------------|
| Land Use Plans | 2.1.4 | Accurate reflection of UKPN rights sought required. Access routes required for UKPN works and compounds to be included in DCO boundary and responsibility of the Project. Linked to Division of Responsibilities document – SU MIL Rev 26-UKPN_1 st Draft SF | The Project’s land use plans sufficiently accommodate UKPN’s land requirements. Compounds and access roads for the use of UKPN have been assessed as part of the Project and are shown in the Temporary Works Plans (Application Document 2.17). UKPN are requested to continue to liaise with the Project during the detailed design development to ensure their requirements are considered. | Control documents Temporary Works Plans (2.17) | Matter Under Discussion |
| Associated development | 2.1.5 | UKPN non-contestable works to be identified as associated development in the DCO. Split between contestable and non-contestable works linked to ‘UKPN Contestability Review 220615 Release’ document. Not yet agreed. | UKPN works are identified as associated development within the draft DCO. | Draft DCO (3.1) | Matter Under Discussion |
| Ecology | 2.1.6 | Ecological reports produced by the Project have not been shared with UKPN. Reports to be provided in a timely manner to allow UKPN to review design/scope/costs ahead of the delivery of the works. The Project and UKPN to agree timelines for provision of Ecology information ahead of developed design and delivery works. | This information is included within the application documents. Once the cable route has been finalised, there is a pre-commencement requirement in Sch2 7. Protected Species, which requires a final pre-construction survey. All of the relevant updated ecological reports will be issued in advance of construction phase. Designs are to progress making reasonable assumption. | Environmental Statement (ES) (Vol 6) | Matter Under Discussion |
| Arboriculture | 2.1.7 | Arboriculture reports produced by the Project have not been shared with UKPN. Reports to be provided in a timely manner to | This information is included within the application documents and the Project designs have included UKPN’s requirements. All the relevant updated Arboriculture reports will be | Environmental Statement (ES) (Vol 6) | Matter Under Discussion |

| Topic | Item number | UK Power Networks comment | National Highways comment | Document Reference | Status |
|-----------------------------|-------------|---|--|---|-------------------------|
| | | allow UKPN to review design/scope/costs ahead of the delivery of the works. The Project and UKPN to agree timelines for provision of Arboriculture information ahead of developed design and delivery works. | issued in advance of the construction phase. Timelines for the provision of the arboriculture information are to be agreed between the parties. | | |
| Archaeological | 2.1.8I | Archaeological reports produced by the Project have not been shared with UKPN. Reports to be provided in a timely manner to allow UKPN to review design/scope/costs ahead of the delivery of the works. The Project and UKPN to agree timelines for provision of Archaeological information ahead of developed design and delivery works. | This information is included within the application documents. Once the cable route has been finalised, where any interaction is identified with areas of archaeological interest, appropriate investigation of these areas will be undertaken and the relevant mitigation measures implemented as set out in Schedule 2 of the draft DCO. All of the relevant updated Archaeological reports will be issued in advance of the construction phase. Timelines for the provision of the archaeological information are to be agreed between the parties. | Environmental Statement (Vol 6); Schedule 2 of dDCO (3.1) | Matter Under Discussion |
| Flood Risk Assessment (FRA) | 2.1.9 | Flood Risk Assessment report produced by the Project has not been shared with UKPN Reports to be provided in a timely manner to allow UKPN to review design/scope/costs ahead of the delivery of the works. the Project and UKPN to agree timelines for provision of Flood Risk information ahead of developed design and delivery works. | This information is included within the application documents. Once the cable route has been finalised, an updated FRA associated to the cable route will be required for those cable routes falling in Flood Zone 3. The FRA will be included within the DCO submission. Designs are to progress making reasonable assumptions. Timelines for the provision of the FRA information are to be agreed between the parties. | Environmental Statement (Vol 6) | Matter Under Discussion |

| Topic | Item number | UK Power Networks comment | National Highways comment | Document Reference | Status |
|--|-------------|--|--|--------------------|-------------------------|
| Vegetation Clearance | 2.1.10 | Vegetation clearance required for certain sections of the proposed cable routes. UKPN are awaiting for arboriculture survey produced by the Project. UKPN has identified areas where the proposed works require vegetation clearance based on information available at the time. Reports to be provided in a timely manner to allow UKPN to review design/scope/costs ahead of the delivery of the works. National Highways and UKPN to agree timelines for provision of Arboriculture information ahead of developed design and delivery works. | Vegetation clearance considered in line with the proposals of Design Release 3.3. The Division of Responsibility is to determine that the National Highways appointed Contractor undertakes vegetation clearance. UKPN are to communicate their specific requirements at the detailed design stage. Timelines for the provision of the information are to be agreed between the parties. | N/A | Matter Under Discussion |
| Diversion B4 HDD1- Under proposed highway (Station Road) | 2.1.11 | Awaiting for final details of HDD1 from National Highways. | HDD sketch received from UKPN has been incorporated in the design (Work No.MU30). Drawings to be updated once HDD1 design available, Contractor to consider the multi corridor HDDs. | N/A | Matter Under Discussion |
| Diversion C6- Orsett Cock Roundabout | 2.1.12 | Orsett roundabout is currently being modified. The OS Map still shows old bridge. | Diversion C6 sits within the Project multi-utility corridor (Work No. MUT19), which is aligned based on models for the modified roundabout received from the Orsett Cock developers. The cable will later be relocated into modified Rectory Road bridge (Work No. MU45) | N/A | Matter Under Discussion |
| Ditch Crossing | 2.1.13 | Confirmation required on ownership, ditch depths, existing topographical information and if | National Highways appointed Contractor to consider and coordinate as part of the detailed design. | N/A | Matter Under Discussion |

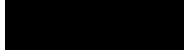
| Topic | Item number | UK Power Networks comment | National Highways comment | Document Reference | Status |
|--|-------------|---|--|---|-------------------------|
| | | any bespoke design or permits are required. | | | |
| Diversion D7 – Horizontal Directional Drilling (HDD) (St Marys Lane) | 2.1 | UKPN is waiting for updated HDD design | (Work No. MU79). National Highways appointed Contractor to consider and coordinate as part of the detailed design. | N/A | Matter Under Discussion |
| Design – Road, Tunnels, Utilities | | | | | |
| Asset protection | 2.1.15 | UKPN require assurance that their assets will be protected during the delivery of the Project. | National Highways and UKPN are discussing a form of protective provisions to protect UKPN's existing and diverted assets. | Protective Provisions in Schedule 14 of the draft DCO (3.1) | Matter Under Discussion |
| Construction Design Management (CDM) areas and access roads | 2.1.16 | UKPN waiting for location of the CDM compounds and access road to be agreed. | Compounds and access roads for the use of UKPN have been assessed as part of the Project and are shown in the Temporary Works Plans (Application Document 2.17). UKPN are requested to continue to liaise with the Project during the detailed design development to ensure their requirements are considered by the Contractor. | N/A | Matter Under Discussion |
| Provision of GI data | 2.1.17 | Targeted Ground Investigation (GI) information not available for UKPN route at various locations GI data to be provided in a timely manner to allow UKPN to review design/scope/costs ahead of the delivery of the works. National Highways and UKPN to agree timelines for provision of GI | National Highways to be responsible, unless otherwise agreed, for the provision of GI data to be utilised by UKPN in their design for the diversion of their assets. UKPN may rely on this data acquired for the design of all project work. | N/A | Matter Agreed |

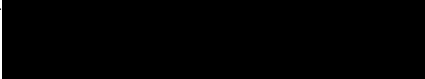
| Topic | Item number | UK Power Networks comment | National Highways comment | Document Reference | Status |
|---------------------------------------|-------------|--|---|---------------------------------|-------------------------|
| | | information ahead of developed design and delivery works. | | | |
| Environmental Impact Assessment (EIA) | 2.1.18 | UKPN want assurance that all the EIA for their works has been carried out by the Project. | National Highways are responsible for incorporating the scope of UKPN works in the EIA for DCO. | Environmental Statement (Vol 6) | Matter Agreed |
| Third party interface agreement | 2.1.19 | UKPN to manage the operational network interface with National Grid on behalf of the Project. Only applicable for UKPN works and assets affecting National Grid. | UKPN to manage the operational network interface with National Grid Electricity Transmission (the TSO) on behalf of the Project. | N/A | Matter Agreed |
| UKPN internal interfaces | 2.1.20 | UKPN to manage works to their network to achieve outages and connections on behalf of the Project in their operational areas. Applies to all UKPN assets that require an outage for works to be undertaken. | UKPN to manage works to their network to achieve outages and connections on behalf of the Project in their operational land. | N/A | Matter Agreed |
| Programming | 2.1.21 | Adequate time provision to be allowed in the Project schedule for UKPN works. No overall agreed Project programme in place at the moment. National Highways and UKPN to agree timelines for provision of Project programme information ahead of developed design and delivery works. | Adequate time provision to be allowed in the Project schedule for UKPN works. UKPN to be requested to confirm schedule requirements for the consideration of the Project. | N/A | Matter Under Discussion |

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) UK Power Networks.

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

| | |
|--------------|---|
| Name | Richard Baker |
| Position | Senior Surveyor |
| Organisation | UK Power Networks |
| Signature |  |

Appendix A Documents considered within this Statement of Common Ground

Appendix B Glossary

| Term | Abbreviation | Explanation |
|---------------------------------|--------------|--|
| Construction Design Management | CDM | Construction Design Management used in the context of the Construction (Design and Management) Regulations 2015. |
| Development Consent Order | CDO | Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008. |
| Environmental Impact Assessment | EIA | A process by which information about environmental effects of a proposed development is collected, assessed and used to inform decision making. For certain projects, EIA is a statutory requirement, reported an Environmental Statement. |
| Environmental Statement | ES | A document produced to support an application for development consent that is subject to Environmental Impact Assessment (EIA), which sets out the likely impacts on the environment arising from the proposed development. |
| Flood Risk Assessment | FRA | An assessment of the risk of flooding from all flooding mechanisms, the identification of flood mitigation measures, and identification of actions to be taken before and during a flood. |
| Ground Investigation | GI | Several levels of investigation from desk-based research to onsite sampling to evaluate challenges related to soil/ground. |
| Statement of Common Ground | SoCG | This document detailing the issues agreed, under discussion or not agreed at the time of examination. |
| Transmission System Operator | TSC | An entity entrusted with transporting energy on a national or regional level using fixed infrastructure. |
| UK Power Networks | UKPN | UK Power Networks is a distribution network operator for electricity covering South East England, the East of England and London. |

Appendix C List of engagement activities

- C.1.1 National Highways and UKPN have had extensive engagement since the inception of the Project. There has been engagement and dialogue through the statutory and non-statutory consultation, the various design iterations and releases. The engagement has been in the form of face-to-face meetings, MS Teams meetings, telephone calls and email correspondence.
- C.1.2 The parties are content for their engagement to be captured and presented in this manner.

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