

Lower Thames Crossing  
5.4.3.15 Draft Agreed Statement  
of Common Ground between  
(1) National Highways and (2)  
ITS Technologies  
(Tracked changes version)

Deleted: NextGen Access

APFP Regulation 5(2)(q)

Infrastructure Planning (Applications:  
Prescribed Forms and Procedure)  
Regulations 2009

Volume 5

DATE: July 2023  
DEADLINE: 1,

Deleted: October 2022

Planning Inspectorate Scheme Ref: TR010032  
Application Document Ref: TR010032/APP/5.4.3.15

VERSION: 2.0

Deleted: 1

Revision history

<u>Version</u>	<u>Date</u>	<u>Submitted at</u>
<u>1.0</u>	<u>31 October 2022</u>	<u>DCO Application</u>
<u>2.0</u>	<u>18 July 2023</u>	<u>Examination Deadline 1</u>

## Status of the Statement of Common Ground

This is an Agreed Draft Statement of Common Ground.

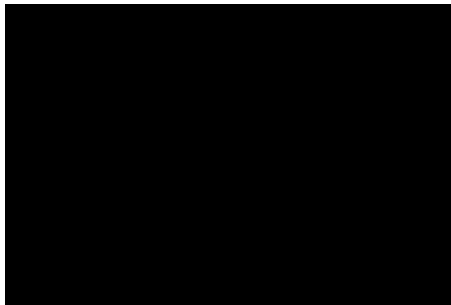
National Highways and ITS Technologies agree that this draft Statement of Common Ground is an accurate description of the matters raised and the current status of each matter.

**From:** [REDACTED]  
**Sent:** Monday, June 19, 2023 7:51 AM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** RE: LTC - ITS Technologies SoCG

Hi [REDACTED]

I am comfortable with this statement.

Regards,

The logo for ITS, consisting of the lowercase letters 'its.' in a bold, purple, sans-serif font.

A high-level overview of the engagement undertaken since the DCO application was submitted on 31 October 2022 is summarised in Appendix A.

## Lower Thames Crossing

### 5.4.3.15 Draft Agreed Statement of Common Ground between (1) National Highways and (2) ITS Technologies (Tracked changes version)

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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 on 31 October 2022.

1.1.2 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between National Highways (the Applicant) and ITS Technologies, and where agreement has not been reached. Where matters are yet to be agreed, the parties will continue to work proactively to reach agreement and will update the SoCG to reflect areas of further agreement.

1.1.3 This version of the SoCG has been submitted at Examination Deadline 1.

## 1.2 Principal Areas of Disagreement

1.2.1 On the 19 December 2022 the Examination Authority made some early procedural decisions to assist the Applicant, potential Interested Parties and themselves to prepare for the Examination of DCO application.

1.2.2 One of these procedural decisions was to use a tracker recording Principal Areas of Disagreement in Summary (PADS).

1.2.3 The PADS Tracker would provide a record of those principal matters of disagreement emerging from the SoCG and should be updated alongside the SoCG as appropriate throughout the examination with the expectation that a revised PADS Tracker should be submitted at every Examination deadline.

1.2.4 ITS Technologies elected not to produce a PADS Tracker at pre-examination stage, indicating to the Applicant that they did not have any principal areas of disagreement and were content that Table 2.1 within this SoCG adequately presented their matters.

## 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 following significant engagement, and "Matter under discussion" where these points will be the subject of ongoing discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. "Matter agreed" indicates where the issue has now been resolved.

**Deleted:** <#>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.¶

**Deleted:** <#>the parties named below

**Deleted:** <#>(yet)

**Deleted:** <#>SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific

**Deleted:** <#>that may need

**Deleted:** <#>addressed during

**Deleted:** <#>examination.

**Deleted:** <#>Parties to this Statement of Common Ground¶

**Deleted:** <#>prepared in respect of the Project by (

**Deleted:** <#>) National Highways, and (2) NextGen Access

**Deleted:** 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.¶

NextGen Access is a neutral host, managed fibre infrastructure service provider specialising in custom, scalable cost-effective core and access network dark fibre connectivity solutions. NextGen Access customers are carriers, data centre operators, service providers, mobile network operators and public sector bodies.¶

NextGen Access is a privately-owned company with interests in digital and other public infrastructure, sustainable energy and real estate.¶

NextGen Access have been asked by National Highways

**Deleted:** cost and lead times

**Deleted:** remove/replace their network

**Deleted:** support Project.

**Deleted:** <#>NextGen Access have agreed to support this Project.¶

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**Deleted:** on-going

## 2 Matters

### 2.1 Movement of outstanding matters

- 2.1.1 Following submission of the previous version of this Draft SoCG between the Applicant and ITS Technologies, further discussions on the outstanding matters have taken place. These discussions are summarised in Appendix A.
- 2.1.2 In Table 2.1, relevant issues relating to the dDCO articles and Requirements in Schedule 2 to the dDCO have been identified under the heading 'DCO and Consents'.
- 2.1.3 Table 2.1 details and presents the matters which have been agreed, not agreed, or are under discussion between (1) the Applicant and (2) ITS Technologies.
- 2.1.4 At Examination Deadline 1, there are two matters in total, of which two are agreed, none are not agreed and none remain under discussion.

Table 2.1 Matters

Topic	Item No.	ITS Technologies Comment	National Highways' Response	Application Document Reference	Status
<b>DCO and Consents</b>					
Protection of Existing Assets	2.1.1	ITS Technologies requires adequate protection of its assets and for this to be outlined in the standard Protective Provisions.	National Highways has addressed this within the Protective Provisions.	Draft DCO [Additional Submission AS-038]	Matter Agreed
<b>Design – Road, Tunnels, Utilities</b>					
Coordinated Design	2.1.2	The Project's design has no direct impact on the design of ITS Technologies assets.	National Highways issued its designs for the consideration of ITS Technologies. The Project notes ITS Technologies position; however, this matter is not one that the ExA would have to concern itself with.	N/A	Matter Agreed

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Moved up [1]

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Status of the Statement of Common Ground¶  
NextGen Access 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.¶  
National Highways considers that this Statement of Common Ground is an accurate description of the matters raised by the NextGen Access and the status of each matter, based on the engagement that has taken place to date, as set out in Appendix C.¶

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Deleted: number

Deleted: NextGen Access comment

Deleted: Highways comment

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Deleted: Draft DCO (Application Document 3.1)

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## Appendix A Engagement activity

A.1.1 National Highways and ITS Technologies 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, Microsoft Teams meetings, telephone calls and email correspondence.

A.1.2 The parties are content for their engagement to be captured and presented in the SoCG in this manner.

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Documents considered within this Statement of Common Ground¶  
Documents considered within this Statement of Common Ground¶  
N/A¶  
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## 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.
Statement of Common Ground	SoCG	This document detailing the issues agreed, under discussion or not agreed at the time of examination.

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¶  
¶ **List of engagement activities**¶  
A summary of the meetings and correspondence undertaken between the two parties in relation to the Project is outlined in Table C.1 below.¶  
¶ **Engagement activities between National Highways and NextGen Access**¶  
Date



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Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

National Highways Company Limited registered in England and Wales number 09346363