

# Lower Thames Crossing

## **5.4.3.18 Draft Agreed Statement of Common Ground between (1) National Highways and (2) Southern Gas Networks plc (Clean version)**

APFP Regulation 5(2)(q)

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**VERSION: 2.0**

## Revision history

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

## Status of the Statement of Common Ground

This is an Agreed Draft Statement of Common Ground with matters outstanding.

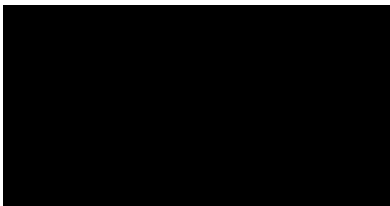
National Highways and Southern Gas Networks plc agree that this draft Statement of Common Ground is an accurate description of the matters raised and the current status of each matter.

**From:** [REDACTED]  
**Sent:** Tuesday, June 27, 2023 1:28 PM  
**To:** [REDACTED]  
**Subject:** RE: LTC - SGN Amended SoCG

Classified as Internal

Hi [REDACTED] Thanks for the reminder I would confirm that SGN is happy with the document in its current July 25 format.

Regards [REDACTED]



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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

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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 Southern Gas Networks plc, 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 the 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 Southern Gas Networks plc elected not to produce a PADS Tracker, at pre-examination stage, indicating to the Applicant that they were content that the number of outstanding matters within the SoCG was insufficient to warrant the exercise.

## 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.

## 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 Southern Gas Networks plc, further discussions on the outstanding matters have taken place. These discussions are summarised in Appendix A and the outcome of these discussions is summarised below.
- 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 The following matters have moved from 'matter under discussion' to 'matter agreed':  
2.1.7, 2.1.8, 2.1.16 and 2.1.18
- 2.1.4 The discussions between the parties have given rise to a new matter 2.1.19-EDI.
- 2.1.5 In the column 'Item No' in Table 2.1, 'Rule 6' indicates a matter entered in the SoCG as a result of a request in the Rule 6 letter, 'RRN' indicates a matter entered into the SoCG as a result of content in the Relevant Representation, 'RRE' indicates an existing SoCG matter that was also raised in the Relevant Representation and 'DLX' indicates a new matter added during examination at/around that deadline.
- 2.1.6 Table 2.1 details and presents the matters which have been agreed, not agreed, or are under discussion between (1) the Applicant and (2) Southern Gas Networks plc.
- 2.1.7 At Examination Deadline 1 there are 19 matters in total of which 10 are agreed and 9 that remain under discussion.

**Table 2.1 Matters**

Topic	Item No.	Southern Gas Networks Comment	National Highways' Response	Application Document Reference	Status
<b>DCO and consents</b>					
Southern Gas Network plc (SGN) Works	2.1.1	SGN Works shown on Plans conflict unacceptably with Southern Water and National Grid Gas diversions and cannot be built out as currently being consented in the DCO.	SGN's Works of concern (Work Nos. G1a and G1b) as shown on the Works Plans are those alignments agreed with SGN. The Applicant will facilitate the coordination of other utility network designs with SGN at the detailed design stage to ensure all works are compliant. These works, include Work Nos. G2, G3, MU7, MU10, MU11, MU17 & OH1. The draft DCO affords limits of deviation in which to resolve micro-siting issues.	Draft DCO [Additional Submission <a href="#">AS-038</a> ] Works Plans Volume B – Utilities (Version 2) [Additional Submission <a href="#">AS-028</a> ]	Matter Under Discussion
Protective Provisions	2.1.2	Protective Provisions are to be included within the DCO to ensure that the interests of SGN are adequately protected and to ensure compliance with relevant safety standards. SGN require this provision within the Order.	Form of protective provisions for DCO being discussed and current draft included within draft DCO (Schedule 14, Part 5, Protective Provisions for Specified Gas Undertakers). Side Agreement provision being discussed to manage the remaining issues.	Draft DCO [Additional Submission <a href="#">AS-038</a> ]	Matter Under Discussion
Utility land/rights	2.1.3  RRE	National Highways to confirm that all necessary land rights and Easements are included in the DCO. SGN has supplied all Land Easement requirements responsibility/risk to acquire the land needed is with	The draft DCO contains the appropriate powers necessary for the diversion of SGN'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.	Land Plans [Additional Submissions <a href="#">AS-006</a> to <a href="#">AS-010</a> ] Draft DCO [Additional	Matter Under Discussion

Topic	Item No.	Southern Gas Networks Comment	National Highways' Response	Application Document Reference	Status
		National Highways before diversion works can start.	This has been communicated to SGN.	<b>Submission <a href="#">AS-038</a></b>	
Division of Responsibility	2.1.4	Confirmation required of responsibilities for delivering mitigation, discharging Requirements and Phasing of Works re SGN/Southern Water/National Grid and other Statutory Undertakers.	The DCO, as drafted, makes the Applicant 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 provider in respect of significant works to their infrastructure), the division of responsibility for the discharge of such obligations as between the Applicant and that third party would be determined on a contractual basis between them.  Conversations are to continue between the Applicant and SGN regarding matters within that contract.	Draft DCO [ <b>Additional Submission <a href="#">AS-038</a></b> ]  Environmental Statement (ES) Appendix 2.2: Code of Construction Practice (CoCP), First Iteration of Environmental Management Plan [ <b>Application Document <a href="#">APP-336</a></b> ]	Matter Under Discussion
Environmental issues	2.1.5	Regarding Environmental Issues, such as waste management and noise control, SGN need a full understanding of the Division of Responsibility for Pre works and possible Construction works. This applies to SGN's Phase 1 and Phase 2 works.	The DCO, as drafted, makes the Applicant solely responsible for the discharge of Requirements and other obligations as regards the conduct of the works. The Applicant will facilitate the coordination of all environmental issues with SGN and the Contractors at detailed design to ensure all works are compliant.  The Applicant will update all matters/studies that are out of date in accordance with the draft DCO Schedule 2,	Draft DCO [ <b>Additional Submission <a href="#">AS-038</a></b> ]  ES Appendix 2.2: CoCP [ <b>Application Document <a href="#">APP-336</a></b> ]	Matter Agreed



Topic	Item No.	Southern Gas Networks Comment	National Highways' Response	Application Document Reference	Status
			Requirements, Part 1 Requirements and will discharge all Requirements in accordance with Part 2 of the Schedule.		
SGN – 24-hour working	2.1.6	<p>The Tunnel Boring Machine (TBM) needs to work 24 hours but hasn't been assessed/consented within the DCO. SGN cannot construct the Gas Diversions unless this is resolved. This can be addressed during the examination process. SGN are not convinced that S61 consent is an appropriate route to consent this, is there any certainty it will be obtained.</p>	<p>The 24-hour works are to be consented by the draft DCO. All relevant works, in agreement with the local planning authority, are subject to a further consent being obtained under section 61 of the Control of Pollution Act 1974.</p> <p>The applicable works (Work No. G1b) and working hours are listed in Table 6.1 and Table 6.4 of the CoCP. The Micro-TBM operation has been assessed as part of the ES, particularly ES Chapter 12: Noise and Vibration, with further details included within ES Appendix 12.6: Assessment of Ground-Borne Noise and Vibration at Land-Based Receptors and is to be consented by the DCO.</p> <p>As per the CoCP, S61 consents will be required to communicate impacts, mitigation and controls measures if required, in accordance with the Register of Environmental Actions and Commitments (REAC).</p>	<p>ES Appendix 2.2: CoCP  <b>[Application Document <a href="#">APP-336</a>]</b>                      Draft DCO  <b>[Additional Submission <a href="#">AS-038</a>]</b>                      ES <b>[Application Documents <a href="#">APP-138</a> to <a href="#">APP-485</a>]</b>                      ES Chapter 12: Noise and Vibration  <b>[Application Document <a href="#">APP-150</a>]</b>                      ES Appendix 12.6: Assessment of Ground-Borne Noise and Vibration at Land-Based Receptors  <b>[Application</b></p>	Matter Agreed

Topic	Item No.	Southern Gas Networks Comment	National Highways' Response	Application Document Reference	Status
				Document <a href="#">APP-446</a> ]	
Highway permits and orders	2.1.7	Not all temporary stopping ups required are included in the DCO. National Highways to access, consent and carry out all temporary stopping ups, including Missing Footpaths and Park Pale Lane before SGN starts onsite works.	Temporary closure, alteration, diversion and restriction of use of streets and private means of access are included in Schedule 3 (Article 12) and are represented on the plans contained within the Streets Subject to Temporary Restrictions of Use Plans. The Applicant will remain responsible for the highway permits and orders.	Draft DCO [Additional Submission <a href="#">AS-038</a> ] Streets Subject to Temporary Restrictions of Use Plans [Application Documents <a href="#">APP-027</a> to <a href="#">APP-029</a> ]	Matter Agreed
Utility works qualifying as Nationally Significant Infrastructure Projects (NSIPs)	2.1.19-ED1  Rule 6	SGN agree with the findings of the assessment resulting in no SGN works qualifying as an NSIP within its own right.	Those works required to the gas pipeline networks have been assessed by the Applicant in relation to section 20 of the Planning Act 2008. This assessment is detailed within ES Appendix 1.3: Assessment of proposed gas pipeline works for the purposes of section 20 of the Planning Act 2008.  The findings of the assessment are that no Works to the SGN network qualify as an NSIP within their own right as they fail to meet one or more of the tests contained within section 20 of the Planning Act 2008.  Works Nos. G1a and G1b have been assessed as likely to have a significant effect on the environment in relation to	ES Appendix 1.3: Assessment of proposed gas pipeline works for the purposes of section 20 of the Planning Act 2008 [Application Document <a href="#">APP-334</a> ]	Matter Agreed

Topic	Item No.	Southern Gas Networks Comment	National Highways' Response	Application Document Reference	Status
			terrestrial diversity, however, the condition in section 20(4), having a design operating pressure of more than 7 bar gauge, is not met.		
<b>Design – road, tunnels, utilities</b>					
Abandoned SGN main (Marling Cross)	2.1.8	SGN is currently planning to grout the full length of its abandoned asset but would like confirmation if National Highways has any other plans for its use or removal?	The Applicant has no further intent for the asset that is to be made redundant. The redundant length to remain <i>in situ</i> to be grouted by SGN and those sections to be removed, will be agreed at a later date, and is to be coordinated with the Contractors. This is to be secured in an agreement between the parties.	N/A	Matter Agreed
Ground investigation (GI) information	2.1.9	GI information not available for SGN route at various locations: <ul style="list-style-type: none"> <li>Proposed Tunnel Location</li> <li>Inn on the Lake</li> <li>Marling Cross</li> <li>Park Pale</li> </ul> which will adversely affect the potential final designs.	The Applicant to be responsible, unless otherwise agreed, for the provision of GI data to be utilised by SGN in their design for the diversion of their assets. This is to be secured in agreement between the parties.	N/A	Matter Under Discussion
Collection Pond Interface (Pond ID - POS02-002)	2.1.10	The Clay Lane pond located on new link road adjacent to A2 is proposed in proximity to the SGN easement strip which is a concern for SGN.	The Applicant will work with SGN during the detailed design to ensure the pond (Work No. 2N) and the pipeline have the required separations for operation, maintenance and construction of both the pipeline and the pond.	N/A	Matter Agreed

Topic	Item No.	Southern Gas Networks Comment	National Highways' Response	Application Document Reference	Status
			The Contractors will consider this at the detailed design stage.		
Proposed haul roads	2.1.11	Site access and haul roads interface with the existing and diverted gas networks, and SGN will have very large materials and plant delivered to the Compounds. Will National Highways design roads capable of supporting these lorries?	The haul road alignments and associated plant protection measures will be designed at the detailed design stage in conjunction with SGN, in accordance with the Design Manual for Roads and Bridges (DMRB), to ensure safe working proposals around SGN infrastructure.  This is to be secured by an agreement between the parties.	N/A	Matter Under Discussion
Compounds	2.1.12	SGN needs to use Compounds CA1, 2 and 3 and also the compound proposed at Park Pale.  Risk related to the ability to lay and construct the section of main between Inn on the Lake and Park Pale. Also the added issue of the lack of welfare facilities between Inn on the Lake and Park Pale.	The Marling Cross compound (CA1), A2 compound (CA2) and Park Pale Lane Utility Logistics Hub (ULH1) have been considered for use of, and for delivery of SGN works (Works Nos. G1a and G1b), but the space allocated within each compound needs to be coordinated with the Contractors.  The southern tunnel entrance compound (CA3) has not been considered for the use of SGN to deliver the Works due to geographical and contractual reasons.  The section of pipeline to be laid between the A2 compound and Park Pale Lane ULH is within an environmentally sensitive area and has works to be completed by the Contractor abutting it. At the detailed design stage, the Contractors and SGN	N/A	Matter Under Discussion

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			shall collaboratively review the proposals for the construction of the pipeline, including any additional pipe lay down areas and requirement of any additional welfare facilities.		
Pipeline route	2.1.13	Gas Main 3(GM3) & Gas Main 22 (GM22) run beside each other so will both be affected by the retaining wall - Design element - More info required on retaining wall as SGN have prescriptive rules and would need to know more info in order to remove objections.	The protective provisions protect SGN's assets. While this is considered a potential risk, design is still ongoing to ascertain the details of the retaining wall foundations and the proximity to the pipelines. Technical resolutions being investigated include potential derogation to design standards. Updates and resolutions will be included in progress meetings going forward. The Contractors will liaise with SGN at the detailed design stage and ensure the works (Work No. 1A and Work No. 1B) do not present any unacceptable risk to the two pipelines. Further discussions between the parties are ongoing.	Schedule 14, Part 5 (Protection of Specified Gas Undertakers) of the draft DCO [ <b>Additional Submission <a href="#">AS-038</a></b> ]	Matter Under Discussion
Existing Gas Network	2.1.14  RRE	SGN would like clarity on the proposed path/direction of the TBM – will it travel coastbound or London bound? This will help SGN work out which mains are affected.	The TBM movement is to be determined by the Contractors and the movement of the TBM is to be communicated via Electronic Service Delivery for Abnormal Loads (ESDAL) and via the project management teams.	N/A	Matter Under Discussion

Topic	Item No.	Southern Gas Networks Comment	National Highways' Response	Application Document Reference	Status
			Specific provision regarding the movement of the TBM is being discussed by the parties.		
Landscaping, tree clearance and general flora and fauna proposals	2.1.15	National Highways are to confirm that clearance of all Flora and Fauna will be the responsibility of National Highways and all clearance will take place before SGN takes over control of our proposed easement.	Vegetation clearance has been considered in line with the proposals of Design Release 3.3. The Contractors are proposed to undertake vegetation clearance on behalf of SGN.  SGN are requested to communicate their specific requirements at the Detailed Design stage.	N/A	Matter Agreed
<b>Construction</b>					
Working in the vicinity of a live gas main	2.1.16	SGN would want to have involvement with the Contractors to talk over incident management for all who work in the vicinity of SGN's plant across the project.	The protective provisions provide adequate protections of SGN's assets.  The Contractors are to liaise with SGN regarding plant protection and incident management in the detailed planning stage and during construction works where works are proposed in proximity to their network.	N/A	Matter Agreed
SGN – network management	2.1.17	National Highways are to support SGN in undertaking required works to the gas network and imbed network requirements into the detailed construction programme	SGN are to communicate any requirements to be undertaken to inform the Project's programme.  SGN will manage personnel and works required within their Stations (Above Ground Installations, Pressure Reduction Stations, etc.) associated with the Works required by the Project.	N/A	Matter Agreed

Topic	Item No.	Southern Gas Networks Comment	National Highways' Response	Application Document Reference	Status
Environmental surveys pre-construction	2.1.18	There will be lots of surveys (e.g. badgers) that will be out of date and will need re-survey prior to construction works begin. Some of these will need at least 6 months advance notice.	In respect to protected species, Schedule 2 of the draft DCO makes provision within Article 7 for the undertaking of pre-construction ecological surveys. All the relevant environmental reports will be issued in advance of construction phase. Designs to progress making reasonable assumptions.	Draft DCO [Additional Submission <a href="#">AS-038</a> ] ES Chapter 8: Terrestrial Biodiversity [Application Document <a href="#">APP-146</a> ]	Matter Agreed

## Appendix A Engagement activity

National Highways and Southern Gas Networks plc 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.

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



## Appendix B Glossary

Term	Abbreviation	Explanation
Code of Construction Practice	CoCP	Control measures and standards to be implemented by the Project, including those to avoid or reduce environmental effects.
Design Manual for Roads and Bridges	DMRB	A comprehensive manual which contains requirements, advice and other published documents relating to works on motorway and all-purpose trunk roads for which one of the Overseeing Organisations (National Highways, Transport Scotland, the Welsh Government or the Department for Regional Development (Northern Ireland)) is the highway authority. For the A122 Lower Thames Crossing, the Overseeing Organisation is National Highways.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Electronic Service Delivery for Abnormal Loads	ESDAL	–
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.
Ground investigation	GI	Several levels of investigation from desk-based research to onsite sampling to evaluate challenges related to soil/ground.
National Grid Gas	NGG	National Grid Gas plc (NGG) is a legally separate business within the National Grid Group and owns, manages, and operates the national gas transmission network in Great Britain.
Nationally Significant Infrastructure Project	NSIP	Major infrastructure developments in England and Wales, such as proposals for power plants, large renewable energy projects, new airports and airport extensions, major road projects, etc. that require a development consent under the Planning Act 2008.
Register of Environmental Actions and Commitments	REAC	The good practice and essential construction and operation mitigation measures presented in the Environmental Statement are collated in the REAC
Southern Gas Network plc	SGN	Southern Gas Networks Ltd is a UK gas distribution company which manages the networks that distributes natural and green gas to 5.9 million homes and businesses across the South of England and Scotland.
Statement of Common Ground	SoCG	This document detailing the issues agreed, under discussion or not agreed at the time of examination

<b>Term</b>	<b>Abbreviation</b>	<b>Explanation</b>
Tunnel boring machine	TBM	Machine used to excavate tunnels with a circular cross-section.
Utility Logistics Hub	ULH	The ULH receives, stores and distributes the plant machinery and materials for specific utility works.

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