

# Lower Thames Crossing

## **5.4.3.22 Draft Agreed Statement of Common Ground between (1) National Highways and (2) Verizon UK Ltd (Clean version)**

APFP Regulation 5(2)(q)

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

Volume 5

**DATE: July 2023  
DEADLINE: 1**

Planning Inspectorate Scheme Ref: TR010032  
Application Document Ref: TR010032/APP/5.4.3.22

**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 Draft Agreed Statement of Common Ground with matters outstanding.  
The Applicant and Verizon UK Ltd 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:** Thursday, June 15, 2023 2:08 PM  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: LTC - Verizon Updated SoCG

Hi [REDACTED]

Thank you for the update, I can state on behalf of Verizon UK ltd that the current wording is acceptable.

Regards

[REDACTED]

## Lower Thames Crossing

### 5.4.3.22 Draft Agreed Statement of Common Ground between (1) National Highways and (2) Verizon UK Ltd (Clean version)

#### List of contents

	Page number
<b>1 Introduction .....</b>	<b>1</b>
1.1 Purpose of the Statement of Common Ground.....	1
1.2 Principal Areas of Disagreement .....	1
1.3 Terminology .....	1
<b>2 Matters .....</b>	<b>2</b>
2.1 Movement of outstanding matters.....	2
<b>Appendix A Engagement activity .....</b>	<b>6</b>
<b>Appendix B Glossary .....</b>	<b>7</b>

#### List of tables

	Page number
Table 2.1 Matters.....	3

# 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 Verizon UK Ltd, 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 Verizon UK Ltd 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.

## 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 Verizon UK Ltd, further discussions on outstanding matters have taken place.
- 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) Verizon UK Ltd.
- 2.1.4 At Examination Deadline 1 there are 10 matters in total, of which 7 are agreed and three that remain under discussion.
- 2.1.5 The three matters which remain under discussion will not change until the detailed design stage (post examination). These matters are addressed in the protective Provisions in Schedule 14 of the Order.
- 2.1.6 If no new matters emerge during the Examination phase, then this SoCG will become the 'Final SoCG' by Deadline 9.

**Table 2.1 Matters**

Topic	Item No.	Verizon UK Ltd. Comment	National Highways' Response	Application Document Reference	Status
<b>DCO and consents</b>					
Land agreements/ rights	2.1.1	Verizon UK Ltd. assets will only be in the adopted highway so there are no issues with land agreements or easements.	The draft DCO contains the appropriate powers necessary for the diversion of Verizon UK Ltd.'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.  All Verizon UK Ltd. apparatus to remain within the publicly maintainable highway on completion of the Project.	Draft DCO [Additional Submission <a href="#">AS-038</a> ]	Matter Agreed
Order Limits	2.1.2	The Verizon UK Ltd. assets within the Order Limits have been identified and agreed.	This has been shared and agreed.	Draft DCO [Additional Submission <a href="#">AS-038</a> ]	Matter Agreed
<b>Design – road, tunnels, utilities</b>					
Coordinated detailed design.	2.1.3	Verizon UK Ltd. to share their designs with the Project.	The Application as submitted has adequate provisions to cater for Verizon's designs. The applicant will continue to engage with Verizon to ensure that there is coordination of the design and programme. The Protective Provisions adequately protect Verizon UK Ltd.	N/A	Matter Under Discussion
			The Applicant considers that this point will be resolved outside the DCO process once it is closer to carrying out works.		

Topic	Item No.	Verizon UK Ltd. Comment	National Highways' Response	Application Document Reference	Status
Redundant assets	2.1.6	Verizon UK Ltd. are not responsible for removing any redundant assets.	The Applicant can confirm that the redundant assets will be removed by the Project during construction wherever possible and where not feasible will be identified and marked (upon the completion of the Project construction, the updating of this shall cease).	N/A	Matter Agreed
<b>Construction</b>					
Construction contract	2.1.7	The understanding is that this will be delivered under the New Roads and Street Works Act 1991 (NRSWA).	Agree to be delivered through NRSWA.	N/A	Matter Agreed
<b>Protective Provisions</b>					
Protective Provisions	2.1.8	The parties continue to discuss the terms of the Protective Provisions. Verizon UK Ltd. has a statutory function to deliver a service and Verizon UK Ltd. needs to ensure that there is no detriment to its undertaking as a result of the works. Verizon UK Ltd. have provided a set of additional requirements. The Applicant's Engineering Team to confirm that the requirements are reasonable and manageable.	The Applicant and Verizon UK Ltd. have agreed the protective provisions for operators of electronic communications code networks. The additional requirements sought by Verizon UK Ltd. have been approved by the Project.	Protective provisions, Schedule 14 of draft DCO <b>[Additional Submission AS-038]</b>	Matter Agreed
Protection of existing assets	2.1.9	Verizon UK Ltd. recognises that the draft protective provisions provide a mechanism for the protection of Verizon UK Ltd.'s existing apparatus.	The Protective Provisions in Part 2 of Schedule 14 to the draft DCO contain the following text, confirming that the provisions of the Electronic Communications Code (ECC) continue to apply:	Protective provisions, Schedule 14 of draft DCO <b>[Additional Submission AS-038]</b>	Matter Agreed



Topic	Item No.	Verizon UK Ltd. Comment	National Highways' Response	Application Document Reference	Status
			<i>'The exercise of the powers conferred by article 37 (statutory undertakers) is subject to Part 10 (undertaker's works affecting electronic communications apparatus) to the electronic communications code'.</i>		
Maintenance access	2.1.10	Verizon UK Ltd. need to retain access to their network for maintenance throughout the duration of the Project.	There are adequate protections to Verizon UK Ltd.'s interests set out in the Protective Provisions. Also see the comment regarding the Protective Provisions and the ECC which prohibits interference with operators' apparatus except in certain circumstances or following specified procedures.	Protective provisions, Schedule 14 of draft DCO <b>[Additional Submission AS-038]</b>	Matter Agreed

## Appendix A Engagement activity

- A.1.1 The Applicant and Verizon UK Ltd have had extensive engagement since the inception of the Project.
- A.1.2 There has been engagement and dialogue through the statutory and non-statutory consultation, the various design iterations and releases.
- A.1.3 The engagement has been in the form of face-to-face meetings, MS Team meetings, telephone calls and email correspondence.
- A.1.4 The parties are content for their engagement to be captured and presented in the SoCG in this manner.

## 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.
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	This document detailing the issues agreed, under discussion or not agreed at the time of examination.

If you need help accessing this or any other National Highways information, please call **0300 123 5000** and we will help you.

© Crown copyright 2023.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit [www.nationalarchives.gov.uk/doc/open-government-licence/](http://www.nationalarchives.gov.uk/doc/open-government-licence/)

write to the **Information Policy Team, The National Archives, Kew, London TW9 4DU**, or email [psi@nationalarchives.gsi.gov.uk](mailto:psi@nationalarchives.gsi.gov.uk).

Mapping (where present): © Crown copyright and database rights 2023 OS 100030649. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

If you have any enquiries about this publication email [info@nationalhighways.co.uk](mailto:info@nationalhighways.co.uk) or call **0300 123 5000\***.

\*Calls to 03 numbers cost no more than a national rate call to an 01 or 02 number and must count towards any inclusive minutes in the same way as 01 and 02 calls.

These rules apply to calls from any type of line including mobile, BT, other fixed line or payphone. Calls may be recorded or monitored.

Printed on paper from well-managed forests and other controlled sources when issued directly by National Highways.

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

National Highways Company Limited registered in England and Wales number 09346363