



Lower Thames Crossing  
5.4.3.22 Draft Agreed Statement  
of Common Ground between  
(1) National Highways and (2)  
Verizon UK Ltd  
(Tracked changes version)

APFP Regulation 5(2)(q)

Infrastructure Planning (Applications:  
Prescribed Forms and Procedure)  
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Volume 5

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

## 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 (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 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.

**Deleted:** <#>This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and/or the Planning Inspectorate website.¶

**Deleted:** <#>the parties to it

**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

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**Deleted:** <#>examination.

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

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

**Deleted:** <#>) National Highways, and (2) Verizon UK Limited

**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. ¶

Verizon UK Limited offer telecommunication services within the UK. The company provide global internet technology, security and communication services, via its global fibre network. Providing fast and reliable communication to meet the needs of a business.¶

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## 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.

**Deleted:** It is agreed that any matters not specifically referred to in Section 2 of this SoCG are not of material interest or relevance to Verizon UK Limited. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Verizon UK Limited. However, if new matters arise Verizon UK Limited reserves the right to comment on those matters as it considers appropriate.¶

#### Overview of previous engagement ¶

A summary of the meetings and correspondence undertaken between the two parties in relation to the Project is outlined in Appendix C.¶

#### Status of the Statement of Common Ground¶

It is agreed that this statement is an accurate description of the matters raised by Verizon UK Limited, and the current status of each matter. ¶

It is agreed that Appendix C is an accurate record of the key meetings and consultation undertaken between (1) National Highways and (2) Verizon UK Limited in relation to the matters addressed in this Statement of Common Ground.¶

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.....Section Break (Next Page).....

#### Issues¶

#### Issues¶

**Matters agreed, not agreed or under discussion¶**  
Table 2.1 details

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**Deleted:** It is acknowledged

**Deleted:** some matters where further

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**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.	<a href="#">Draft DCO [Additional Submission 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.	<a href="#">Draft DCO [Additional Submission 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.	<a href="#">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</a>	N/A	Matter Under Discussion

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Deleted: Boundary

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However,

Topic	Item No.	Verizon UK Ltd. comment	National Highways' Response	Application Document Reference	Status
			adequately protect Verizon UK Ltd.		
			<a href="#">The Applicant considers that this point will be resolved outside the DCO process once it is closer to carrying out works.</a>		
Redundant Assets	2.1.6	Verizon UK Ltd. are not responsible for removing any redundant assets.	<a href="#">The Applicant</a> 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	<a href="#">The Applicant</a> and Verizon UK Ltd. have agreed the protective provisions for operators of electronic communications code networks.	Protective provisions, Schedule 14 of draft DCO <a href="#">Additional</a>	Matter Agreed

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Topic	Item No.	Verizon UK Ltd. comment	National Highways' Response	Application Document Reference	Status
		that there is no detriment to its undertaking as a result of the works. Verizon UK Ltd. have provided a set of additional requirements. <a href="#">The Applicant's Engineering Team</a> to confirm that the requirements are reasonable and manageable.	The additional requirements sought by Verizon UK Ltd. have been approved by the Project.	<a href="#">Submission AS-038</a>	
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 <a href="#">draft DCO</a> , contain the following text, confirming that the provisions of the Electronic Communications Code (ECC) continue to apply:  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 <a href="#">code</a> .	Protective provisions, Schedule 14 of draft DCO <a href="#">Additional Submission AS-038</a>	Matter Agreed
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, Schedule 14 of draft DCO <a href="#">Additional</a>	Matter Agreed

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Any restriction of this access will be on the grounds of safety and the Contractor will liaise with Verizon UK Ltd. in advance of the restrictions. ¶

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Topic	Item <a href="#">No.</a>	Verizon UK Ltd. comment	National <a href="#">Highways'</a> <a href="#">Response</a>	<a href="#">Application</a> Document Reference	Status
			Protective Provisions and the ECC which prohibits interference with operators' apparatus except in certain circumstances or following specified procedures.	<a href="#">Submission AS-038</a>	

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## Appendix A Engagement activity

The Applicant and Verizon UK Ltd have had extensive engagement since the inception of the Project.

A.1.1 There has been engagement and dialogue through the statutory and non-statutory consultation, the various design iterations and releases.

A.1.2 The engagement has been in the form of face-to-face meetings, MS Team meetings, telephone calls and email correspondence.

A.1.3 The parties are content for their engagement to be captured and presented in the SoCG in this manner.

**Deleted: Agreement on this Statement of Common Ground¶**

**STATEMENT OF COMMON GROUND¶**

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**This Statement of Common Ground has been prepared**

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**Deleted: Name**

## 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.
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.

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**List of engagement activities**¶

A summary of the meetings and correspondence that has taken place between Highways England and Verizon UK Ltd. Limited in relation to the Application is outlined in Table C.1 below.¶

It is agreed that this is an accurate record of the key meetings and correspondence undertaken between (1) Highways England and (2) Verizon UK Ltd. Limited in relation to the matters addressed in this SoCG.¶

**Engagement activities between National Highways and Verizon UK Ltd.**¶

Date

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