

Lower Thames Crossing

5.4.3.23 Draft Agreed Statement of Common Ground between (1) National Highways and (2) Virgin Media Limited (Clean version)

APFP Regulation 5(2)(q)

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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 Virgin Media O₂ Limited 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 4:15 PM

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: LTC - Virgin Media Statement of Common Ground

Hi [REDACTED]

I totally agree with the comment.

Regards

[REDACTED]



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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 Virgin Media O₂ Limited, 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 Virgin Media O₂ Limited 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.
- 1.3.2 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'.
- 1.3.3 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 Matters

2.1 Movement of outstanding matters

- 2.1.1 Following submission of the previous version of this Draft SoCG between the Applicant and Virgin Media O₂ Limited, 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 The following matters have moved from ‘matter under discussion’ to ‘matter agreed’: 2.1.4.
- 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) Virgin Media O₂ Limited.
- 2.1.4 At Examination Deadline 1 there are 6 matters in total, of which 5 are agreed and 1 that remains under discussion.

Table 2.1 Matters

Topic	Item No.	Virgin Media Limited Comment	National Highways' Response	Application Document Reference	Status
Design – road, tunnels, utilities					
Diversions: clashes with permanent works	2.1.1	Resolved by installing temporary diversions.	Outline (Single) option diversions have been proposed. Further development of these is required at the detailed design stage.	N/A	Matter Agreed
Coordinated design	2.1.2	Virgin design has remained the same through the design releases except for the temporary diversions	The Project's Draft Coordinated Design has been shared with Virgin Media Limited to understand their assets in relation to other Statutory Undertakers.	N/A	Matter Agreed
Tunnel infrastructure	2.1.3	Virgin Media would like to install cables within the tunnel	National Highways continues to engage with Virgin Media to clarify the scope of the request. However, National Highways does not consider this a matter to be resolved as part of the DCO process. While it remains under discussion, National Highways expects this to be resolved outside of the DCO process.	N/A	Matter Under Discussion
Operational outages (constraints)	2.1.4	90-day customer notification on the cable changeovers	These need to be developed and included in the main programme. Contingency planning during switch over of assets. Ongoing until start onsite. This is set out in the Protective Provisions that Virgin Media O ₂ have agreed to.	N/A	Matter Agreed
Protective Provisions					
Maintenance access	2.1.5	Access required to chambers once cables are in.	Maintenance access to Virgin Media's assets is protected in the protective	Protective provisions in	Matter Agreed

Topic	Item No.	Virgin Media Limited Comment	National Highways' Response	Application Document Reference	Status
			provisions which use the Electronic Communications Code (ECC). All assets are proposed to be relocated into the adoptable highway.	Schedule 14 of the draft DCO [Additional Submission AS-038]	
Protection of existing assets	2.1.6	Virgin Media recognises that the draft protective provisions provide a mechanism for the protection of Virgin Media's existing apparatus.	Virgin Media assets are protected via the protective provisions. These robust provisions effectively protect Virgin Media and numerous other telecoms operators. Virgin Media has agreed to the protective provisions from National Highways.	Protective provisions in Schedule 14 of the draft DCO [Additional Submission AS-038]	Matter Agreed

Appendix A Engagement activity

- A.1.1 National Highways and Virgin Media O₂ Limited 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.

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.
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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