

Lower Thames Crossing

9.27 Statement of Common Ground between (1) National Highways and (2) Anglian Water Services Limited

Infrastructure Planning (Examination
Procedure) Rules 2010

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1.0	18 July 2023	Examination Deadline 1

Status of the Statement of Common Ground

National Highways and Anglian Water Services 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: Wednesday, June 28, 2023 11:32 AM

To: [REDACTED]

Cc: [REDACTED]

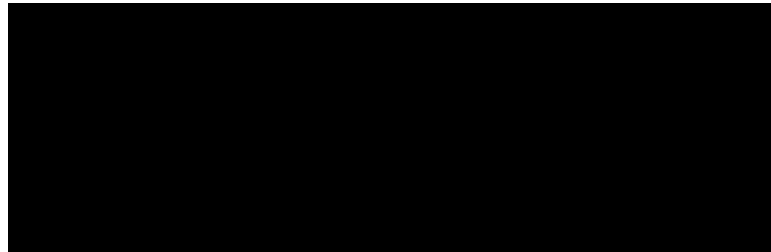
Subject: RE: AWS SoCG Update

Hi [REDACTED]

Thanks again for sharing the update to the SoCG. Please see attached with a couple amendments we have added for clarification. Otherwise happy with the updates to the particular references made to the specific documents in the examination library.

Kind regards,

[REDACTED]



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 Anglian Water Services 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.

1.2 Principal Areas of Disagreement

- 1.2.1 On 19 December 2022, the Examining 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). This tracker is known as the PADS Tracker.
- 1.2.3 The PADS Tracker provides a record of principal matters of disagreement emerging from the SoCG and will 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 Anglian Water Services Limited, following advice from the Applicant elected not to produce a PADS Tracker.

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 DCO application, continued discussions on matters have taken place between the Applicant and Anglian Water Services Limited (AWS). These discussions are summarised in Appendix A.
- 2.1.2 The outcomes of discussions to date are presented in Table 2.1 which details and presents the matters which have been agreed, not agreed, or are under discussion between (1) the Applicant and (2) Anglian Water Services Limited.
- 2.1.3 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.
- 2.1.4 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'.
- 2.1.5 At Examination Deadline 1 there are 10 matters, all of which are agreed.
- 2.1.6 Subsequent versions of this SoCG will outline the changes between versions.

Table 2.1 Matters

Topic	Item No.	Anglian Water Services Limited Comment	National Highways' Response	Application Document Reference	Status
DCO and Consents					
Draft DCO and Order Limits	2.1.1	<p>Acceptability of DCO application material is subject to Anglian Water information/designs being accurately portrayed in the DCO Documents and Plans.</p> <p>Anglian Water has liaised with National Highways on a side agreement regarding modified protective provisions and requirements for the protection of Anglian Water.</p>	<p>The DCO and the latest Order Limits has been shared with AWS and all works are accurately reflected in the DCO and Application Documents.</p> <p>The works are accurately portrayed just not in detail, e.g., the works are accurately portrayed on the works plans but additional plans may be available as part of detailed design.</p> <p>The draft DCO has the provision for AWSL works as presented by the Multi Utility (MU) works in the Works Plans and the associated rights. The draft DCO also has the provision for the transfer of the benefits and powers obtained in the draft DCO.</p>	<p>Draft Development Consent Order (DCO) Article 8 [Additional Submission AS-038]</p> <p>Works Plans [Application Documents APP-018 and APP-021 and Additional Submissions AS-024 to AS-030]</p> <p>Land Plans [Additional Submissions AS-006 to AS-010]</p> <p>Temporary Works Plans [Application Document APP-050 and Additional Submissions AS-034 and AS-036]</p>	Matter Agreed
Land Plans	2.1.2	<p>The Land Plans identifies areas of land which are intended to be temporarily or permanently acquired as part of the above development. In the event that there is a need to obtain possession of land in Anglian Water's ownership we would expect to have further discussions with National Highway in advance</p>	<p>The Applicant has shared all the relevant land use plans with AWS and all the Application Documents are available on the Planning Inspectorate website.</p>	<p>Book of Reference [Additional Submission AS-42]</p> <p>Land Plans [Additional</p>	Matter Agreed

Topic	Item No.	Anglian Water Services Limited Comment	National Highways' Response	Application Document Reference	Status
		<p>of the DCO application being submitted. Anglian Water was provided with a copy of the draft DCO 'redline area' on 7.10.22 and is reviewing this to understand the potential need for acquisition.</p> <p>Anglian Water has previously requested from National Highways (13.6.22) a copy of the draft Book of Reference to ensure that the details of the potential acquisition (permanent or temporary) is clear, and that design or construction changes can be considered and/or protective provisions can be drafted and agreed which ensure Anglian Water's customers services and the environment is protected.</p> <p>Anglian Water is satisfied that the agreement between both parties addresses this matter, in terms of the modified protective provisions for the protection of Anglian Water.</p>	<p>The parties have entered into an agreement that protects Anglian Water's interests.</p>	<p>Submissions AS-006 to AS-010 Crown Land Plans [Additional Submissions AS-012 to AS-016] Special Category Land Plans [Additional Submissions AS-018 to AS-022]</p>	
Design – road, tunnels, utilities					
Design Release DR3.3/4.3	2.1.3	<p>AWSL considers that there are no significant issues with the National Highways designs and the related diversion of eight AW assets.</p>	<p>The Applicant's latest design has been issued and AWS have commented and accepted the changes.</p>	N/A	Matter Agreed
Flood Risk Assessment (FRA)	2.1.4	<p>National Highways needs to prepare and share the FRA with AWS to establish the effect on AWS's operations.</p> <p>A Flood Risk Assessment (FRA) is to be prepared by National Highways as part of the Environment Statement. Anglian Water</p>	<p>This is included in the Application Documents.</p> <p>The Applicant to be responsible, unless otherwise agreed, for the provision of Flood Risk Assessment (FRA) data to be</p>	<p>ES Chapter 14: Road Drainage and the Water Environment [Application Document APP-152]</p>	Matter Agreed

Topic	Item No.	Anglian Water Services Limited Comment	National Highways' Response	Application Document Reference	Status
		requested that the FRA consider the risk of flooding from all sources including sewer flooding (where relevant). Anglian Water to be a stated consultee on all Requirements seeking approval of detailed drainage design. This consultation with other parties including the EA, LLFA and LPA will ensure that project drainage proposals do not increase surface water or sewer flooding or compromise the ability of the sewer network to accommodate planned growth taking into account climate change factors. The consultation and approval under the Requirement would take place before any applications are made by National Highways under the Water Industry Act 1991. Anglian Water is satisfied that the agreement between both parties addresses this matter.	utilised by Anglian Water in their design of their assets. Discussions to take place between the Applicant and AWS prior to the submission of any Discharge of Requirements or any applications under the Water Industry Act 1991.	ES Appendix 14.6: Flood Risk Assessment [Application Documents APP-460 to APP-477]	
Surface water	2.1.5	Anglian Water has discussed with National Highways the need for potential surface water connections to the public sewerage network required as part of the construction phase for the above project. In the event that proposed method of surface water management relates to Anglian Water operated assets, AW would wish to be consulted to ensure that an effective drainage strategy is prepared and implemented. Anglian Water is satisfied that the agreement between both parties addresses this matter.	This is still being developed with AWS Project Team. Will be ongoing throughout detailed design and start on site. This has been secured by a separate agreement between the parties.	N/A	Matter Agreed
Provision of wastewater	2.1.6	Anglian Water has discussed with National Highways the need for potential foul water	The Applicant has developed models showing the sewers that	N/A	Matter Agreed

Topic	Item No.	Anglian Water Services Limited Comment	National Highways' Response	Application Document Reference	Status
connections for compounds		connections to the public sewerage network required as part of the construction phase for the above project. In the event that proposed method of foul drainage relates to Anglian Water operated assets, AW would wish to be consulted to ensure that an effective drainage strategy is prepared and implemented. Anglian Water is satisfied that the agreement between both parties addresses this matter. Should a wastewater service be required, and once agreement has been reached, there are a number of applications required to deliver the necessary infrastructure as outlined in the Water Industry Act 1991.	may have the capacity to take additional wastewater. The new connections to the Anglian Water network are to be planned and delivered by the Contractor. This is including any necessary applications under the Water Industry Act 1991. This will be secured by a separate agreement between the parties.		
Construction					
Enabling works	2.1.7	From our discussions with National Highways, it is understood that a number of diversions of Anglian Water's existing sewers may also be required to be assessed and enhanced particularly in the vicinity of some of the new highways junctions. Further detailed discussions are anticipated on this matter including consideration, assessment and design for the alteration or removal of foul sewers to be conducted in accordance with the Water Industry Act 1991. Those designs would then be taken through the overall drainage plans for the scheme as a matter for Requirements on which Anglian Water would be a stated consultee. Subsequent to that overall drainage scheme approval, individual applications under the Water Industry Act would be considered for approval. Anglian Water reserves the right to liaise with the Environment Agency, Lead Local Flood Authority and Local Planning	Anglian Water diversion scope required for the Project has now been defined. Anglian Water are not the ' <i>relevant planning authority</i> ' as set out in Requirement 8. However, article 19 of draft DCO requires the Applicant to obtain consent of owners (AWS) before discharging water. The practical implication of this is that the Applicant will liaise with AWS prior to discharging the Requirements.	draft DCO [Additional Submission AS-038]	Matter Agreed

Topic	Item No.	Anglian Water Services Limited Comment	National Highways' Response	Application Document Reference	Status
		<p>Authorities on surface water and drainage matters pertaining to the project.</p> <p>Anglian Water is satisfied that the agreement between both parties addresses this matter.</p>	<p>This has been secured by a separate agreement between the parties.</p>		
Protective provisions					
Protective provisions	2.1.8	<p>It is considered that protective provisions specifically for the benefit of Anglian Water should be included as part of the wording of the draft DCO.</p> <p>These protective provisions are in addition to that for utility companies as set out in the model provisions for DCO applications.</p> <p>An agreement has been signed by both parties in relation to modified protective provisions for the protection of Anglian Water. Anglian Water acknowledges that the agreement addresses this matter.</p>	<p>An agreement between the parties relating to modified protective provisions for the protection of Anglian Water has been agreed.</p> <p>The Applicant is confident that the protective provisions resolve any outstanding concerns of Anglian Water.</p> <p>The agreement acknowledges that further discussions may be needed post-submission if there are any material changes to the Project impacting AWS.</p>	<p>Protective provisions in Schedule 14 of the draft DCO [Additional Submission AS-038]</p>	Matter Agreed
Protection of existing assets	2.1.9	<p>Anglian Water will need clarification that any potential impact on their network or their assets when undertaking the construction of the Project will be addressed in the detailed design stage, in a manner acceptable to Anglian Water in agreement with the Project.</p> <p>Anglian Water consider that the agreement between both parties in relation to the modified protective provisions should address any potential impact on their network or their assets.</p>	<p>An agreement between the parties relating to modified protective provisions for the protection of AWS has been agreed.</p> <p>The protective provisions sufficiently protect AWS access to their apparatus. The detailed access arrangements will be set at detailed design.</p> <p>Indicative requirements need to be developed. This will form part of the construction detailed design</p>	<p>Protective provisions in Schedule 14 of the draft DCO [Additional Submission AS-038]</p>	Matter Agreed

Topic	Item No.	Anglian Water Services Limited Comment	National Highways' Response	Application Document Reference	Status
			drawings which are yet to be issued.		
Maintenance access	2.1.10	Anglian Water require maintenance access to their assets at all times. Access to be protected through the modified protective provisions for the protection of Anglian Water – as set out in the agreement signed by both parties.	<p>An agreement between the parties relating to modified protective provisions for the protection of AWS has been agreed.</p> <p>The protective provisions sufficiently protect Anglian Water's access to apparatus.</p> <p>This will need to be developed when the Main Works contract has been awarded. The detailed access arrangements will be set at detailed design.</p>	Protective provisions in Schedule 14 of the draft DCO [Additional Submission AS-038]	Matter Agreed

Appendix A Engagement Activity

The Applicant and Anglian Water Services 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.

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

Appendix B Glossary

Term	Abbreviation	Explanation
A122 Lower Thames Crossing	Project	A proposed new crossing of the Thames Estuary linking the county of Kent with the county of Essex, at or east of the existing Dartford Crossing.
Anglian Water Services Limited	AWSL	n/a
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Development Consent Order application	DCO application	The Project Application Documents, collectively known as the 'DCO application'.
Environment Agency	EA	A non-departmental public body of Defra, established under the Environment Act 1995. It is the leading public body for protecting and improving the environment in England and Wales. The organisation is responsible for wide-ranging matters, including the management of all forms of flood risk, water resources, water quality, waste regulation, pollution control, inland fisheries, recreation, conservation and navigation of inland waterways.
Examining Authority		The Examining Authority is appointed by the Secretary of State to examine an application for a Development Consent Order and make a recommendation.
Flood Risk Assessment	FRA	An assessment of the risk of flooding from all flooding mechanisms, the identification of flood mitigation measures, and identification of actions to be taken before and during a flood.
Lead Local Flood Authority	LLFA	LLFAs are county councils and unitary authorities. They lead in managing local flood risks (i.e. risks of flooding from surface water, ground water and ordinary (smaller) watercourses). This includes ensuring co-operation between the Risk Management Authorities in their area. The LLFA for the M25 area is Essex County Council who is acting on behalf of Thurrock.
Local planning authority	LPA	A local planning authority is the local authority or council that is empowered by law to exercise statutory town planning functions for a particular area of the UK. May also be referred to as 'local authority'.
National Highways	the Applicant	A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
Statement of Common Ground	SoCG	A Statement of Common Ground is a written statement containing factual information about the proposal which is the subject of the appeal that the appellant reasonably considers will not be disputed by the local planning authority.

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