

Lower Thames Crossing

9.33 Draft Agreed Statement of Common Ground between (1) National Highways and (2) Thames Water Utilities Limited

Infrastructure Planning (Examination
Procedure) Rules 2010

Volume 9

**DATE: July 2023
DEADLINE: 1**

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Revision history

Version	Date	Submitted at
1.0	18 July 2023	Examination Deadline 1

Status of the Statement of Common Ground

This is a draft Statement of Common Ground with no matters outstanding. Whilst all matters are currently agreed, this SoCG will remain 'draft' at the start of the Examination in case new matters emerge during the Examination.

The Applicant considers that this draft Statement of Common Ground is an accurate description of the matters raised by Thames Water Utilities Limited (Thames Water) and the status of each matter, based on the engagement that has taken place to date.

From: [REDACTED]
Sent: Friday, June 30, 2023 12:39 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: LTC - Thames Water SoCG -

H

Thank you for the below.

Having reviewed this internally, we are now ready to agree to the Statement of Common Ground previously attached. If you could send a finalised copy through for our records that would be appreciated.

Best regards,

[REDACTED]



A high-level overview of the engagement is summarised in Appendix A.

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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 Thames Water Utilities 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 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 Thames Water Utilities 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 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.

- 1.3.3 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 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 Thames Water Utilities Limited. These discussions are summarised in Appendix A.
- 2.1.2 The outcome 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) Thames Water Utilities 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 At Examination Deadline 1, all six matters are agreed.
- 2.1.5 This SoCG will remain draft at the start of examination in case new matters emerge. Subsequent versions of this SoCG will, if applicable, outline the changes between versions.

Table 2.1 Matters

Topic	Item No.	Thames Water Utilities Limited (TWUL) Comments	National Highways' Response	Application Document Reference	Status
Design – road, tunnels, utilities					
Construction contract	2.1.1	The diversionary works agreement would be in parallel to the DCO and have not continued to move forward since the C3 was provided on 20.02.2020.	<p>Following the review of the Thames Water scope the Project will support the delivery of this work under the New Roads and Street Works Act 1991 (NRSWA) process. The Applicant intends to deal with the diversionary works agreement through the NRSWA process. The diversion agreement will progress in accordance with the Project's needs. The Applicant notes that the principle of concluding a diversionary works agreement under the NRSWA process is agreed.</p> <p>The Applicant notes that the construction contract and specific terms agreed sit outside the DCO process.</p>	N/A	Matter Agreed
Maintenance access	2.1.2	Maintenance access cannot be resolved at this time as it has not been discussed with National Highways.	<p>The Protective Provisions for the protection of electricity, gas, water and sewage undertakers sufficiently protect Thames Water's access to apparatus. The detailed access arrangements will be set at detailed design.</p> <p>The Applicant has discussed this issue with Thames Water and has reached an agreement.</p>	Protective Provisions in Schedule 14 of the draft DCO [Additional Submission AS-038]	Matter Agreed

Topic	Item No.	Thames Water Utilities Limited (TWUL) Comments	National Highways' Response	Application Document Reference	Status
Protection of existing assets	2.1.3	Thames 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 TWUL.	The Applicant is satisfied that the Protective Provisions provide sufficient protection to Thames Water assets. These details will be the subject of further discussions during the detailed design stage. The Applicant has discussed this issue with Thames Water and has reached an agreement.	Protective Provisions in Schedule 14 of the draft DCO [Additional Submission AS-038]	Matter Agreed
Diversions: clashes with the Project permanent works	2.1.4	Thames Water will need clarification that any clashes between TW assets and LTC permanent works will be resolved through detailed design.	Any clashes between Thames Water assets and the Project permanent works will be resolved through detailed design. The Applicant has discussed this issue with Thames Water and has reached an agreement.	Protective Provisions in Schedule 14 of the draft DCO [Additional Submission AS-038]	Matter Agreed
Protective Provisions					
Protective Provisions	2.1.5 RRE	Any further information considered of the need of TWUL to assure itself of the provision to be consented, can be resolved via further dialogue and managed through a separate agreement between the parties.	The Applicant has discussed the protective provisions with Thames Water and has reached an agreement.	Protective Provisions in Schedule 14 of the draft DCO [Additional Submission AS-038]	Matter Agreed
Temporary over-pumping	2.1.6	To clarify: over-pumping is always a temporary arrangement to facilitate the diversion of a sewer, this topic not been explicitly discussed or referred to in the protective provisions or side agreement.	Over-pumping is only a temporary solution during the construction of a diversion and would not be considered a resolution as part of the permanent diversion.	N/A	Matter Agreed

Topic	Item No.	Thames Water Utilities Limited (TWUL) Comments	National Highways' Response	Application Document Reference	Status
			The Applicant is comfortable that the Protective Provisions address Thames Water's concerns. The Applicant has discussed this issue with Thames Water and has reached an agreement.		

Appendix A Engagement activity

- A.1.1 National Highways and Thames Water Utilities Limited 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 and the various design iterations and releases.
- A.1.3 The engagement has been in the form of face-to-face meetings, Microsoft Teams meetings, telephone calls and email correspondence.
- A.1.4 The Applicant and Thames Water Utilities Limited 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.
New Roads and Street Works Act 1991	NRSWA	Legislation for the co-ordination of street works and works for road purposes and related matters.
Thames Water Utilities Limited	TWUL	Thames Water Utilities Limited is the UK's largest water and wastewater company serving over 15 million people (almost 25% of UK population) with over 2.6 billion litres of high-quality water every day, along with 4.4 billion litres of wastewater.

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