

Lower Thames Crossing

5.4.3.3 Draft Agreed Statement of Common Ground between (1) National Highways and (2) Cadent Gas Limited (Clean version)

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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

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

From: [REDACTED]
Sent: Thursday, June 29, 2023 5:45 PM
To: [REDACTED]
Subject: RE: Cadent - SoCG 29 June 2023

[REDACTED]

Further to our call, I confirm that relevant comments can now be deleted and 2.1.12 to remain under discussion. On the basis, happy for this to be final.

Kind 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 Cadent Gas 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 This SoCG should be read in conjunction with the Cadent Gas Limited 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 previous version of this Draft SoCG between the Applicant and Cadent Gas 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 agreed’ to ‘matter under discussion’:
2.1.8 and 2.1.10
- 2.1.3 Further to the matters raised in the original SoCG, Cadent Gas Limited submitted further comments on the DCO application which has led to new matters being included in Table 2.1.
The new matters are: 2.1.11 – ED1, 2.1.12 – ED1, 2.1.13 – ED1 and 2.1.14 – ED1, 2.1.15 – ED1. Matter 2.1.15 – ED1 was introduced by the Applicant to address the ‘Project Definition’ topic in Issue Specific Hearing 1. The other matters were introduced by Cadent in response to the state of the negotiations on a separate agreement between the parties. The same matters are captured in Cadent’s Relevant Representations. It is considered that the negotiations between the parties have advanced since the matters were raised and are likely to be concluded during the examination period.
- 2.1.4 Table 2.1 details and presents the matters which have been agreed, not agreed, or are under discussion between (1) the Applicant and (2) Cadent Gas Limited.
- 2.1.5 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.
- 2.1.6 In Table 2.1, relevant issues relating to the draft DCO articles and Requirements in Schedule 2 to the draft DCO have been identified under the heading ‘DCO and Consents’.
- 2.1.7 At Examination Deadline 1 there are 15 matters in total of which 7 are agreed and 8 that remain under discussion.

Table 2.1 Matters

Topic	Item No.	Cadent Gas Limited Comments	National Highways' Response	Application Document Reference	Status
DCO and Consents					
Adequate Land Rights	2.1.1	It's essential that adequate temporary and permanent land, rights, restrictive covenants and consents are included within the Order to enable works to proceed in time and to provide appropriate rights for Cadent to access, maintain and protect apparatus in future.	The draft DCO contains the appropriate powers necessary for the diversion of Cadent'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. The required information (plot 28-130) has been provided and the Applicant is currently reviewing Cadent's comments with a view to progressing this matter.	Land Plans [Additional Submissions AS-006 to AS-010] Draft DCO [Additional Submission AS-038]	Matter Under Discussion
24-hour working	2.1.2	Works such as the trenchless installation of assets beneath the M25, A13, A128 and the B188 High Road will require works to be completed outside of the core working hours. Cadent requires assurance from the Applicant that this has been adequately assessed and included within the DCO.	The Project works are to be consented by the draft DCO but are subject to consent being obtained from the relevant authority under section 61 of the Control of Pollution Act 1974 in accordance with the Register of Environmental Actions and Commitments (REAC). The consents are the responsibility of the Applicant's Contractors. As to which contractor will undertake the work will be subject to further discussion between Cadent and the Applicant. The DCO application includes the required assessment to allow these	Environmental Statement (ES) Appendix 2.2: Code of Construction Practice (CoCP) [Application Document APP-336] Register of Environmental Actions and Commitments (REAC) (Chapter 7 of	Matter Agreed

Topic	Item No.	Cadent Gas Limited Comments	National Highways' Response	Application Document Reference	Status
			<p>works to be consented as part of the order.</p> <p>Tables 6.1, and 6.4 of the Code of Construction Practice (CoCP) set out the types and instances and justification of the 24-hour (out of standard working hours) working and that the Contractors will only utilise these extended hours where it is not reasonably practicable to use the standard working hours.</p>	<p>the CoCP) [Application Document APP-336] Draft DCO [Additional Submission AS-038] ES [Application Documents APP-138 to APP-485] including ES Chapter 12: Noise and Vibration [Application Document APP-150]</p>	
Utility Works Qualifying as Nationally Significant Infrastructure Projects (NSIPs)	2.1.15 – ED1 Rule 6	Cadent considers that none of the pipeline diversions that will form part of Cadent’s gas distribution network will: a) be more than 40km in length; or b) have likely significant effects on the environment. Therefore, none of these gas pipeline diversions meet the criteria for being a nationally significant infrastructure project pursuant to section 20 of the Planning Act 2008.	<p>Those works required to the gas pipeline networks have been assessed by the Applicant in relation to section 20 of the Planning Act 2008. This assessment is detailed within ES Appendix 1.3: Assessment of proposed gas pipeline works for the purposes of section 20 of the Planning Act 2008.</p> <p>The findings of the assessment are that no Works to the Cadent network qualify</p>	ES Appendix 1.3: Assessment of proposed gas pipeline works for the purposes of section 20 of the Planning Act 2008 [Application	Matter Agreed

Topic	Item No.	Cadent Gas Limited Comments	National Highways' Response	Application Document Reference	Status
			as an NSIP within their own right as they fail to meet one or more of the tests contained within S.20.	Document APP-334	
Design – Road, Tunnels, Utilities					
Division of Responsibility	2.1.3	Cadent requires confirmation of responsibilities for delivering mitigation, discharging Requirements.	The DCO, as drafted, makes the Applicant solely responsible for the discharge of Requirements and other obligations as regards the conduct of the works. Where responsibility for the conduct of certain works is subsequently transferred to a third party (e.g. a utility in respect of significant works to their infrastructure), the division of responsibility for the discharge of such obligations as between the Applicant and that third party would be determined on a contractual basis between them.	Draft DCO [Additional Submission AS-038	Matter Under Discussion
Programming of the Works	2.1.4	Cadent are to communicate their construction programme and any relevant constraints to inform the Project's Programme. Cadent will provide its construction programme to the Project's Management team.	The Applicant will liaise with Cadent accordingly.	N/A	Matter Agreed
Green Lane Pond Interface	2.1.5	The pond west of the A122, north of Green Lane [POS11-002], is proposed in proximity to the diverted Horndon to Clockhouse Lane pipeline (Works No.G7)	There is adequate provision within the application to resolve this at detailed design. The Applicant will work with Cadent during the detailed design to ensure the	Draft DCO [Additional Submission AS-038	Matter Under Discussion

Topic	Item No.	Cadent Gas Limited Comments	National Highways' Response	Application Document Reference	Status
		<p>HP6 – LTC detailed design DR3.3 shows ponds constraining pipeline diversionary works.</p> <p>HP6 cannot be delivered in this location unless changes are made to Cadent's satisfaction.</p>	<p>pond and the pipeline have the required separations for operation and construction of the pond.</p> <p>This is the subject of ongoing discussions between the parties, with the aim to secure it in a separate agreement.</p>	<p>Works Plans [Application Documents APP-018 and APP-021 and Additional Submissions AS-024 to AS-030]</p>	
Cadent - Network Management	2.1.6	<p>Cadent will manage personnel and works required within their Stations (AGI's, PRS') associated with the <i>Works</i> required by the Project.</p> <p>Cadent are to communicate any requirements to be undertaken to inform the Project Programme.</p>	<p>The Applicant will support Cadent in undertaking required works to the gas network and imbed network requirements into the detailed construction programme</p>	N/A	Matter Agreed
Proposed haul roads	2.1.7	<p>Site access and haul roads interface with the existing and diverted gas networks.</p> <p>Any works proposed in proximity to Cadent apparatus will be in accordance with agreed form of Protective Provisions, safety guidance and agreed with Cadent plant protection teams.</p>	<p>The haul roads alignment and associated plant protection measures will be designed at the Applicant's detailed design stage in conjunction with Cadent to ensure safe working proposals around their infrastructure.</p> <p>This work is to be done by the Contractors.</p>	N/A	Matter Agreed
Compounds and Utility Logistics Hubs	2.1.8	<p>Cadent will require temporary compounds to be provided by National Highways.</p>	<p>Cadent will be supplied a compound area by the Contractors and these areas are known as Utility Logistics Hubs (ULHs). These are shown in the temporary works plans.</p>	<p>Temporary Works Plans [Application Document APP-050 and</p>	Matter Under Discussion

Topic	Item No.	Cadent Gas Limited Comments	National Highways' Response	Application Document Reference	Status
			<p>The Applicant will discuss the location of the ULHs (including Brentwood Road for the works G5/MU40) with Cadent at the detailed design stage.</p> <p>Where a compound or ULH is in proximity to a Cadent existing or diverted pipeline the Contractors would adhere to the agreed Protective Provisions, relevant safety standards and liaise with the relevant Plant Protection team for approval prior to construction of the compound or ULH.</p>	<p>Additional Submissions AS-034 and AS-036]</p>	
Landscaping Proposals	2.1.9	Any proposed landscaping will be agreed with Cadent in accordance with its agreed form of Protective Provisions and existing easement/access restrictions.	Planting will be promoted in accordance with Cadent's planting guidance and policies, to be agreed with Cadent in the detailed design, in accordance with the outline Landscape and Ecology Management Plan (oLEMP).	Outline Landscape and Ecology Management Plan (oLEMP) [Application Document APP-490]	Matter Agreed
Decommissioning of Pipelines	2.1.11 – ED1 RRN	The Applicant is to provide Cadent with assurance that adequate land, rights and consents have been included within the DCO to allow Cadent to undertake decommissioning works and surrender liability of decommissioned assets where necessary.	The Applicant and Cadent are in active discussion about the appropriate approach to take with regards to Cadent's decommissioned pipeline which is outside the Order Limit's boundary. This is to be agreed between both parties via other arrangements.	N/A	Matter Under Discussion

Topic	Item No.	Cadent Gas Limited Comments	National Highways' Response	Application Document Reference	Status
		In particular, there is an extensive section of pipeline to be decommissioned in relation to work number G6.			
Design – Work Number G6 Stopple	2.1.12 – ED1 RRN	Cadent has concerns in relation to the tie in location near to Baker Street AGI. The Under Pressure Connections that will remain on the Cadent asset after the tie in completion do not give the correct level of clearance from Ground Level to top of fitting. The Applicant is to provide assurances that it can achieve an acceptable ground clearance from fitting. The Applicant will obtain all rights and consents to import more topsoil to increase depth of stopple location.	The Applicant will continue to liaise with the landowner on Cadent's behalf and obtain the information required regarding how the landowner uses and will continue to use the land for the consideration of Cadent regarding the clearances between the fitting that will remain and the equipment on the earth above them. In the instance that these clearances are not sufficient, the Applicant will consult with the landowner regarding the possible importation of more topsoil to provide sufficient clearance. In principle, the landowner has no objection to the importation of more topsoil into this specific region, however, would like to agree the final form (grade and extent) of the land at the detailed design stage with Cadent.	N/A	Matter Under Discussion
Design – Work Number G5 – Insufficient Land Rights	2.1.13 – ED1 RRN	Cadent advised the Applicant in October 2022 that it requires permanent easement rights over plot 28-130 which is currently shown as land for temporary use only. Cadent requests that this plot is amended to blue and includes rights for the benefit of Cadent within Schedule 8. Cadent	The Applicant has notified the Examining Authority regarding a request to amend the alignment of Work No G5 and change the associated land plot 28-130 to reflect those rights sought as requested by Cadent. Following a period of targeted consultation, the Applicant	Land Plans Volume C (Sheets 21 to 49) [Additional Submission AS-010]	Matter Under Discussion

Topic	Item No.	Cadent Gas Limited Comments	National Highways' Response	Application Document Reference	Status
		requires permanent rights for the ongoing maintenance, protection and access of its pipeline.	proposes to submit revised Works Plans, Land Plans and other associated documents reflecting this at and following Deadline 4.		
Construction Access	2.1.14 – ED1 RRN	<p>The Applicant will be responsible for securing adequate temporary access and egress to construction working areas.</p> <p>In particular, Cadent has concerns in relation to work number G10 and safe access from the M25 to Cadent work site and welfare. The Applicant has not provided a clear access solution. The Applicant is to provide assurances that it will obtain agreement with National Highways operations, and take responsibility for ALL traffic management throughout the works and any applications for lane closures, etc.</p>	<p>The Applicant accepts responsibility for the provisions of adequate access and egress to construction working areas and is mindful of Cadent's concerns with regards to the existing pipeline diversion associated with Works No G10 and any existing pipeline in the area. The Applicant is exploring different avenues to address Cadent's concerns and will continue to engage with Cadent regarding this.</p> <p>Interested Parties have submitted Relevant Representations regarding Heavy Goods Vehicle (HGV) access to Beredens Lane ULH. The Applicant is implementing a HGV ban on Beredens Lane and restricting the use of Beredens Lane to motorway prohibited vehicles and emergency vehicle access only. This is to be secured via a modification to the outline Traffic Management Plan for Construction (oTMPfC).</p> <p>The oTMPfC (at submission) contains provisions for narrow lanes and independent lane running on the M25 and A127 slip road that would permit segregated access for Cadent and the</p>	<p>Outline Traffic Management Plan for Construction [Application Document APP-547]</p> <p>Stakeholder Actions and Commitments Register [Application Document APP-554]</p>	Matter Agreed

Topic	Item No.	Cadent Gas Limited Comments	National Highways' Response	Application Document Reference	Status
			<p>Applicant's construction vehicles from the public road users. This will afford access and egress to the existing A127 slip road pond access.</p> <p>At the detailed planning stage, the Applicant will liaise with Cadent and communicate the temporary traffic management provisions to be installed by the Applicant including length, programme and any access and egress arrangements for Cadent's consideration. It is envisaged this would be a system such as varioguard road barrier opposed to cones to ensure the safety of the workforce, as is typical with works on the strategic road network.</p>		
Protective Provisions					
Protective Provisions	2.1.10	Cadent Gas Limited require that Protective Provisions be included within the DCO to ensure that the interests of Cadent are adequately protected and to ensure compliance with relevant safety standards.	<p>The Applicant and Cadent have agreed a form of Protective Provisions for Cadent's benefit for inclusion in the draft DCO.</p> <p>Modifications to these protective provisions are to be agreed between the parties separately.</p>	Schedule 14, Part 5 of the draft DCO [Additional Submission AS-038]	Matter Under Discussion

Appendix A Engagement activity

The Applicant and Cadent Gas 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, MS Team 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
Code of Construction Practice	CoCP	Control measures and standards to be implemented by the Project, including those to avoid or reduce environmental effects.
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIPs) under the Planning Act 2008.
Environmental Statement	ES	A document produced to support an application for development consent that is subject to Environmental Impact Assessment (EIA), which sets out the likely impacts on the environment arising from the proposed development.
Heavy Goods Vehicle	HGV	A large, heavy motor vehicle used for transporting cargo.
Nationally Significant Infrastructure Project	NSIP	Major infrastructure developments in England and Wales, such as proposals for power plants, large renewable energy projects, new airports and airport extensions, major road projects, etc. that require a development consent under the Planning Act 2008.
Outline Landscape and Ecology Management Plan	oLEMP	A document which outlines the proposed management of the landscape and ecological elements of the A122 Lower Thames Crossing.
Outline Traffic Management Plan for Construction	oTMPfC	A plan setting out the strategy and measures to be adopted with respect to highway and transportation issues for the Project. The TMP supports the DCO application and would be embedded within the eventual construction contractor documentation and will form an overarching and comprehensive management procedure for the contractor to adhere to.
Register of Environmental Actions and Commitments	REAC	The good practice and essential construction and operation mitigation measures presented in the Environmental Statement are collated in the REAC
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.
Utility Logistics Hub	ULH	The ULH receives, stores and distributes the plant machinery and materials for specific utility works.

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