

Lower Thames Crossing

5.4.3.4 Draft Agreed Statement of Common Ground between (1) National Highways and (2) Cellnex UK Limited (Clean version)

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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 a Draft Statement of Common Ground with matters outstanding.

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

Cellnex has not reviewed or undertaken an internal governance of this SoCG at the time of Examination Deadline 1 submission for reasons outside the DCO process. It is anticipated that this will follow and an updated submission made at a latter Examination Deadline.

A high-level overview of the engagement undertaken since the DCO Application was submitted on the 31 October 2022 is summarised in Appendix A.

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List of contents

	Page number
1 Introduction	1
1.1 Purpose of the Statement of Common Ground	1
1.2 Principal Areas of Disagreement	1
1.3 Terminology	1
2 Matters	2
2.1 Movement of outstanding matters	2
Appendix A Engagement activity	11
Appendix B Glossary	12

List of tables

	Page number
Table 2.1 Matters	3

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 Cellnex UK 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) should be used.
- 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 Cellnex UK 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. “Matter Agreed in Principle” indicates where the parties have identified and agreed on a resolution method to be applied in the future.

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 Cellnex UK Limited, further discussions on the outstanding matters have taken place.
- 2.1.2 Table 2.1 details and presents the matters which have been agreed, not agreed, or are under discussion between (1) the Applicant and (2) Cellnex UK 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 nine matters in total of which seven are agreed and two under discussion.
- 2.1.6 The two matters which remain under discussion will not change until the detailed design stage (post examination).
- 2.1.7 Discussions with Cellnex UK Limited will progress at the detailed design phase when the Applicant expects these matters to be agreed. The Applicant considers that these matters will be resolved outside the DCO process once it is closer to carrying out works. In any event, the Applicant considers that the protective provisions already agreed between the parties provide adequate protection to Cellnex's interests.
- 2.1.8 If no new matters emerge during the Examination phase, then this SoCG will become the 'Final SoCG' by Deadline 9.

Table 2.1 Matters

Topic	Item No.	Cellnex UK Limited Comment	National Highways' Response	Application Document Reference	Status
Design – road, tunnels, utilities					
All Cellnex towers	2.1.1	<p>Line of sight will be unaffected. M2 levels to remain the same, New Thong Lane bridge to replace existing bridge to be demolished. New bridge further west.</p> <p>Low voltage (LV) supply to the mast may be interrupted by UK Power Networks (UKPN) works. UKPN/Main Works Contractor to liaise with Cellnex regarding scheduling and minimising impact of interruption.</p> <p>Openreach supply may be interrupted during changeover associated with Thong Lane diversion. Openreach will liaise with Cellnex to programme and coordinate any outage associated with connections and changeover to minimise impact on service.</p> <p>Line of gas diversion to be confirmed. Mast falls outside of the 1mm settlement contour.</p> <p>Contractor will have limiting criteria regarding vibration and settlement.</p>	<p>The Applicant considers that this point will be resolved outside the DCO process once it is closer to carrying out works, and adequate provisions are in place for the protection of Cellnex's interests.</p> <p>Line of sight checks will be confirmed once the Applicant's contractor has completed the detailed designs and Cellnex have reviewed the detailed design.</p> <p>Connections to the mast will be managed by the relevant supplier and any diversion works required within the vicinity would be considerate of the impacts to the mast and its connections.</p> <p>The Applicant's contractor to liaise with Cellnex regarding any instrumentation and monitoring requirements in advance of the works.</p>	N/A	Matter Under Discussion

Topic	Item No.	Cellnex UK Limited Comment	National Highways' Response	Application Document Reference	Status
Pylon ZB050 (Reference Number 267720)	2.1.2	<p>This mast is located in an area of National Grid Electricity Transmission works. Access will be maintained during the works and post completion.</p> <p>Cellnex require that the line of sight should be unaffected.</p> <p>Cellnex are concerned that the LV supply to the mast may be interrupted by UKPN works. UKPN/Contractor to liaise with Cellnex regarding scheduling and minimising impact of interruption.</p> <p>National Highways to clarifying comms connection at this location with Openreach.</p> <p>Mast falls outside of the 1mm settlement contour. Contractor will have limiting criteria re vibration and settlement.</p>	<p>No works are proposed to the ZB route in this region therefore the line of sight would remain unaffected.</p> <p>Works required to the UKPN networks will be managed in collaboration with UKPN and as such any interruption to the supply will be managed by UKPN.</p> <p>The Applicant's contractor will liaise with Openreach and Cellnex regarding any works that would potentially impact the supply to the mast. None is currently envisaged.</p> <p>The Applicant's contractor to liaise with Cellnex regarding any instrumentation and monitoring requirements in advance of the works.</p> <p>The Applicant's contractor to communicate all of the above including the construction programme at the detailed design stage.</p>	N/A	Matter Agreed

Topic	Item No.	Cellnex UK Limited Comment	National Highways' Response	Application Document Reference	Status
Grays Brentwood Road	2.1.3	<p>Grays Brentwood Road (Reference Number 265407) -</p> <p>Mast is located in existing gas compound. Works proposed to gas asset in compound. Access to be maintained at all times during construction and post-construction.</p> <p>Brentwood Road is currently level. It will be diverted onto an embankment over the LTC as part of the works. This will potentially affect the line of sight. The Scope of Works has been prepared to allow for undertaking survey works to check line of sight.</p> <p>Cellnex concerned that the LV supply to the mast may be interrupted by UKPN works. UKPN/Contractor to liaise with Cellnex regarding scheduling and minimising impact of interruption.</p> <p>Openreach supply may be interrupted during the gas compound works.</p> <p>Openreach will liaise with Cellnex to programme and coordinate any outage associated with connections and changeover to minimise impact on service.</p>	<p>Ste location - High House Lane - Chadwell St Marys Pressure Reduction Station</p> <p>The works are to be undertaken by Cadent therefore all existing access arrangements with Cadent will be maintained during the project lifecycle. All other instances of access and any restrictions will be considered by the Applicant's contractor.</p> <p>Line of sight checks will be confirmed once the Applicant's contractor has completed the detailed designs.</p> <p>Works required to the UKPN networks will be managed in collaboration with UKPN, and as such any interruption to the supply will be managed by UKPN.</p> <p>The Applicant's contractor will liaise with Openreach and Cellnex regarding any works that would potentially impact the supply to the mast. None is currently envisaged.</p> <p>The Applicant's contractor to communicate all of the above including the construction programme at the detailed design stage.</p>	N/A	Matter Agreed

Topic	Item No.	Cellnex UK Limited Comment	National Highways' Response	Application Document Reference	Status
Wick Place II	2.1.4	<p>Wick Place II (Reference Number 1490393) Access to be maintained during works and post completion. Cellnex require the line of sight to remain unaffected. LV supply to the mast may be interrupted by UKPN works. UKPN/ Contractor to liaise with Cellnex regarding scheduling and minimising impact of interruption. Openreach LV supply should not be interrupted during the works. Mast falls outside of the 1mm settlement contour. Contractor will have limiting criteria re vibration and settlement.</p>	<p>Works are no longer proposed in the vicinity of this tower therefore Cellnex concerns are no longer relevant.</p>	N/A	Matter Agreed
Manor Farm (Upminster)	2.1.5	<p>Manor Farm (Upminster) UK-LO-004703- The site is classed as 'Land is not included within the order limits' (Grey shading). Although difficult to see, the access route looks to be subject to 'permanent acquisition of land' (Pink shading).</p>	<p>The route is included within the Order Limits to provide walkers, cyclists, and horse riders connectivity from Ockendon Road to the Thames Chase region. No impact on the Cellnex asset is envisaged and any of the works that would potentially impede access will be communicated by the Applicant's contractors. The Applicant does not seek to extinguish any of the existing Cellnex rights within the pink-shaded area.</p>	N/A	Matter Agreed

Topic	Item No.	Cellnex UK Limited Comment	National Highways' Response	Application Document Reference	Status
Bluebell Hill	2.1.6	<p>Bluebell Hill 1, UK-KE-008925 & Bluebell Hill 2, UK-KE-000001 – as seen on sheet 1 and 2 of the Land Plans App doc 2.2. These two sites are surrounded by land which has been put forward for Ecology Compensation Planting (pink with black dots). The sites themselves are on 'Land not included within the order limits' (Grey shading). The access track appears to be subject to 'Temporary possession of land and permanent acquisition of rights' (Light blue shading).</p>	<p>The Applicant considers that adequate protection is available for any Cellnex interests through the protective provisions.</p> <p>The Applicant has no intention of impeding or obstructing Cellnex's current access to their sites. Additionally, the Applicant does not intend to acquire the freehold of the blue-shaded land as seen on Sheets 1 and 2 of the Land Plans, however, the Applicant does require access to the pink-shaded land for the construction, operation and maintenance of the ecology compensation planting sites (pink with black dots) as seen on Sheets 1 and 2 of the General Arrangement Plans. Applicable rights will be obtained over the blue-shaded land.</p> <p>During the construction of the Ecology Compensation Planting areas the Applicant's contractor will communicate any potential access considerations.</p>	<p>Land Plans (Volume B) [Additional Submission AS-008] General Arrangement Plans (Volume B) [Application Document APP-016]</p>	<p>Matter Under Discussion</p>

Topic	Item No.	Cellnex UK Limited Comment	National Highways' Response	Application Document Reference	Status
Protective Provisions					
Protection of existing assets (Telecom Towers)	2.1.7	Inn On The Lake (Reference Number 1490517) is to be closed so Cellnex, its contractors, its site share customers and their contractors will require unfettered vehicular access to the site throughout Project construction and post construction, access to be provided & guaranteed on a 24/7 basis for the purposes of installing, maintaining, repairing etc. at the site to ensure continuity of services from the site. Cellnex to be provided at all times with an appropriate project contact tasked with confirming access arrangements in a timely manner, throughout the project construction period, when site access is required by Cellnex / contractors/ customers / customers' contractors.	The Protective Provisions in Part 2 of Schedule 14 to the draft DCO 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 code.	Protective Provisions in Schedule 14, Part 5 of the draft DCO [Additional Submission AS-038]	Matter Agreed

Topic	Item No.	Cellnex UK Limited Comment	National Highways' Response	Application Document Reference	Status
Protective provisions	2.1.8	Cellnex require that there is no disruption, interference, or disturbance to all utilities & services (e.g. power, fibre) external to the site that serve the site.	<p>Protective provisions for telecoms operators have been shared with Cellnex.</p> <p>The Applicant acknowledges that some of the supplies to Cellnex assets may be affected during the undertaking of the works to construct the project. The Applicant will liaise with affected asset owners in the detailed planning stage and ensure those supplies are managed with the relevant provider to minimise any potential impact to Cellnex assets and services.</p> <p>Also see the comment in 2.1.7 above regarding the Protective Provisions and the ECC which prohibits interference with operators' apparatus except in certain circumstances / following specified procedures.</p>	Protective Provisions in Schedule 14, Part 5 of the draft DCO [Additional Submission AS-038]	Matter Agreed

Topic	Item No.	Cellnex UK Limited Comment	National Highways' Response	Application Document Reference	Status
Access to assets	2.1.9	Cellnex, its contractors, its site share customers and their contractors to be provided with use of land immediately adjoining the perimeter of the site on a temporary basis when needed to facilitate any installing, maintaining, repairing etc at the site.	<p>The Applicant considers that this point will be resolved outside the DCO process during construction works.</p> <p>Any restriction of this access will be on the grounds of safety and the Applicant's contractor will liaise with Cellnex in advance of the restrictions. There are adequate protections to Cellnex's interests set out in the Protective Provisions.</p> <p>Also see the comment in 2.1.7 above regarding the Protective Provisions and the ECC which prohibits interference with operators' apparatus except in certain circumstances / following specified procedures.</p>	Protective Provisions in Schedule 14, Part 5 of the draft DCO [Additional Submission AS-038]	Matter Agreed

Appendix A Engagement activity

- A.1.1 The Applicant and Cellnex UK 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 consultations, 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 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.
The Contractor		A term used to identify the contractor who will be awarded a main contract for the delivery of a section of the Project. They will be responsible for delivering all main works and will work with the Applicant to discharge its obligations under the DCO.
Mobile Network Operators	MNOs	A mobile network operator is a telecommunications service provider organisation that provides wireless voice and data communication for its subscribed mobile users.
Royal National Lifeboat Institution	RNLI	A charity and lifeboat operator covering the coasts of the United Kingdom, the Republic of Ireland, the Channel Islands, and the Isle of Man as well as some inland waterways.
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.
UK Power Networks	UKPN	UK Power Networks is a distribution network operator for electricity covering South East England, the East of England and London.

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