



Lower Thames Crossing
5.4.2.3 Draft Agreed Statement of
Common Ground between (1)
National Highways and (2)
Thurrock Flexible Generation Ltd
(formerly Thurrock Power
Limited)
(Tracked changes version)

APFP Regulation 5(2)(q)

Infrastructure Planning (Applications:
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<u>Version</u>	<u>Date</u>	<u>Submitted at</u>
<u>1.0</u>	<u>31 October 2022</u>	<u>DCO Application</u>
<u>2.0</u>	<u>31 October 2023</u>	<u>Examination Deadline 6</u>

Status of the Statement of Common Ground

This is an Agreed Draft Statement of Common Ground with matters outstanding.

National Highways (the Applicant) and Thurrock Flexible Generation Ltd (formerly Thurrock Power Limited (TPL) agree that this draft Statement of Common Ground is an accurate description of the matters raised and the current status of each matter.

RE: TFG SoCG and CAD model confirmation

 Tue 24/10/2023 18:00

 5.4.2.3 SoCG between (1) National Highways and (2) Thurrock Flexible Generation Limited (formerly Thurrock Power Limited)_v2.0_clean.docx
182 KB

H 

Happy with the updated draft and will look to get you a CAD before the end of the week.

Thanks



A high-level overview of the engagement undertaken since the DCO Application was submitted on the 31 October 2022 is summarised in Table A.1

Lower Thames Crossing

5.4.2.3 Draft Agreed Statement of Common Ground between (1) National Highways and (2) Thurrock Flexible Generation Ltd (formerly Thurrock Power Limited) (Tracked changes version)

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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 (the Applicant) 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 the Applicant and Thurrock Flexible Generation Ltd (formerly Thurrock Power Limited (TPL)), 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 A version of This SoCG was submitted as part of the Application. This version of the SoCG has been submitted at Examination Deadline 6.

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 Application.
- 1.2.2 One such procedural decision was requested that 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 Thurrock Flexible Generation Ltd (formerly TPL) 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.

Deleted: National Highways

Deleted: <#>This SoCG does not seek to replicate information which is available elsewhere within the Application Documents. All documents may be available on the Planning Inspectorate website.¶

Deleted: <#>parties named below,

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Deleted: <#>National Highways became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing National Highways made provision for all legal rights and obligations of the Highways Agency, including in respect of the Project, to be conferred upon or assumed by National Highways.¶
Thurrock Power Limited (TPL), a subsidiary of Statera Energy Limited, submitted a DCO application in July 2020 to develop a flexible generation and storage power plant known as Thurrock Flexible Generation Plant (TFGP). The Secretary of State for the Department of Business, Energy and Industrial Strategy granted development consent on 16 February 2022. The TFGP development comprises a gas fired electricity generating station and a battery storage facility on land to the north of Tilbury substation. As part of the TFGP DCO, National Highways and TPL agreed a SoCG in July 2020. ¶
The TFGP order limits overlap with the order limits for the Project south of the Tilbury Loop railway line east of Tilbury in Thurrock. This land is needed by the Project for the construction of the main alignment (Works No 5B) among other things. The same land is needed by the TFGP for a new a high-pressure gas pipeline (TFGP DCO Work No 4).¶
Diversion of the gas pipeline has been included within Schedule 1 of the DCO (Application Document 3.1) as Work No TFGP1. Powers enabling National Highways to construct the diversion are provided subject to Schedule 2 Requirement 15, which states notwithstanding paragraph 3 of Schedule 2 "the undertaker must not carry out Work No. TFGP1 unless the Thurrock Flexible Generation Plant is granted development consent and commenced". ¶
Due to the phased nature of the TFGP project, construction works for it could overlap with the construction of the Project. TFGP and the Project have overlapping construction traffic routes through the Port of Tilbury from the A1089 and access off Substation Road. The TFGP construction traffic volumes are small compared to the construction traffic volumes for the Project. ¶
TFGP and the Project are proposing to share access for the initial 400m (approximately) of the proposed Northern Tunnel Entrance Compound (Work No CA5) access rou...

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2 Matters

2.1 Movement of outstanding matters

- 2.1.1 Following submission of the previous version of this Draft Statement of Common Ground between the Applicant and Thurrock Flexible Generation Ltd (formerly TPL), further engagement on the outstanding matters have taken place. These discussions are summarised in Table A.1 in Appendix A and progress reported in Table 2.1.
No matters have changed status at Deadline 6.
- 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) Thurrock Flexible Generation Ltd (formerly TPL).
- 2.1.3 At Examination Deadline 6, there are 5 matters in total of which 4 are agreed, and 1 that remains under discussion.

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Status of the Statement of Common Ground¶
Thurrock Power Limited has not yet been able to complete their review of this Statement of Common Ground in line with their governance process. This Statement of Common Ground is therefore presented as an 'unsigned' Statement of Common Ground.¶
National Highways considers that this Statement of Common Ground is an accurate description of the matters raised Thurrock Power Limited and the status of each matter, based on the engagement that has taken place to date, as set out in Appendix C.¶
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Table 2.1 details

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Table 2.1 Matters

Topic	Item No.	Thurrock Flexible Generation Ltd (formerly TPL) comment	The Applicant's Response	Application Document Reference	Status
Design – Road, Tunnels, Utilities					
Location of gas pipeline diversion under the route alignment.	2.1.1	Thurrock Flexible Generation Ltd (formerly TPL) have an approved Development Consent Order (DCO) high-pressure gas pipeline route. The approved alignment will require a diversion where it crosses the Lower Thames Crossing (LTC) main alignment. Thurrock Flexible Generation Limited (formerly TPL) agrees in principle to the proposed diversion route provided in the LTC DCO, <u>save that the precise extent and alignment of work of TFGP1 and tie in points may need amendment depending on detailed design of the TFGP pipe.</u> Sequencing and interface of construction will need to be detailed within the Interface Agreement to be agreed.	The Applicant has made provision for the necessary land and works power in the Project DCO submission to deliver the diversion to the <u>Thurrock Flexible Generation Plant (TFGP), high-pressure gas pipeline around the Project's main alignment. Sequencing and interface of construction will need to be detailed within the Interface Agreement to be agreed.</u> Should the Project be constructed <u>before Thurrock Flexible Generation Ltd (formerly TPL) commences construction of the high-pressure gas pipeline,</u> Thurrock Flexible Generation Ltd (formerly TPL) have raised the possibility of amending their design and not constructing the section of the pipeline that would be made redundant by the A122 Lower Thames Crossing Work No. TFGP1.		Matter Agreed

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Topic	Item No.	Thurrock Flexible Generation Ltd (formerly TPL) comment	The Applicant's Response	Application Document Reference	Status
Construction					
Substation Road shared access	2.1.2	Thurrock Flexible Generation Ltd (formerly TPL) support the shared use of the initial 400m of the National Highways Tunnels Northern Portal compound access road and will work with National Highways to resolve any construction phase interface requirements. However, it is possible that Thurrock Flexible Generation Ltd (formerly TPL) will need to construct its TFGP DCO approved access further south if Thurrock Flexible Generation Ltd (formerly TPL) commences its development and needs to use the construction access in advance of the northern route if this is not ready to build from a land rights and planning perspective.	The Applicant is in discussions with Thurrock Flexible Generation Ltd (formerly TPL) about a shared access using the Applicant's proposed access point rather than the TFGP DCO approved access further south. Both parties propose to share the first 400m of the access road up to the TFGP junction which runs north to their site. However, the Applicant acknowledges it remains a possibility that Thurrock Flexible Generation Ltd (formerly TPL) will need to construct its TFGP DCO approved access if land and planning for the shared access has not been secured in sufficient time for Thurrock Flexible Generation Ltd (formerly TPL) commencing its development.		Matter Agreed

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Topic	Item No.	Thurrock Flexible Generation Ltd (formerly TPL) comment	The Applicant's Response	Application Document Reference	Status
Conveyor route height clearance above access road	2.1.3	Thurrock Flexible Generation Ltd (formerly TPL) has requested that any conveyor constructed for the Project provides adequate access beneath the structure for their abnormal indivisible loads. This will be dealt with in the Interface Agreement.	The Applicant has confirmed the required clearance with Thurrock Flexible Generation Ltd (formerly TPL) and proposes to consider constructing the conveyor to avoid pylons and at suitable height to avoid impacting construction vehicles accessing the Thurrock Flexible Generation Ltd (formerly TPL) site.		Matter Agreed
Construction interface agreement	2.1.4	Thurrock Flexible Generation Ltd (formerly TPL) agree to the development of an Interface Agreement with National Highways.	The Applicant agrees to work with Thurrock Flexible Generation Ltd (formerly TPL) on finalising an Interface Agreement setting out how the two projects will manage their interfaces and including matters relating to construction management and access, and the high-pressure gas pipeline construction.		Matter Agreed
Protective Provisions					
Protective Provisions	2.1.5	Thurrock Flexible Generation Ltd (formerly TPL) are reviewing the Protective Provisions included at Part 1 of Schedule 14 to the Lower Thames Crossing draft DCO to consider whether any adaptations are required. Thurrock Flexible Generation Limited returned the	The Applicant does not consider any adaptations are required to the Protective Provisions included at Part 1 of Schedule 14 to the Lower Thames Crossing draft DCO. As noted in item 2.1.4, the Applicant and Thurrock Flexible Generation Ltd are progressing an Interface	Part 1 of DCO Schedule 14 [REP5-024] Part 1 of DCO Schedule 14 [REP4-170]	Matter Under Discussion

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Topic	Item No.	Thurrock Flexible Generation Ltd (formerly TPL) comment	The Applicant's Response	Application Document Reference	Status
		<u>draft Interface Agreement on 19 October 2023 and reserves the right to submit bespoke protective provisions if the Interface Agreement negotiations are not concluded in time.</u>	<u>Agreement to address interfaces between the respective schemes. This agreement was issued to the Interested Party on 21 September 2023 for comment. The Applicant received a response on 19 October 2023 and will respond shortly.</u>		

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Appendix A Engagement activity

Table A.1 Engagement activities between the Applicant and Thurrock Flexible Generation Ltd (formerly TPL) since the DCO Application was submitted on 31 October 2022

<u>Date</u>	<u>Overview of engagement activities</u>
<u>18 November 2022</u>	<u>Meeting to discuss gas pipeline alignment interface</u>
<u>24 November 2022</u>	<u>Meeting to discuss general Project updates and interfaces</u>
<u>23 February 2023</u>	<u>Meeting to discuss TPL construction and the Project updates</u>
<u>28 March 2023</u>	<u>Meeting to discuss TPL construction and the Project updates</u>
<u>11 May 2023</u>	<u>Meeting to discuss the Project DCO Protective Provisions and TFGP Interface Agreement</u>
<u>21 September 2023</u>	<u>Email from Applicant to TFG to share National Highways' comments on the draft Interface Agreement. A meeting to discuss is hoped to be scheduled soon.</u>

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.
Lower Thames Crossing	LTC	The Proposed A122 Lower Thames Crossing (the Project)
Statement of Common Ground	SoCG	This document detailing the issues agreed, under discussion or not agreed at the time of examination
Thurrock Flexible Generation Plant	TFGP	The TFGP development comprises a gas fired electricity generating station and a battery storage facility on land to the north of Tilbury substation.
Thurrock Power Limited	TPL	Thurrock Power Limited is the former name of Thurrock Flexible Generation Ltd and was a subsidiary of Statera Energy Limited and is the Proponent for the Thurrock Flexible Generation Plant.

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Documents considered within this Statement of Common Ground
Documents considered within this Statement of Common Ground

A summary of the documents which have been considered in the development on this SoCG outside of the DCO application documents are provided below, such as emails, meeting notes, etc.
 LTC and TPL shared access from Substation Road, Tilbury [Doc number to be confirmed – GIS team to prepare w/c 10/10/22]

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List of engagement activities
 The parties have been in regular contact and correspondence in respect of the Project since 2019 and this engagement has covered all of the issues set out in this SoCG. This has included National Highways engagement with Thurrock Power Limited in preparation for, and during, the TFGP DCO pre-examination and examination periods between 2021 and 2022.
 A summary of the key meetings undertaken between the two parties in relation to the Project is outlined in Table C.1 below.
Engagement activities between National Highways and Thurrock Power Limited
 Date

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