



# Lower Thames Crossing

## 5.4.3.21 ~~Final~~ Agreed Statement of Common Ground between (1) National Highways and (2) UK Power Networks (Tracked changes version)

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APFP Regulation 5(2)(q)

Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Volume 5

DATE: ~~December~~ 2023  
DEADLINE: ~~8~~

Deleted: July

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### Revision history

Version	Date	Submitted at
1.0	31 October 2022	DCO Application
2.0	18 July 2023	Deadline 1
<u>3.0</u>	<u>5 December 2023</u>	<u>Deadline 8</u>

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## Status of the Statement of Common Ground

This is the Final Agreed Statement of Common Ground between (1) National Highways (The Applicant) and (2) UK Power Networks.

Both parties have reached agreement on the position on the status of all 21 matters. All 21 matters have been agreed, leaving no matters outstanding.

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**Deleted:** ) 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, November 15, 2023 3:34 PM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: LTC - UKPN SoCG

Dear [REDACTED]

Thanks for the update. Yes, I am happy for the SoCG to be finalised.

Kind regards

[REDACTED]

From: [REDACTED]  
Sent: Wednesday, July 5, 2023 10:30 AM  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: LTC - UKPN SoCG

Hi [REDACTED]

Yes, I'm happy with the version you attached.

Kind regards

[REDACTED]

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

## Lower Thames Crossing

### 5.4.3.21 Final Agreed Statement of Common Ground between (1) National Highways and (2) UK Power Networks (Tracked changes version)

#### List of contents

	Page number
<b>1 Introduction .....</b>	<b>1</b>
1.1 Purpose of the Statement of Common Ground.....	1
1.2 Principal Areas of Disagreement .....	1
<b>2 Matters .....</b>	<b>2</b>
2.1 Final Position on matters .....	2
<b>Appendix A Engagement activity .....</b>	<b>11</b>
<b>Appendix B Glossary .....</b>	<b>12</b>

#### List of tables

	Page number
<b>Table 2.1 Final Position of Matters .....</b>	<b>3</b>

**Deleted: 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¶**

**Deleted: 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 (~~the Applicant~~) to the Secretary of State for Transport (Secretary of State) under section 37 of the Planning Act 2008 on 31 October 2022.

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1.1.2 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the Applicant and UK Power Networks, and where agreement has not been reached.

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1.1.3 This ~~final~~ version of ~~this~~ SoCG has been submitted at Examination Deadline ~~8~~.

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## 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.

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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 UK Power Networks elected not to produce a PADS Tracker, at pre-examination stage, indicating to the Applicant that they were content that the number of outstanding matters within the SoCG was insufficient to warrant the exercise.

**Deleted:** ~~<#>Terminology~~

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.¶ 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 Final Position on matters

2.1.1 A summary of engagement undertaken between the Applicant and UK Power Networks is summarised in Appendix A.

2.1.2 the outcome of this engagement is presented in Table 2.1 which details and presents the matters that are agreed between (1) the Applicant and (2) UK Power Networks.

2.1.3 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'.

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, and 'DL1' indicates a new matter was added at/around Deadline 1.

2.1.4 At Examination Deadline 8 there are 21 matters, all of which are agreed.

2.1.5 UK Power Networks have withdrawn their representations [AS-096] and UK Power Networks informed the Examining Authority of this position by communication dated 17 August 2023.

2.1.6 This is the final Statement of Common Ground between the Applicant and UK Power Networks.

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**Deleted:** Following submission of the previous version of this Draft Statement of Common Ground

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**Deleted:** these discussions is summarised below.

**Deleted:** <#>The following matters have moved from 'matter under discussion' to 'matter agreed':¶ 2.1.1, 2.1.3 and 2.1.15¶

**Deleted:** <#>Table 2.1

**Deleted:** <#>, '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

**Deleted:** <#>'DLX'

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**Deleted:** Further to the matters raised in the original SoCG, the Applicant or UK Power Networks submitted further comments on the DCO application which have led to new matters being included in Table 2.1.¶ The new matter is 2.1.22 - ED1. This matter was introduced by the Applicant to address the 'Project Definition' topic in Issue Specific Hearing 1. ¶ Table 2.1 details and presents the matters which have been agreed, not agreed, or are under discussion

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**Deleted:** . ¶ 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'. ¶ At Examination Deadline 1 there are 21 matters in total of which 9 are agreed and 12 remain under discussion

**Table 2.1 Final Position of Matters**

Topic	Item No.	UK Power Networks Comment	The Applicant's Response	Application Document Reference	Status
DCO and Consents					
Scope of the Order	2.1.1	UKPN require all their works to be consented within the scope of works in the DCO.	All UKPN works to be consented within the scope of works in the draft DCO including any associated enabling works.	<del>Draft DCO [Document Reference 3.1 (10)]</del>	Matter Agreed
Land requirements and land rights	2.1.2	The land requirements and land rights for the benefit of UKPN to be sought.	The draft DCO contains the appropriate powers necessary for the diversion of UKPN'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. Compounds and access roads for the use of UKPN have been assessed as part of the application and are shown in the Temporary Works Plans. UKPN is requested to continue to liaise with the Applicant during the detailed design development to ensure their requirements are considered.	<del>Temporary Works Plans [REP7-078 to REP7-082] Land Plans [REP7-006 to REP7-010] Draft DCO [Document Reference 3.1 (10)]</del>	Matter Agreed
		Access routes required for UKPN works and compounds to be included in DCO boundary and responsibility of the Project.			

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**Deleted:** Draft DCO [Additional Submission [AS-038](#)]

**Deleted:** Temporary Works Plans [Additional Submissions [AS-034](#) and [AS-036](#)]¶  
 Land Plans [Additional Submissions [AS-006](#) to [AS-010](#)] ¶  
 Draft DCO [Additional Submission [AS-038](#)]

Topic	Item No.	UK Power Networks Comment	The Applicant's Response	Application Document Reference	Status
Division of Responsibility	2.1.3	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.	<a href="#">Draft DCO [Document Reference 3.1 (10)]</a> <a href="#">ES Appendix 2.2: CoCP [Document Reference 6.3 ES Appendix 2.2 (8)]</a>	Matter Agreed
Land Use Plans	2.1.4	Accurate reflection of UKPN rights sought required. Access routes required for UKPN works and compounds to be included in DCO boundary and responsibility of the Project.	The Applicant's land plans sufficiently accommodate UKPN's land requirements. Compounds and access roads for the use of UKPN have been assessed as part of the application and are shown in the Temporary Works Plans. UKPN is requested to continue to liaise with the Applicant during the detailed design development to ensure their requirements are considered.	<a href="#">Temporary Works Plans [REP7-078 to REP7-082]</a> <a href="#">ES Appendix 2.2: CoCP [Document Reference 6.3 ES Appendix 2.2 (8)]</a>	Matter Agreed

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**Deleted:** Draft DCO [Additional Submission [AS-038](#)]  
ES Appendix 2.2: CoCP [Application Document [APP-336](#)]

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**Deleted:** Temporary Works Plans [Additional Submissions [AS-034](#) and [AS-036](#)]  
ES Appendix 2.2: CoCP [Application Document [APP-336](#)]



Topic	Item No.	UK Power Networks Comment	The Applicant's Response	Application Document Reference	Status
Ecology	2.1.6	Ecological reports produced by the Project have not been shared with UKPN. Reports to be provided in a timely manner to allow UKPN to review design/scope/costs ahead of the delivery of the works. The Project and UKPN to agree timelines for provision of Ecology information ahead of developed design and delivery works.	This information is included within the Application Documents. Once the cable route has been finalised, there is a pre-commencement requirement in Schedule 2 Part 1(7) Protected Species of the draft DCO, which requires a final pre-construction survey. All of the relevant updated ecological reports will be issued in advance of construction phase. Designs are to progress making reasonable assumptions.	<a href="#">Draft DCO [Document Reference 3.1 (10) Environmental Statement [APP-138 to APP-486]</a>	Matter Agreed,
Arboriculture	2.1.7	Arboriculture reports produced by the Project have not been shared with UKPN. Reports to be provided in a timely manner to allow UKPN to review design/scope/costs ahead of the delivery of the works. The Project and UKPN to agree timelines for provision of Arboriculture information ahead of developed design and delivery works.	This information is included within the Application Documents and the Applicant's designs have included UKPN's requirements. All the relevant updated Arboriculture reports will be issued in advance of the construction phase <u>as</u> agreed between the parties.	Environmental Statement <a href="#">[APP-138 to APP-486]</a>	Matter Agreed,

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 Environmental Statement [[Application Documents APP-138](#)]

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Topic	Item No.	UK Power Networks Comment	The Applicant's Response	Application Document Reference	Status
Archaeological	2.1.8	Archaeological reports produced by the Project have not been shared with UKPN. Reports to be provided in a timely manner to allow UKPN to review design/scope/costs ahead of the delivery of the works. The Project and UKPN to agree timelines for provision of Archaeological information ahead of developed design and delivery works.	This information is included within the Application Documents. Once the cable route has been finalised, where any interaction is identified with areas of archaeological interest, appropriate investigation of these areas will be undertaken and the relevant mitigation measures implemented as set out in Schedule 2 of the draft DCO. All of the relevant updated archaeological reports will be issued in advance of the construction phase <u>as</u> agreed between the parties.	<u>Draft DCO [Document Reference 3.1 (10)]</u>	Matter <u>Agreed</u>
Flood Risk Assessment (FRA)	2.1.9	Flood Risk Assessment report produced by the Project has not been shared with UKPN Reports to be provided in a timely manner to allow UKPN to review design/scope/costs ahead of the delivery of the works. the Project and UKPN to agree timelines for provision of Flood Risk information ahead of developed design and delivery works.	This information is included within the application documents. Once the cable route has been finalised, an updated FRA associated with the cable route will be required for those cable routes falling in Flood Zone 3. The FRA will be included within the DCO submission. Designs are to progress making reasonable assumptions <u>as</u> agreed between the parties.	ES Appendix 14.6: Flood Risk Assessment <u>[APP-460 to APP-464, REP1-171, APP-466 to APP-468 and REP7-130]</u>	Matter <u>Agreed</u>

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Topic	Item No.	UK Power Networks Comment	The Applicant's Response	Application Document Reference	Status
Vegetation Clearance	2.1.10	Vegetation clearance required for certain sections of the proposed cable routes. UKPN are awaiting for arboriculture survey produced by the Project. UKPN has identified areas where the proposed works require vegetation clearance based on information available at the time. Reports to be provided in a timely manner to allow UKPN to review design/scope/costs ahead of the delivery of the works. National Highways and UKPN to agree timelines for provision of Arboriculture information ahead of developed design and delivery works.	Vegetation clearance considered in line with the design proposals shared with UKPN. The division of responsibility is to determine that the Applicant's appointed Contractors undertake vegetation clearance. UKPN is to communicate its specific requirements at the detailed design stage <u>as agreed</u> between the parties.	N/A	Matter <u>Agreed</u>
Diversion B4 HDD1- Under proposed highway (Station Road)	2.1.11	Awaiting for final details of HDD1 from National Highways.	Horizontal Directional Drilling (HDD) sketch received from UKPN has been incorporated in the design (Work No. MU30). Drawings to be updated once HDD1 design available, and the Applicant's Contractor to consider the multi-corridor HDDs <u>at the detailed design stage.</u>	N/A	Matter <u>Agreed</u>
Diversion C6- Orsett Cock Roundabout	2.1.12	Orsett roundabout is currently being modified. The OS Map still shows old bridge.	Diversion C6 sits within the Project multi-utility corridor (Work No. MUT19), which is aligned based on models for the modified roundabout received from the Orsett Cock developers. The cable will later be relocated into modified Rectory Road bridge (Work No. MU45).	N/A	Matter <u>Agreed</u>

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Topic	Item No.	UK Power Networks Comment	The Applicant's Response	Application Document Reference	Status
Ditch Crossing	2.1.13	Confirmation required on ownership, ditch depths, existing topographical information and if any bespoke design or permits are required.	The Applicant's appointed Contractor to consider and coordinate as part of the detailed design.	N/A	Matter <b>Agreed</b>
Diversion D7 – Horizontal Directional Drilling (HDD) (St Marys Lane)	2.1.14	UKPN is waiting for updated HDD design	Diversion D7 sits within the Project multi-utility corridor (Work No. MU79). The Applicant's appointed Contractor to consider and coordinate as part of the detailed design.	N/A	Matter <b>Agreed</b>
Utility Works Qualifying As NSIPs	2.1.22 <b>DL1/ Rule 6</b>	On the basis that none of the overhead line works (OH3, OH5 and OH8) involve installations exceeding 2km they do not qualify for NSIPs. Overhead line works OH2 is not the installation of an electric line above the ground and so it too does not qualify as an NSIP.	Those works required to the UKPN network have been assessed by the Applicant in relation to Section 16 of the Planning Act 2008. This assessment is detailed within the Explanatory Memorandum at Annex 2 – <i>Assessment of proposed electricity line works for purposes of section 16 of the Planning Act 2008</i> .  The findings of the assessment are that no UKPN Works qualify as NSIPs within their own right, including those relevant overhead line works, Work Nos OH2, OH3, OH5 and OH8.  This is due to the type of works required not being relevant to the assessment as they are not the 'installation of an electric line above ground', or exemption criteria	Explanatory Memorandum <b>[Document Reference 3.2 (6)]</b>	Matter Agreed

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Topic	Item No.	UK Power Networks Comment	The Applicant's Response	Application Document Reference	Status
			contained with S.16(3) being met by one or more test.		
<b>Design – Road, Tunnels, Utilities</b>					
Asset protection	2.1.15	UKPN require assurance that their assets will be protected during the delivery of the Project.	The Applicant and UKPN are discussing a form of protective provisions to protect UKPN's existing and diverted assets.	<a href="#">Protective Provisions, Schedule 14 of the Draft DCO [Document Reference 3.1 (10)]</a>	Matter Agreed
Construction Design Management (CDM) areas and access roads	2.1.16	UKPN waiting for location of the CDM compounds and access road to be agreed.	Compounds and access roads for the use of UKPN have been assessed as part of the Project and are shown in the Temporary Works Plans. UKPN is requested to continue to liaise with the Applicant during the detailed design development to ensure UKPN's requirements are considered by the Applicant's Contractor.	<a href="#">Temporary Works Plans [REP7-078 to REP7-082]</a>	Matter Agreed
Provision of GI data	2.1.17	Targeted Ground Investigation (GI) information not available for UKPN route at various locations GI data to be provided in a timely manner to allow UKPN to review design/scope/costs ahead of the delivery of the works. National Highways and UKPN to agree timelines for provision of GI information ahead of developed design and delivery works.	The Applicant to be responsible, unless otherwise agreed, for the provision of GI data to be utilised by UKPN in its design for the diversion of their assets. UKPN may rely on this data acquired for the design of all Project work.	N/A	Matter Agreed

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Deleted: Protective Provisions, Schedule 14 of the Draft DCO [Additional Submission [AS-038](#)]

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Topic	Item No.	UK Power Networks Comment	The Applicant's Response	Application Document Reference	Status
Environmental Impact Assessment (EIA)	2.1.18	UKPN want assurance that all the EIA for their works has been carried out by the Project.	The Applicant is responsible for incorporating the scope of UKPN works in the EIA for DCO.	Environmental Statement <a href="#">[APP-138 to APP-486]</a>	Matter Agreed
Third party interface agreement	2.1.19	UKPN to manage the operational network interface with National Grid on behalf of the Project. Only applicable for UKPN works and assets affecting National Grid.	UKPN to manage the operational network interface with National Grid Electricity Transmission (the transmission system operator) on behalf of the Applicant.	N/A	Matter Agreed
UKPN internal interfaces	2.1.20	UKPN to manage works to their network to achieve outages and connections on behalf of the Project in their operational areas. Applies to all UKPN assets that require an outage for works to be undertaken.	UKPN to manage works to its network to achieve outages and connections on behalf of the Applicant in their operational land.	N/A	Matter Agreed
Programming	2.1.21	Adequate time provision to be allowed in the Project schedule for UKPN works. No overall agreed Project programme in place at the moment. National Highways and UKPN to agree timelines for provision of Project programme information ahead of developed design and delivery works.	Adequate time provision <del>will</del> be allowed <del>for</del> in the Project schedule for UKPN works <del>in accordance with the Protective Provisions contained within Part 1 of Schedule 14 of the Order. The Applicant and UKPN shall confirm the schedule of works, including UKPN's network requirements and constraints during the detailed design stage.</del>	<del>Protective Provisions. Schedule 14 of the Draft DCO Document Reference 3.1 (10).</del>	Matter <del>Agreed.</del>

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## Appendix A Engagement activity

A.1.1 The Applicant and UK Power Networks have had extensive engagement since the inception of the Project. There has been engagement and dialogue through the statutory and non-statutory consultation, and the various design iterations. The engagement has been in the form of face-to-face meetings, MS ~~Teams~~ meetings, telephone calls and email correspondence.

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A.1.2 The parties are content for their engagement to be captured and presented in the SoCG in this manner.

## Appendix B Glossary

Term	Abbreviation	Explanation
Construction Design Management	CDM	Construction Design Management used in the context of the Construction (Design and Management) Regulations 2015.
Development Consent Order	CDO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Environmental Impact Assessment	EIA	A process by which information about environmental effects of a proposed development is collected, assessed and used to inform decision making. For certain projects, EIA is a statutory requirement, reported an Environmental Statement.
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.
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.
Ground Investigation	GI	Several levels of investigation from desk-based research to onsite sampling to evaluate challenges related to soil/ground.
Statement of Common Ground	SoCG	This document, detailing the issues agreed, under discussion or not agreed at the time of examination.
Transmission system operator	TSO	An entity entrusted with transporting energy on a national or regional level using fixed infrastructure.
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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