



Lower Thames Crossing

5.4.3.23 ~~Final~~ Agreed Statement of Common Ground between (1) National Highways and (2) Virgin Media Limited (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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Application Document Ref: TR010032/APP/5.4.3.23

VERSION: ~~3~~.0

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Revision history

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

Deleted: Examination

Status of the Statement of Common Ground

This is ~~the Final~~ Agreed Statement of Common Ground ~~between (1) National Highways (the Applicant) and (2) Virgin Media O₂ Limited.~~

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~~Both parties have reached agreement on the position on the status of all six matters. Of the six matters, five are agreed and one will remain under discussion, to be discussed at the detailed design stage of the Project.~~

~~At Deadline 1, the Applicant and Virgin Media O₂ Limited agreed that the Statement of Common Ground was an accurate description of the matters raised and the status of each.~~

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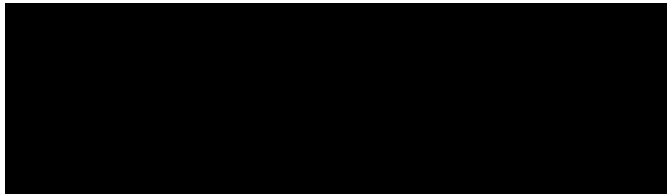
~~The Statement of Common Ground was left open during Examination in case new matters emerged; however, no new matters have emerged and so the Statement of Common Ground has been converted to a final iteration.~~

From: [REDACTED]
Sent: Thursday, June 15, 2023 4:15 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: LTC - Virgin Media Statement of Common Ground

Hi [REDACTED]

I totally agree with the comment.

Regards



Lower Thames Crossing

5.4.3.23 Final Agreed Statement of Common Ground between (1) National Highways and (2) Virgin Media Limited (Tracked changes version)

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
2 Matters	2
2.1 Final position on matters	2
Appendix A Engagement activity	4
Appendix B Glossary	5

List of tables

	Page number
Table 2.1 Final position on matters	2

Deleted: 1 Introduction 1¶
1.1 Purpose of the Statement of Common Ground 1¶
1.2 Principal Areas of Disagreement 1¶
1.3 Terminology 2¶
2 Matters 3¶
2.1 Movement of outstanding matters 3¶
Appendix A Engagement activity 6¶
Appendix B Glossary 7¶

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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.

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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 Virgin Media O₂ Limited (Virgin Media), and where agreement has not been reached.

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

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1.2 Principal Areas of Disagreement

1.2.1 On the 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 Virgin Media O₂ Limited elected not to produce a PADS Tracker, 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.

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In the

2 Matters

2.1 Final position on matters

- 2.1.1 A position statement on engagement undertaken between the Applicant and Virgin Media O₂ Limited is presented 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) Virgin Media O₂ Limited.
- 2.1.3 At Examination Deadline 8, there are six matters in total, five are agreed and one that will remain under discussion.
- 2.1.4 With regards to the matter under discussion, it is acknowledged there are some matters where further discussion may need to take place during the detailed design or construction stages of the Project to finalise detail and as such, there are some matters that will remain 'under discussion' until that time. There is one matter in this SoCG to which this applies, and this is indicated via an asterisk (*).
- 2.1.5 This is the final Statement of Common Ground between the Applicant and Virgin Media O₂ Limited.

Table 2.1 Final position on matters

Topic	Item No.	Virgin Media O ₂ Limited Comment	Applicant's Response	Application Document Reference	Status
Design – road, tunnels, utilities					
Diversions: clashes with permanent works	2.1.1	Resolved by installing temporary diversions.	Outline (Single) option diversions have been proposed. Further development of these is required at the detailed design stage.	N/A	Matter Agreed
Coordinated design	2.1.2	Virgin design has remained the same through the design releases except for the temporary diversions	The Applicant's Draft Coordinated Design has been shared with Virgin Media O ₂ to understand their assets in relation to other Statutory Undertakers.	N/A	Matter Agreed

**Moved up [1]: ¶
Matters¶**

Deleted: 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'. ¶
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. ¶

Deleted: Movement of outstanding matters¶
Following submission of the previous version of this Draft SoCG...

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.....Section Break (Next Page).....

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Topic	Item No.	Virgin Media O ₂ Limited Comment	Applicant's Response	Application Document Reference	Status
Tunnel infrastructure	2.1.3	Virgin Media would like to install cables within the tunnel	<u>The Applicant</u> continues to engage with Virgin Media O ₂ to clarify the scope of the request. However, <u>the Applicant</u> does not consider this a matter to be resolved as part of the DCO process. While it remains under discussion, <u>the Applicant</u> expects this to be resolved outside of the DCO process.	N/A	Matter Under Discussion*
Operational outages (constraints)	2.1.4	90-day customer notification on the cable changeovers	These need to be developed and included in the main programme. Contingency planning during switch over of assets. Ongoing until start onsite. This is set out in the Protective Provisions that Virgin Media O ₂ have agreed to.	N/A	Matter Agreed
Protective Provisions					
Maintenance access	2.1.5	Access required to chambers once cables are in.	Maintenance access to Virgin <u>Media O₂</u> assets is protected in the protective provisions which use the Electronic Communications Code (ECC). All assets are proposed to be relocated into the adoptable highway.	Protective provisions in Schedule 14 of the draft DCO <u>[Document Reference 3.1 (10)]</u>	Matter Agreed
Protection of existing assets	2.1.6	Virgin Media recognises that the draft protective provisions provide a mechanism for the protection of Virgin Media's existing apparatus.	Virgin Media O ₂ assets are protected via the protective provisions. These robust provisions effectively protect Virgin Media O ₂ and numerous other telecoms operators. Virgin Media O ₂ has agreed to the protective provisions from <u>the Applicant</u> .	Protective provisions in Schedule 14 of the draft DCO <u>[Document Reference 3.1 (10)]</u>	Matter Agreed

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Appendix A Engagement activity

A.1.1 The Applicant and Virgin Media O₂ 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, Microsoft Teams meetings, telephone calls and email correspondence.

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

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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.
Statement of Common Ground	SoCG	This document detailing the issues agreed, under discussion or not agreed at the time of examination.

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