



Lower Thames Crossing

9.27 Final Agreed Statement of Common Ground between (1) National Highways and (2) Anglian Water Services Limited (Tracked changes version)

Infrastructure Planning (Examination Procedure) Rules 2010

Volume 9

DATE: December 2023
DEADLINE: 8

Deleted: July

Deleted: 1

Planning Inspectorate Scheme Ref: TR010032
Examination Document Ref: TR010032/EXAM/9.27

VERSION: 2.0

Deleted: 1

Revision history

Version	Date	Submitted at
1.0	18 July 2023	Deadline 1
<u>2.0</u>	<u>5 December 2023</u>	<u>Deadline 8</u>

Deleted: Examination

Deleted: ¶

Status of the Statement of Common Ground

This is the Final Agreed Statement of Common Ground between (1) National Highways (the Applicant) and (2) Anglian Water Services Limited. All matters have been agreed.

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

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.

Deleted: agree

Deleted: this draft

Deleted: is

Deleted: current

Deleted: matter

From: [REDACTED]
Sent: Wednesday, June 28, 2023 11:32 AM
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: AWD SoCG Update

H [REDACTED]

Thanks again for sharing the update to the SoCG. Please see attached with a couple amendments we have added for clarification. Otherwise happy with the updates to the particular references made to the specific documents in the examination library.

Kind regards,
[REDACTED]

Lower Thames Crossing

9.27 Final Agreed Statement of Common Ground between (1) National Highways and (2) Anglian Water Services 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	9
Appendix B Glossary	10

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 1¶
2 Matters 2¶
2.1 Movement of outstanding matters 2¶
Appendix A Engagement Activity 9¶
Appendix B Glossary 10¶

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.

Deleted: National Highways

1.1.2 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the Applicant and Anglian Water Services Limited, and where agreement has not been reached.

Deleted: National Highways (

Deleted:)

Deleted: 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.

1.2 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.

1.2.2 One of these procedural decisions was to use a tracker recording Principal Areas of Disagreement in Summary (PADS). This tracker is known as the PADS Tracker.

1.2.3 The PADS Tracker provides a record of principal matters of disagreement emerging from the SoCG and will 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 Anglian Water Services Limited, following advice from the Applicant elected not to produce a PADS Tracker.

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.¶

2 Matters

2.1 Final position on matters

- 2.1.1 A position statement on engagement undertaken, between the Applicant and Anglian Water Services Limited is presented in Appendix A.
- 2.1.2 The outcomes of discussions are presented in Table 2.1 which details and presents the matters which have now all been agreed between (1) the Applicant and (2) Anglian Water Services Limited.
- 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'.
- 2.1.4 At Examination Deadline 1 there were, 10 matters, all of which were agreed.
- 2.1.5 At Examination Deadline 8 there are still 10 matters, and all remain agreed.
- 2.1.6 This is the final version of the Statement of Common Ground between the Applicant and Anglian Water Services Limited.

Table 2.1 Final Position on Matters

Topic	Item No.	Anglian Water Services Limited Comment	The Applicant's Response	Application Document Reference	Status
DCO and Consents					
Draft DCO and Order Limits	2.1.1	Acceptability of DCO application material is subject to Anglian Water information/designs being accurately portrayed in the DCO Documents and Plans. Anglian Water has liaised with National Highways on a side agreement regarding modified protective provisions and requirements for the protection of Anglian Water.	The DCO and the latest Order Limits has been shared with <u>AWSL</u> , and all works are accurately reflected in the DCO and Application Documents. The works are accurately portrayed just not in detail, e.g., the works are accurately portrayed on the works plans but additional plans may be available as part of detailed design.	Draft Development Consent Order (DCO) Article 8 <u>[Document Reference 3.1 (10)]</u> <u>Works Plans [REP7-030 to REP7-040]</u> <u>Land Plans [REP7-006 to REP7-010]</u> <u>Temporary Works Plans [REP7-078 to REP7-082]</u>	Matter Agreed

Deleted: Movement of outstanding

Deleted: Following submission of the DCO application, continued discussions on matters have taken place

Deleted: (AWS). These discussions are summarised

Deleted: to date

Deleted: , not agreed, or are under discussion

Deleted: <#>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: <#>dDCO

Deleted: <#>dDCO

Deleted: are

Deleted: are

Deleted: <#>Subsequent versions of this SoCG will outline the changes between versions.
.....Section Break (Next Page).....

Deleted: National Highways'

Deleted: AWS

Deleted: Additional Submission AS-038]

Deleted: Works Plans [Application Documents APP-018 and APP-021 and Additional Submissions AS-024 to AS-030]¶
Land Plans [Additional Submissions AS-006 to AS-010]¶
Temporary Works Plans [Application Document APP-050 and Additional Submissions AS-034 and AS-036]

Topic	Item No.	Anglian Water Services Limited Comment	The Applicant's Response	Application Document Reference	Status
			The draft DCO has the provision for AWSL works as presented by the Multi Utility (MU) works in the Works Plans and the associated rights. The draft DCO also has the provision for the transfer of the benefits and powers obtained in the draft DCO.		
Land Plans	2.1.2	<p>The Land Plans identifies areas of land which are intended to be temporarily or permanently acquired as part of the above development. In the event that there is a need to obtain possession of land in Anglian Water's ownership we would expect to have further discussions with National Highway in advance of the DCO application being submitted. Anglian Water was provided with a copy of the draft DCO 'redline area' on 7.10.22 and is reviewing this to understand the potential need for acquisition.</p> <p>Anglian Water has previously requested from National Highways (13.6.22) a copy of the draft Book of Reference to ensure that the details of the potential acquisition (permanent or temporary) is clear, and that design or construction changes can be considered and/or protective provisions can be drafted and agreed which ensure Anglian Water's customers services and the environment is protected.</p>	<p>The Applicant has shared all the relevant land use plans with <u>AWSL</u> and all the Application Documents are available on the Planning Inspectorate website.</p> <p>The parties have entered into an agreement that protects Anglian Water's interests.</p>	<p><u>Book of Reference [REP7-098]</u></p> <p><u>Land Plans [REP7-006 to REP7-010]</u></p> <p><u>Crown Land Plans [REP7-012 to REP7-016]</u></p> <p><u>Special Category Land Plans [REP7-018 to REP7-022]</u></p>	Matter Agreed

Deleted: National Highways'

Deleted: AWS

Deleted: Book of Reference [Additional Submission [AS-42](#)]
 Land Plans [Additional Submissions [AS-006](#) to [AS-010](#)]
 Crown Land Plans [Additional Submissions [AS-012](#) to [AS-016](#)]
 Special Category Land Plans [Additional Submissions [AS-018](#) to [AS-022](#)]

Topic	Item No.	Anglian Water Services Limited Comment	The Applicant's Response	Application Document Reference	Status
		Anglian Water is satisfied that the agreement between both parties addresses this matter, in terms of the modified protective provisions for the protection of Anglian Water.			
Design – road, tunnels, utilities					
Design Release DR3.3/4.3	2.1.3	AWSL considers that there are no significant issues with the National Highways designs and the related diversion of eight AW assets.	The Applicant's latest design has been issued and AWSL have commented and accepted the changes.	N/A	Matter Agreed
Flood Risk Assessment (FRA)	2.1.4	National Highways needs to prepare and share the FRA with AWSL to establish the effect on AWSL's operations. A Flood Risk Assessment (FRA) is to be prepared by National Highways as part of the Environment Statement. Anglian Water requested that the FRA consider the risk of flooding from all sources including sewer flooding (where relevant). Anglian Water to be a stated consultee on all Requirements seeking approval of detailed drainage design. This consultation with other parties including the EA, LLFA and LPA will ensure that project drainage proposals do not increase surface water or sewer flooding or compromise the ability of the sewer network to accommodate planned growth taking into account climate change factors. The consultation	This is included in the Application Documents. The Applicant to be responsible, unless otherwise agreed, for the provision of Flood Risk Assessment (FRA) data to be utilised by Anglian Water in their design of their assets. Discussions to take place between the Applicant and AWSL prior to the submission of any Discharge of Requirements or any applications under the Water Industry Act 1991.	ES Chapter 14: Road Drainage and the Water Environment [APP-152] ES Appendix 14.6: Flood Risk Assessment [APP-460 to APP-464, REP1-171, APP-466 to APP-468 and REP7-130]	Matter Agreed

~~Deleted: National Highways'~~

~~Deleted: AWS~~

~~Deleted: AWS~~

~~Deleted: AWS's~~

~~Deleted: [Application Document~~

~~Deleted: ES Appendix 14.6: Flood Risk Assessment [Application Documents APP-460 to APP-477]~~

~~Deleted: AWS~~

Topic	Item No.	Anglian Water Services Limited Comment	The Applicant's Response	Application Document Reference	Status
		and approval under the Requirement would take place before any applications are made by National Highways under the Water Industry Act 1991. Anglian Water is satisfied that the agreement between both parties addresses this matter.			
Surface water	2.1.5	Anglian Water has discussed with National Highways the need for potential surface water connections to the public sewerage network required as part of the construction phase for the above project. In the event that proposed method of surface water management relates to Anglian Water operated assets, AWSL , would wish to be consulted to ensure that an effective drainage strategy is prepared and implemented. Anglian Water is satisfied that the agreement between both parties addresses this matter.	This is still being developed with AWSL Project Team. Will be ongoing throughout detailed design and start on site. This has been secured by a separate agreement between the parties.	N/A	Matter Agreed
Provision of wastewater connections for compounds	2.1.6	Anglian Water has discussed with National Highways the need for potential foul water connections to the public sewerage network required as part of the construction phase for the above project. In the event that proposed method of foul drainage relates to Anglian Water operated	The Applicant has developed models showing the sewers that may have the capacity to take additional wastewater. The new connections to the Anglian Water network are to be planned and delivered by the Contractor. This is including any necessary	N/A	Matter Agreed

Deleted: National Highways'

Deleted: AWS

Deleted: AW

Topic	Item No.	Anglian Water Services Limited Comment	The Applicant's Response	Application Document Reference	Status
		assets, AWSL , would wish to be consulted to ensure that an effective drainage strategy is prepared and implemented. Anglian Water is satisfied that the agreement between both parties addresses this matter. Should a wastewater service be required, and once agreement has been reached, there are a number of applications required to deliver the necessary infrastructure as outlined in the Water Industry Act 1991.	applications under the Water Industry Act 1991. This will be secured by a separate agreement between the parties.		
Construction					
Enabling works	2.1.7	From our discussions with National Highways, it is understood that a number of diversions of Anglian Water's existing sewers may also be required to be assessed and enhanced particularly in the vicinity of some of the new highways junctions. Further detailed discussions are anticipated on this matter including consideration, assessment and design for the alteration or removal of foul sewers to be conducted in accordance with the Water Industry Act 1991. Those designs would then be taken through the overall drainage plans for the scheme as a matter for Requirements on which Anglian Water would be a stated consultee. Subsequent to that overall drainage scheme approval, individual applications under the Water Industry Act would be considered for approval. Anglian Water reserves the right	Anglian Water diversion scope required for the Project has now been defined. Anglian Water are not the ' relevant <i>planning authority</i> ', as set out in Requirement 8. However, article 19 of the draft DCO requires the Applicant to obtain consent of owners (AWSL) before discharging water. The practical implication of this is that the Applicant will liaise with AWSL prior to discharging the Requirements. This has been secured by a separate agreement between the parties.	Draft DCO Document Reference 3.1 (10)	Matter Agreed

Deleted: National Highways'

Deleted: AW

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

Deleted: 'relevant

Deleted: authority

Deleted: AWS

Deleted: AWS

Topic	Item No.	Anglian Water Services Limited Comment	The Applicant's Response	Application Document Reference	Status
		to liaise with the Environment Agency, Lead Local Flood Authority and Local Planning Authorities on surface water and drainage matters pertaining to the project. Anglian Water is satisfied that the agreement between both parties addresses this matter.			
Protective provisions					
Protective provisions	2.1.8	It is considered that protective provisions specifically for the benefit of Anglian Water should be included as part of the wording of the draft DCO. These protective provisions are in addition to that for utility companies as set out in the model provisions for DCO applications. An agreement has been signed by both parties in relation to modified protective provisions for the protection of Anglian Water. Anglian Water acknowledges that the agreement addresses this matter.	An agreement between the parties relating to modified protective provisions for the protection of Anglian Water has been agreed. The Applicant is confident that the protective provisions resolve any outstanding concerns of Anglian Water. The agreement acknowledges that further discussions may be needed post-submission if there are any material changes to the Project impacting AWSL .	Protective provisions in Schedule 14 of the draft DCO [Document Reference 3.1 (10)],	Matter Agreed
Protection of existing assets	2.1.9	Anglian Water will need clarification that any potential impact on their network or their assets when undertaking the construction of the Project will be addressed in the detailed design stage, in a manner acceptable to Anglian Water in agreement with the Project.	An agreement between the parties relating to modified protective provisions for the protection of AWSL has been agreed. The protective provisions sufficiently protect AWS access to their apparatus. The detailed access	Protective provisions in Schedule 14 of the draft DCO [Document Reference 3.1 (10)],	Matter Agreed

Deleted: National Highways'

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

Deleted: AWS

Deleted: AWS

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

Topic	Item No.	Anglian Water Services Limited Comment	The Applicant's Response	Application Document Reference	Status
		Anglian Water consider that the agreement between both parties in relation to the modified protective provisions should address any potential impact on their network or their assets.	arrangements will be set at detailed design. Indicative requirements need to be developed. This will form part of the construction detailed design drawings which are yet to be issued.		
Maintenance access	2.1.10	Anglian Water require maintenance access to their assets at all times. Access to be protected through the modified protective provisions for the protection of Anglian Water – as set out in the agreement signed by both parties.	An agreement between the parties relating to modified protective provisions for the protection of <u>AWSL</u> has been agreed. The protective provisions sufficiently protect Anglian Water's access to apparatus. This will need to be developed when the Main Works contract has been awarded. The detailed access arrangements will be set at detailed design.	Protective provisions in Schedule 14 of the draft DCO [<u>Document Reference 3.1 (10)</u>]	Matter Agreed

Deleted: National Highways'

Deleted: AWS

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

Appendix A Engagement Activity

The Applicant and Anglian Water Services 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.

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

Appendix B Glossary

Term	Abbreviation	Explanation
A122 Lower Thames Crossing	Project	A proposed new crossing of the Thames Estuary linking the county of Kent with the county of Essex, at or east of the existing Dartford Crossing.
Anglian Water Services Limited	AWSL	n/a
Development Consent Order	DCO	Means of obtaining permission for developments categorised as Nationally Significant Infrastructure Projects (NSIP) under the Planning Act 2008.
Development Consent Order application	DCO application	The Project Application Documents, collectively known as the 'DCO application'.
Environment Agency	EA	A non-departmental public body of Defra, established under the Environment Act 1995. It is the leading public body for protecting and improving the environment in England and Wales. The organisation is responsible for wide-ranging matters, including the management of all forms of flood risk, water resources, water quality, waste regulation, pollution control, inland fisheries, recreation, conservation and navigation of inland waterways.
Examining Authority		The Examining Authority is appointed by the Secretary of State to examine an application for a Development Consent Order and make a recommendation.
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.
Lead Local Flood Authority	LLFA	LLFAs are county councils and unitary authorities. They lead in managing local flood risks (i.e. risks of flooding from surface water, ground water and ordinary (smaller) watercourses). This includes ensuring co-operation between the Risk Management Authorities in their area. The LLFA for the M25 area is Essex County Council who is acting on behalf of Thurrock.
Local planning authority	LPA	A local planning authority is the local authority or council that is empowered by law to exercise statutory town planning functions for a particular area of the UK. May also be referred to as 'local authority'.
National Highways	the Applicant	A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.

Term	Abbreviation	Explanation
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.

If you need help accessing this or any other National Highways information, please call **0300 123 5000** and we will help you.

© Crown copyright 2023.

You may re-use this information (not including logos) free of charge in any format or medium, under the terms of the Open Government Licence. To view this licence:

visit www.nationalarchives.gov.uk/doc/open-government-licence/

write to the **Information Policy Team, The National Archives, Kew, London TW9 4DU**, or email psi@nationalarchives.gsi.gov.uk.

Mapping (where present): © Crown copyright and database rights 2023 OS 100030649. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

If you have any enquiries about this publication email info@nationalhighways.co.uk or call **0300 123 5000***.

*Calls to 03 numbers cost no more than a national rate call to an 01 or 02 number and must count towards any inclusive minutes in the same way as 01 and 02 calls.

These rules apply to calls from any type of line including mobile, BT, other fixed line or payphone. Calls may be recorded or monitored.

Printed on paper from well-managed forests and other controlled sources when issued directly by National Highways.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ

National Highways Limited registered in England and Wales number 09346363