

Lower Thames Crossing

5.3 Statement of Commonality (Clean version)

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1 Introduction

1.1 Purpose of this document

- 1.1.1 On 31 October 2022, National Highways (the Applicant) submitted an Application under section 37 of the Planning Act 2008 for an order to grant development consent for the A122 Lower Thames Crossing (the Project). On 28 November 2022 the Planning Inspectorate accepted the Application for Detailed Examination.
- 1.1.2 A Statement of Commonality was submitted with the Application to assist the Examining Authority (ExA) in understanding areas of commonality across the Statements of Common Ground (SoCGs) which have been prepared between the Applicant and a range of parties.
- 1.1.3 The Applicant notes that procedural decision PD-013-17 within the Rule 6 Letter [\[PD-013\]](#) identifies nine documents which should be submitted at each Examination Deadline or included as a 'nil return'.
- 1.1.4 The Statement of Commonality was identified as one of these documents and as such, will be submitted at each Examination Deadline where new or updated SoCGs are submitted, or included as a nil response if no new or updated SoCGs are being submitted.
- 1.1.5 The document comprises the Applicant's understanding of the stakeholders' positions, as set out in the SoCGs submitted by the Applicant to the ExA at Examination Deadline 8.
- 1.1.6 For more detailed information on the respective stakeholders' positions, in relation to the topics covered in this Statement of Commonality, please refer to the individual SoCGs.

1.2 Structure of this document

- 1.2.1 This document comprises four chapters as described below:
- a. Chapter 1 (this chapter) sets out the purpose and structure of the document.
 - b. Chapter 2 provides an introduction to the drafting of the SoCGs along with a summary of their structure.
 - c. Chapter 3 provides an up-to-date list of the SoCGs and their status.
 - d. Chapter 4 provides a summary table (matrix) which indicates areas of commonality across headings within the SoCGs and presents some high-level commentary.

2 Statements of Common Ground

- 2.1.1 The Applicant has sought SoCGs with a number and range of parties in order to capture their respective positions on material matters relating to the Application.
- 2.1.2 A full list of the SoCGs and their status is provided in Chapter 3 where:
- a. Table 3.1 lists SoCGs submitted with the Application on 31 October 2022.
 - b. Table 3.2 lists new SoCGs prepared with parties in response to the Rule 6 Letter [[PD-013](#)].
 - c. Table 3.3 lists additional SoCGs submitted at Deadline 1 with further parties that were not submitted with the Application, or requested in the Rule 6 Letter [[PD-013](#)], but which the Applicant felt would assist the Examining Authority.
 - d. Table 3.4 lists new SoCGs with further parties that were submitted at Deadline 2.
 - e. Table 3.5 lists new SoCGs with further parties that were submitted at Deadline 6.
- 2.1.3 To ensure consistency across the SoCGs, a uniform approach has been taken to drafting the SoCGs. Each is generally structured as follows:
- a. A clear indication of the status of the SoCG.
 - b. An introduction, setting out the purpose of the document, an overview of the key terminology, and a summary of the movement of Matters where the SoCG is an updated version.
 - c. A table setting out the characterisation of the positions of the Applicant and of the parties on each Matter, and the status of agreement of the Matter. Across the SoCGs this table is structured by a common list of topics.
 - d. A summary of engagement undertaken, and information shared in order to draft the position and reach an agreed status of Matters within the SoCG.
 - e. Where applicable, appendices providing additional information relating to the documents considered within the SoCG, and information on the engagement undertaken.
- 2.1.4 A uniform approach has been taken across the suite of SoCGs to documenting the position on each matter. The position on each Matter can be one of the following:
- a. Matter Agreed
 - b. Matter Not Agreed
 - c. Matter Under Discussion

3 List and status

- 3.1.1 This Chapter of the document provides a list of the SoCGs and a summary of the current status of each.
- 3.1.2 For draft iterations of the SoCGs, signature have not been sought from Interested Parties, in order to streamline the process. In place of signatures, Interested Parties have been asked to endorse the SoCG via email.
- 3.1.3 For final version iterations of SoCGs, signatures will be sought by the Applicant, but email endorsements may also be provided.
- 3.1.4 The status of a SoCG can therefore be summarised by one of the following:
- a. **Final Agreed SoCG** – a final version of the SoCG that has been signed by both parties or endorsed by email. Matters will be either agreed or not agreed. In some cases, matters pertaining to detailed design will remain under discussion until that stage of design is reached, and engagement recommences.
 - b. **Final SoCG** – a final version of the SoCG. Matters will be either agreed or not agreed. In some cases, matters pertaining to detailed design will remain under discussion until that stage of design is reached, and engagement recommences.
 - c. **Agreed Draft** – a draft SoCG with matters outstanding which has been endorsed by the Interested Party via email to confirm it is an accurate description of the matters raised and the current status of each matter. In most cases, the matters outstanding have clear, defined actions to resolve.
 - d. **Draft** – a draft SoCG with matters outstanding and is unendorsed. The draft SoCG has been drafted by the Applicant, but the Interested Party has not yet been able to complete their review in line with their governance process. The Applicant considers that these SoCGs present an accurate description of the matters raised and the status of each matter, based on the engagement that has taken place to date. In most cases, the matters outstanding have clear, defined actions to resolve.

Table 3.1 List and status of SoCGs submitted with the Application

Interested Party (IP)	Our Doc Ref/version	DL 1	DL 2	DL 3	DL 4	DL 5	DL 6	DL 7	DL 8	DL 9	Current Status of the SoCG (based on last submitted version)
Barking Power Limited	5.4.3.2 v1	No	No	No	No	No	No	No	No		Draft
Basildon Council	5.4.4.1 v2	Yes	No	No	No	No	No	No	No		Agreed Draft
Brentwood Borough Council	5.4.4.2 v4	Yes	No	No	No	Yes	No	No	Yes	-	Final Agreed
Cadent Gas Ltd	5.4.3.3 v2	Yes	No	No	No	No	No	No	No		Agreed Draft
Cellnex UK Ltd	5.4.3.4 v3	Yes	No	No	No	No	No	No	Yes	-	Final
Cobham Parish Council	5.4.5.1 v3	Yes	No	No	No	No	No	No	Yes	-	Final Agreed
Dartford Borough Council	5.4.4.3 v4	Yes	No	No	No	No	No	Yes	Yes	-	Final Agreed
DP World London Gateway	5.4.2.1 v2	No	Yes	No	No	No	No	No	No		Agreed Draft
Environment Agency	5.4.1.1 v4	Yes	No	No	No	Yes	No	Yes	No		Agreed Draft
Northumbrian Water Limited – Trading as Essex and Suffolk Water	5.4.3.6 v1	No	No	No	No	No	No	No	No		Agreed Draft
Essex County Council	5.4.4.5 v4	Yes	No	No	No	Yes	No	Yes	No		Agreed Draft
EXA Infrastructure Services UK Ltd	5.4.3.8 v3	Yes	No	No	No	No	No	No	Yes	-	Final Agreed

Interested Party (IP)	Our Doc Ref/version	DL 1	DL 2	DL 3	DL 4	DL 5	DL 6	DL 7	DL 8	DL 9	Current Status of the SoCG (based on last submitted version)
Forestry Commission	5.4.1.2 v2	No	No	No	Yes	No	No	No	No		Agreed Draft
Forestry England	5.4.5.2 v3	No	No	No	Yes	No	No	No	Yes		Draft
Gravesham Borough Council	5.4.4.6 v3	Yes	No	No	No	No	Yes	No	No		Draft
Health and Safety Executive	5.4.3.9 v2	Yes	No	No	No	No	No	No	No		Draft
Higham Parish Council	5.4.5.3 v4	Yes	Yes	No	No	No	No	No	Yes	-	Final Agreed
Historic England	5.4.1.3 v3	Yes	No	No	No	Yes	No	No	No	-	Final Agreed
High Speed One Ltd	5.4.3.10 v3	Yes	No	No	Yes	No	No	No	No		Draft
ITS Technology Group Ltd (NextGen Access)	5.4.3.15 v3	Yes	No	No	No	No	No	No	Yes	-	Final Agreed
Kent County Council	5.4.4.7 v4	Yes	No	No	No	No	Yes	Yes	No		Draft
Kent Downs AONB Unit	5.4.1.4 v3	Yes	No	No	No	No	Yes	No	No		Agreed Draft
London Borough of Havering	5.4.4.8 v4	Yes	No	No	No	Yes	Yes	No	No		Draft
Marine Management Organisation	5.4.1.5 v2	No	No	No	No	No	No	Yes	No		Agreed Draft
Medway Council	5.4.4.10 v2	Yes	No	No	No	No	No	No	No		Agreed Draft
Natural England	5.4.1.6 v5	No	Yes	No	No	Yes	No	Yes	Yes		Agreed Draft

Interested Party (IP)	Our Doc Ref/version	DL 1	DL 2	DL 3	DL 4	DL 5	DL 6	DL 7	DL 8	DL 9	Current Status of the SoCG (based on last submitted version)
Network Rail Infrastructure Ltd	5.4.3.14 v2	Yes	No	No	No	No	No	No	No		Draft
Openreach Ltd	5.4.3.16 v3	Yes	No	No	No	No	No	No	Yes	-	Final Agreed
Port of London Authority	5.4.1.7 v1	No	No	No	No	No	No	No	No		Draft
Port of Tilbury London Ltd	5.4.2.2 v2	No	No	Yes	No	No	No	No	No		Agreed Draft
Royal Mail Group	5.4.3.17 v1	No	No	No	No	No	No	No	No		Agreed Draft
Shorne Parish Council	5.4.5.4 v3	No	No	No	Yes	No	Yes	No	No		Draft
Southern Gas Networks PLC	5.4.3.18 v4	Yes	No	No	No	No	Yes	No	Yes	-	Final Agreed
Thames Chase Trust	5.4.5.5 v3	Yes	No	No	No	No	No	No	Yes	-	Final Agreed
Thurrock Council	5.4.4.12 v3	No	No	Yes	No	No	Yes	No	No		Draft
Thurrock Flexible Generation Limited (formerly Thurrock Power Limited)	5.4.2.3 v2	No	No	No	No	No	Yes	No	No		Agreed Draft
Tonbridge & Malling Borough Council	5.4.4.13 v4	Yes	No	Yes	No	No	Yes	No	No		Agreed Draft
Transport for London	5.4.4.11 v4	Yes	No	No	Yes	No	No	Yes	No		Agreed Draft
UK Power Networks Ltd	5.4.3.21 v3	Yes	No	No	No	No	No	No	Yes	-	Final Agreed

Interested Party (IP)	Our Doc Ref/version	DL 1	DL 2	DL 3	DL 4	DL 5	DL 6	DL 7	DL 8	DL 9	Current Status of the SoCG (based on last submitted version)
Verizon UK Ltd	5.4.3.22 v3	Yes	No	No	No	No	No	No	Yes	-	Final Agreed
Virgin Media Ltd	5.4.3.23 v3	Yes	No	No	No	No	No	No	Yes	-	Final Agreed
Vodafone Ltd	5.4.3.24 v3	Yes	No	No	No	No	No	No	Yes	-	Final Agreed
Zayo Group UK Ltd	5.4.3.25 v2	Yes	No	No	No	No	No	No	No		Agreed Draft

Table 3.2 List and status of new SoCGs requested in the Rule 6 Letter/post Rule 6 letter

Interested Party (IP)	Our Doc ref/version	DL 1	DL 2	DL 3	DL 4	DL 5	DL 6	DL 7	DL 8	DL 9	Current Status of the SoCG (based on last submitted version)
Cuxton Parish Council	9.39 v1	Yes	No	No	No	No	No	No	No		Agreed Draft
Dover District Council	9.34 v3	Yes	No	No	No	No	Yes	No	Yes	-	Final Agreed
Emergency Services and Safety Partnership Steering Group (ESSP SG)	9.28 v2	Yes	No	No	No	No	Yes	No	No		Agreed Draft
Essex Police	9.41 v2	Yes	No	No	No	No	Yes	No	No		Agreed Draft
Hutchinson Ports (London Thamesport)	Interested party has confirmed to the Examining Authority that they do not see a need for a SoCG										

Interested Party (IP)	Our Doc ref/version	DL 1	DL 2	DL 3	DL 4	DL 5	DL 6	DL 7	DL 8	DL 9	Current Status of the SoCG (based on last submitted version)
Kent and Medway Economic Partnership	9.36 v2	Yes	No	No	No	No	Yes	No	No		Agreed Draft
Kent Police	9.42 v2	Yes	No	No	No	No	Yes	No	No		Agreed Draft
Luddesdown Parish Council	9.50 v2	No	Yes	No	No	No	No	No	Yes	-	Final Agreed
Maidstone Borough Council	9.154 v1	No	No	No	No	No	Yes	No	No		Draft
Maritime and Coastguard Agency	Interested party has confirmed to the Examining Authority that they do not see a need for a SoCG										
Meopham Parish Council	9.40 v2	Yes	No	No	No	No	No	No	Yes	-	Final Agreed
Metropolitan Police	Interested party has confirmed to the Examining Authority that they do not see a need for a SoCG										
NHS Kent and Medway Integrated Care Board	9.151 v1	No	No	No	No	No	Yes	No	No		Agreed Draft
NHS Mid and South Essex Integrated Care Board	9.121 v1	No	No	No	No	Yes	No	No	No		Agreed Draft
NHS North East London Integrated Care Board	9.44 v1	Yes	No	No	No	No	No	No	No		Agreed Draft
North Kent Marshes Internal Drainage Board	9.43 v3	Yes	No	No	No	Yes	No	No	Yes	-	Final Agreed

Interested Party (IP)	Our Doc ref/version	DL 1	DL 2	DL 3	DL 4	DL 5	DL 6	DL 7	DL 8	DL 9	Current Status of the SoCG (based on last submitted version)
Peel Ports	Interested party has confirmed to the Examining Authority that they do not see a need for a SoCG										
Sevenoaks District Council	9.37 v3	Yes	No	No	Yes	No	Yes	No	No	-	Final Agreed
Swale Borough Council	9.38 v1	Yes	No	No	No	No	No	No	No		Agreed Draft
Trinity House	Interested party has confirmed to the Examining Authority that they do not see a need for a SoCG										

Table 3.3 Further additional SoCGs submitted by the Applicant at Deadline 1 to assist the Examining Authority

Interested Party	Our Doc ref/version	DL 1	DL 2	DL 3	DL 4	DL 5	DL 6	DL 7	DL 8	DL 9	Current Status of the SoCG (based on last submitted version)
Anglian Water Services Limited	9.27 v2	Yes	No	No	No	No	No	No	Yes	-	Final Agreed
National Grid Electricity Transmission PLC	9.30 v1	Yes	No	No	No	No	No	No	No		Agreed Draft
National Gas Transmission PLC	9.31 v1	Yes	No	No	No	No	No	No	No		Agreed Draft
Southern Water Services Ltd	9.32 v2	Yes	No	No	No	No	No	No	Yes	-	Final Agreed
Thames Water Utilities Ltd	9.33 v2	Yes	No	No	No	No	No	No	Yes	-	Final Agreed

Table 3.4 Further additional SoCGs submitted by the Applicant at Deadline 2 to assist the Examining Authority

Interested Party	Our Doc ref/version	DL 1	DL 2	DL 3	DL 4	DL 5	DL 6	DL 7	DL 8	DL 9	Current Status of the SoCG (based on last submitted version)
Global Mutual (c/o Lakeside Centre Limited)	9.51 v2	*	Yes	Yes	No	No	-	-	-	-	Final agreed SoCG * Global Mutual submitted a unilateral SoCG direct to the ExA at Deadline 1, the Applicant has since engaged with Global Mutual and collaborated on a SoCG for Deadline 2 which is the first version submitted by the Applicant

Table 3.5 Further additional SoCGs submitted by the Applicant at Deadline 6 to assist the Examining Authority

Interested Party	Our Doc ref/version	DL 1	DL 2	DL 3	DL 4	DL 5	DL 6	DL 7	DL 8	DL 9	Current Status of the SoCG (based on last submitted version)
Morzine Limited	9.156 v1	No	No	No	No	No	Yes	No	No		Draft
Thames Enterprise Park Limited	9.155 v1	No	No	No	No	No	Yes	No	No		Draft

Notes: These tables and this document do not include those SoCGs with individual Landowners.

4 Commonality

4.1 Summary

- 4.1.1 This Chapter of the document provides a summary of the material matters covered in each SoCG and demonstrates where there is commonality in the matters being discussed with parties.
- 4.1.2 Table 4.2 shows (a) the headings covered by the SoCGs running along the top, and (b) the parties running down the side.
- 4.1.3 Within the matrix in the table, the colour coding represents (a) whether matters under the headings are broadly agreed, under discussion, or not agreed, or (b) whether the heading has not been a material matter in engagement. This is represented by colour coding as set out in Table 4.1.

Table 4.1 Commonality colour coding

Matters under the heading broadly agreed	
Matters under the headings broadly not agreed	
Matters under the headings broadly under discussion	
No matters raised at this point	

- 4.1.4 Table 4.2 has a primary purpose to assist the Examining Authority in understanding the headings which remain under discussion or not agreed, particularly such headings where the position is shared across more than one stakeholder. Therefore, the categorisation and colour coding in the matrix is intended to represent the broad position per heading (it is not absolute). In addition, footnotes have been used to indicate exceptions.
- 4.1.5 There are limitations with this approach: the summary does not identify particular matters within headings – and any commonality (or not) on those matters.
- 4.1.6 Table 4.2 list Interested Parties who have a SoCG (apart from those with individual landowners) that was either submitted at Application, or at a subsequent deadline.
- 4.1.7 If at Deadline 8 an updated SoCG has not been submitted then the colour coding presented in Table 4.2 is as it was at its last submission.

Table 4.2 Statement of Commonality

		DCO and consents	Need for the project	Planning statement/policy	Route selection, modal alternatives & assessment of reasonable alternatives	Consultation and engagement	Land and compulsory acquisition	Design – road, tunnels, utilities	Construction	Operation & maintenance	Charging	Traffic and economics	Wider network impacts	Sustainability	Socio-economics	EIA methodology	Air quality	Cultural heritage	Landscape and visual	Terrestrial biodiversity	Marine biodiversity	Geology & soils	Material assets and waste	Noise and vibration	Population and human health	Road drainage and the water environment	Climate	Cumulative effects	Habitats Regulations Assessment (HRA)	Nitrogen deposition	Protective provisions			
Statutory Environmental Bodies	Environment Agency																																	
	Forestry Commission																																	
	Historic England																																	
	Kent Downs AONB Unit																																	
	Marine Management Organisation																																	
	Natural England	3														4																		
	Port of London Authority																																	
Business & Industry	DP World London Gateway																																	
	Global Mutual (c.o Lakeside Centre Limited)																																	
	Kent & Medway Economic Partnership																																	
	Morzine Ltd																																	
	Port of Tilbury London Limited																																	
	Thames Enterprise Park Ltd																																	
	Thurrock Flexible Generation Ltd (TFG) (formally known as Thurrock Power Limited - Statera Energy)																																	
Statutory Undertakers, Utility Owners, and Regulators	Anglian Water																																	
	Barking Power Limited																																	
	Cadent Gas Ltd	7																																
	Cellnex Ku Ltd																																	
	Emergency Services and Safety Partnership Steering Group (ESSP SG)																																	
	Essex Police																																	
	Essex and Suffolk Water																																	
	EXA Infrastructure Services UK Ltd																																	
	Health and Safety Executive																																	
	HS1 Limited																																	
	Kent Police																																	
	National Grid Electricity Transmission PLC																																	
	National Gas Transmission PLC																																	
	Network Rail Infrastructure Ltd																																	
	ITS Technology Group (NextGen Access)																																	
	NHS Kent & Medway ICB																																	
	NHS Mid and South Essex ICB																																	
	NHS North East London ICB																																	
North Kent Marshes Internal Drainage Board																																		
Openreach Ltd																																		

4.2 Commentary at Examination Deadline 8

- 4.2.1 Table 4.2 shows that there are a large number of topics which are not of particular interest to some parties. This reflects the reality that different parties have different technical and professional interests, and/or particular spatial and local interests, which inevitably focuses interest toward particular topics:
- a. The Statutory Environmental Bodies are particularly focused on environmental topics, and less focused on Design, Operation and Maintenance, and Traffic and Economics matters.
 - b. The Business and Industry cohort is focused on a small number of issues.
 - c. For the Statutory Undertakers, Utility Owners and Regulators, common ground has been sought across DCO and Consents, Design (roads, tunnels, utilities), Construction, Operations and Maintenance, and Protective Provisions – most other topics have not been raised by these stakeholders.
 - d. Across the Local Authorities and Transport Bodies cohort, and Community and Parish Councils cohort, common ground has been sought across the breadth of topics.
- 4.2.2 Excluding landowner SoCGs, at Deadline 2, five updated or new SoCGs were submitted. At Deadline 3, four updated SoCGs were submitted. At Deadline 4, six updated SoCGs were submitted. At Deadline 5, eight updated or new SoCGs were submitted.
- 4.2.3 At Deadline 6, four new SoCGs were submitted, and this plus the addition of new matters within existing SoCGs led to a number of changes in the top five headings for each of the three status types outlined below; broadly agreed, broadly under discussion, broadly not agreed.
- 4.2.4 At Deadline 7, no new SoCGs have been submitted and although a number of matters have changed status, this has not altered the overall order of the headings as set out below.
- 4.2.5 At Deadline 8, no new SoCGs have been submitted but 22 have been updated and submitted as Final versions.
- 4.2.6 With 22 Final SoCGs submitted at Deadline 8, the most significant movement of matters since Examination commenced can be seen. As both Applicant and IP's approach the end of examination, many matters which were previously under discussion have moved to their final positions.
- 4.2.7 The top five headings where matters are either **all or broadly all agreed** are:
- a. **Cumulative effects** – matters raised by two parties, 100% of matters agreed.
 - b. **Marine Biodiversity** – matters raised by four parties, 75% of matters agreed.

- c. **Need for the Project** – matters raised by 21 parties, 71% of matters agreed.
- d. **Material Assets and Waste** – matters raised by seven parties 71% of matters agreed.
- e. **Sustainability** – matters raised by three parties, 67% of matters agreed.

4.2.8 The top five headings where matters are **broadly still under discussion** are:

- a. **HRA** – matters raised by two parties, 100% of matters remain under discussion.
- b. **Population and Human Health** – matters raised by 18 parties, 61% of matters remain under discussion.
- c. **Socioeconomics**– matters raised by 7 parties, 57% of matters remain under discussion.
- d. **Land and Compulsory Acquisition**– matters raised by 15 parties, 53% of -matters remain under discussion.
- e. **Protective Provisions** – matters raised by 23 parties, 52% of matters remain under discussion.

4.2.9 The top 5 headings where matters are **broadly not agreed** are:

- a. **Wider Network Impacts** – matters raised by 24 parties, 71% of matters are not agreed.
- b. **Climate** – matters raised by six parties, 67%, of matters are not agreed.
- c. **EIA methodology** – matters raised by eight parties, 63% of matters are not agreed.
- d. **Traffic and Economics** – matters raised by 25 parties, 60% of matters are not agreed.
- e. **Planning Statement Policy** – matters raised by 12 parties, 58% of matters are not agreed.

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.
Application Document	-	In the context of the Project, a document submitted to the Planning Inspectorate as part of the application for development consent.
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'.
Examining Authority	ExA	The Examining Authority is appointed by the Secretary of State to examine an application for a Development Consent Order and make a recommendation.
National Highways	-	A UK government-owned company with responsibility for managing the motorways and major roads in England. Formerly known as Highways England.
Nationally Significant Infrastructure Project	NSIP	Major infrastructure developments in England and Wales, such as proposals for power plants, large renewable energy projects, new airports and airport extensions, major road projects etc that require a development consent under the Planning Act 2008.
Planning Act 2008	-	The primary legislation that establishes the legal framework for applying for, examining and determining Development Consent Order applications for Nationally Significant Infrastructure Projects.
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.

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