

Lower Thames Crossing

9.182 Final Agreed Statement of Common Ground between (1) National Highways and (2) DeGiorgio Holdings Limited (Inn on the Lake Hotel) (Clean version)

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Volume 9

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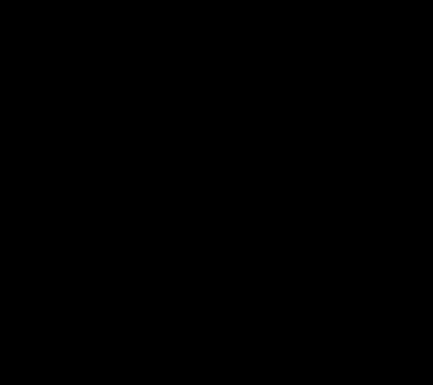
Version	Date	Submitted
1.0	17 November 2023	Deadline 7
2.0	15 December 2023	Deadline 9A

Status of the Statement of Common Ground


This is the Final Agreed Statement of Common Ground between (1) National Highways (the Applicant) and (2) DeGiorgio Holdings Limited (Inn on the Lake Hotel).

Both parties have reached agreement on the position of the status of all five matters. Of the five matters contained within, three matters are agreed in principle and two are not agreed, leaving no matters outstanding.

On behalf of the Applicant

Name		
Position		
Organisation		
Signature		

On behalf of DeGiorgio Holdings Limited (Inn on the Lake Hotel)

Name		
Position		
Organisation		
Signature		

Lower Thames Crossing

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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 DeGiorgio Holdings Limited, and where agreement has not been reached.
- 1.1.3 This final version of the SoCG has been submitted at Examination Deadline 9A.

1.2 Terminology

- 1.2.1 In the final position on matters table in Section 2 of this SoCG, “Matter Not Agreed” indicates agreement on the matter could not be reached, and “Matter Agreed*” indicates a matter that is agreed in principal but where further discussion may take place during the detailed design stage of the Project to finalise detail, or is subject to contract (between DeGiorgio Holdings Limited and the Applicant).
- 1.2.2 However, the status of any matter in this document does not preclude the DeGiorgio Holdings Limited from their rights under the Compensation Code.

2 Matters

2.1 Final position on matters

- 2.1.1 Following submission of the DCO application, continued discussions on matters have taken place between the Applicant and DeGiorgio Holdings Limited. These discussions are summarised in Appendix A. The outcome of these discussions are presented in Table 2.1, which details and presents the matters which have been agreed or not agreed between (1) the Applicant and (2) DeGiorgio Holdings Limited.
- 2.1.2 At Examination Deadline 7 there were five matters in total, which were under discussion.
- 2.1.3 It is acknowledged there are some matters where further discussion may take place during the detailed design stage of the Project to finalise detail, or are subject to contract (between DeGiorgio Holdings Limited and the Applicant), but the matter is agreed in principle. Matters to which this applies have an asterisk (*) next to them.
- 2.1.4 Since version 1 of this SoCG was submitted at Deadline 7 the following matters have moved from ‘Matter Under Discussion’ to ‘Matter Agreed*’:
- a. 2.1.1 – Utility works
 - b. 2.1.2 – Environmental Mitigation
 - c. 2.1.4 – Local road closures
- 2.1.5 The following matters have moved from ‘Matter Under Discussion’ to ‘Matter Not Agreed’:
- a. 2.1.3 – Main construction works
 - b. 2.1.5 – Business interruption
- 2.1.6 At Examination Deadline 9A there are five matters in total, of which three are agreed in principle and two are not agreed.
- 2.1.7 This is the final Statement of Common Ground between the Applicant and DiGiorgio Holdings Limited.

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Table 2.1 Final position on matters

Topic	Item No.	DeGiorgio Holdings Limited Comment	The Applicant's Response	Application Document Reference	Status
Proposed Lower Thames Crossing works					
Utility works	2.1.1	DeGiorgio Holdings Limited (DGHL) is concerned about the impact of utility diversion works on the Inn on the Lake Hotel (IoTL) car park during works to divert utilities and the lack of information and certainty as to when this will commence.	<p>The Applicant is proposing works to divert a medium pressure gas pipeline (Work No. G1b) and other temporary and permanent multi-utility works (Work Nos. MUT1, MU10 & MU11). These works would require temporary possession of the IoTL car park for a period of up to two years. The works would not require the continuous use of the whole car park for all that time; however, the Applicant recognises that the uncertainty regarding the timing and impact of the works is challenging for the business to plan for. Prior to temporary possession of the full car park, access may also be required over smaller areas to undertake intrusive ground investigation works; these works would not prevent use of the IoTL building.</p> <p>To provide certainty in the short term, the Applicant has advised DGHL that it should continue to take bookings for events until 5 January 2026. There is scope for this date to be pushed later once the Contractor has undertaken further detailed consideration of the construction programme. The Applicant would be able to provide updates to DGHL</p>	Works Plans Volume B Composite [Document Reference 2.6 Volume B Composite (6)]	Matter Agreed*

Topic	Item No.	DeGiorgio Holdings Limited Comment	The Applicant's Response	Application Document Reference	Status
			regarding the start date of works in the car park in spring and summer 2024.		
Environmental mitigation	2.1.2	An area of environmental mitigation (Work No. E4) is proposed on the north side of the lakes. A draft S253 agreement is yet to be provided by the Applicant in order to be able to assess the impact.	The Applicant would require access to plot 04-89 for the translocation of, and erection of boxes for, protected species from construction sites. It has been agreed that this could be done via a S253 agreement, the detail and terms of which will be agreed following the DCO examination.	Works Plans Volume B Composite [Document Reference 2.6 Volume B Composite (6)] Draft Development Consent Order [Document Reference 3.1 (11)] Land Plans Volume B [Document Reference 2.2 (8)]	Matter Agreed*
Main construction works	2.1.3	Significant concern regarding access to the IoTL during main construction works to the access driveway from Thong Lane. The IoTL benefits from its location just off the A2, with a good percentage of business arising from passing traffic and its accessible position. If the	The access driveway to the IoTL from Thong Lane will be realigned during construction to accommodate the new Thong Lane bridge over the A2. The outline Traffic Management Plan for Construction states (page 19) in relation to local businesses, among other things, that: ' <i>Access and egress to be</i>	Outline Traffic Management Plan for Construction [Document Reference 7.14 (9)]	Matter Not Agreed

Topic	Item No.	DeGiorgio Holdings Limited Comment	The Applicant's Response	Application Document Reference	Status
		business survives the two years of gas diversion works through its car park, then the further disruption to access for an unspecified period may result in extinguishment of the business.	<p><i>maintained throughout the construction period with the exception of night-time and weekend closures when required for specific planned works'.</i></p> <p>Any such works requiring short-term restrictions to access would be communicated to DGHL in advance.</p> <p>The Applicant is progressing discussions with DGHL regarding a compensation agreement to allow the business to continue as a going concern as outlined in item 2.1.5.</p>		
Local road closures	2.1.4	Significant concern regarding access to the loTL due to local road closures during construction. The Interested Party understands that the diversion required to access the loTL while these works happen would require an approx. 4.3 mile diversion.	<p>Access to loTL via local roads would be provided at all times. Local diversions would be in place during the closure of Brewers Road bridge (circa 19 months). During the closure of Brewers Road bridge there would be a diversion of approximately 4.3 miles in place, an additional 3.3 miles in comparison to the current route (see plan in Appendix B).</p> <p>Thong Lane bridge over the A2 would be replaced with a new offline bridge; weekend closures of Thong Lane at the A2 would be required when the alignment of the road is switched to the new structure. During this time, access to loTL would be maintained from the north via Thong Lane.</p> <p>Brewers Road bridge and Thong Lane bridge over the A2 would not be closed at the same time.</p>	Outline Traffic Management Plan for Construction [Document Reference 7.14 (9)]	Matter Agreed*

Topic	Item No.	DeGiorgio Holdings Limited Comment	The Applicant's Response	Application Document Reference	Status
Compensation					
Business interruption	2.1.5	<p>Significant concern regarding the impact on business during the temporary possession of the IoTL car park. Clearly, with no car park and the noise associated with these works in such close proximity to the hotel, will render the hotel unusable, particularly in relation to its many wedding events held throughout the year.</p> <p>Whilst the Applicant has confirmed that bookings can continue uninterrupted until January 2026, the Applicant is aware that bookings are often taken 18 months in advance. The uncertainty and reputational impact are highly likely to make the business no longer viable and the Hotel and its associated events will have to end resulting in financial hardship to the Interested Party and the loss of jobs.</p>	<p>The Applicant and DGHL have been discussing at a high level the form of an agreement between the parties with the aim to ensure that the IoTL is able to continue as a going concern following the completion of temporary works in the car park.</p> <p>DHGL has agreed to share financial information to assist in these discussions. Once this information has been received Heads of Terms would be formulated to address areas of concern. The Applicant has regular meetings with the agent and the parties would aim to enter into an agreement regarding compensation as soon as reasonably possible.</p>	N/A	Matter Not Agreed

Appendix A Engagement activity

A.1.1 Table A.1 below details the engagement activities between the Applicant and DeGiorgio Holdings Limited since the DCO application was submitted in October 2022. For details of engagement prior to then, please see Statement of Reasons [Document Reference 4.1 (8)].

Table A.1 Engagement activities between the Applicant and DeGiorgio Holdings Limited

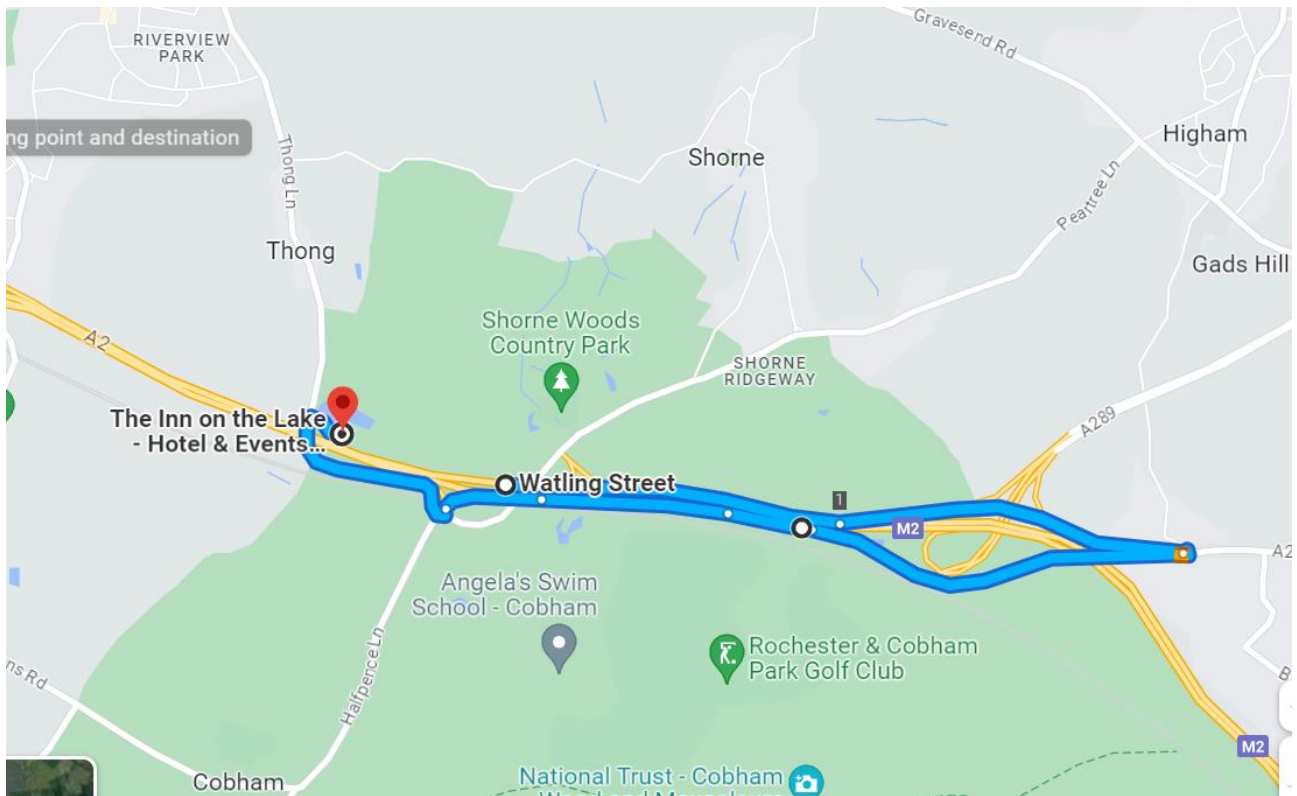
Date	Contact Type	Overview of engagement activities
05 September 2022	Meeting	Regular update meeting – agent considering voluntary agreement with client
07 October 2022	Meeting	Regular update meeting – agent considering voluntary agreement with client
28 November 2022	Meeting	Regular update meeting – agent considering voluntary agreement with client
05 December 2022	Email	Correspondence regarding voluntary agreement
12 December 2022	Email	Correspondence regarding voluntary agreement
19 December 2022	Meeting	Regular update meeting with agent – requested information from client to progress discussions
06 January 2023	Email	Correspondence regarding voluntary agreement
09 January 2023	Meeting	Regular update meeting with agent
06 February 2023	Meeting	Regular update meeting with agent – Applicant considering information provided
13 February 2023	Email	Correspondence regarding voluntary agreement
17 February 2023	Email	Correspondence regarding voluntary agreement
07 March 2023	Meeting	Regular update meeting with agent
07 March 2023	Email	Correspondence with agent regarding voluntary agreement.
30 March 2023	Email	To agent regarding programme update and voluntary agreement
12 April 2023	Meeting	Regular update meeting with agent
04 May 2023	Meeting	Regular update meeting with agent – further information awaited from client
22 May 2023	Meeting	Regular update meeting with agent
15 June 2023	Meeting	Regular update meeting with agent
10 July 2023	Meeting	Regular update meeting with agent
28 July 2023	Email	Correspondence with agent regarding SoCG

Date	Contact Type	Overview of engagement activities
31 July 2023	Email	Correspondence with agent regarding SoCG
01 August 2023	Email	Correspondence with agent regarding SoCG
07 August 2023	Meeting	Regular update meeting with agent – agreed to progress SoCG
23 August 2023	Meeting	With agent to discuss voluntary agreement and SoCG
18 September 2023	Meeting	Regular update meeting with agent – awaiting further information to progress irrigation voluntary agreement.
13 October 2023	Meeting	Regular update meeting with agent – SoCG is being drafted
02 November 2023	Email	To agent regarding SoCG
22 November 2023	Email	To agent regarding SoCG
29 November 2023	Meeting	With agent to finalise SoCG
29 November 2023	Email	To agent regarding SoCG

Appendix B Local Road Diversions

B.1.1 Plate B.1 below shows the route diverted traffic would take during the closure of Brewers Road bridge. The diversion is approximately 4.3 miles, an additional 3.3 miles in comparison to the current route.

Plate B.1 Diversion during Brewers Road bridge closure



Appendix C Glossary

Term	Abbreviation	Explanation
Inn on the Lake Hotel	IoTL	n/a
DeGiorgio Holdings Limited	DGHL	n/a
S253 agreement	n/a	An agreement under section 253 of the Highways Act 1980 for the purpose of mitigating an adverse effect the construction of a highway may have. The agreement may restrict or regulate the use of land for environmental purposes either permanently or temporarily.

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