

Lower Thames Crossing

5.4.2.3 Final Agreed Statement of Common Ground between (1) National Highways and (2) Thurrock Flexible Generation Ltd (formerly Thurrock Power Limited) (Clean version)

APFP Regulation 5(2)(q)

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

Volume 5

**DATE: December 2023
DEADLINE:9A**

Planning Inspectorate Scheme Ref: TR010032
Application Document Ref: TR010032/APP/5.4.2.3

VERSION: 3.0

Revision history

Version	Date	Submitted at
1.0	31 October 2022	DCO Application
2.0	31 October 2023	Deadline 6
3.0	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) Thurrock Flexible Generation Ltd (formerly Thurrock Power Limited (TPL)).

Both parties have reached agreement on the position of the status of all five matters. Of the five matters, four are agreed and one matter is agreed in principle subject to the completion of a Side Agreement.

On behalf of the Applicant

Name	[REDACTED]
Position	[REDACTED]
Organisation	National Highways
Signature	[REDACTED]

On behalf of Thurrock Flexible Generation Ltd (formerly Thurrock Power Limited (TPL))

Name	[REDACTED]
Position	[REDACTED]
Organisation	Statera Energy Limited (parent company to Thurrock Flexible Generation Limited)
Signature	[REDACTED]

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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 Thurrock Flexible Generation Ltd (formerly Thurrock Power Limited (TPL)), 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 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 Application.
- 1.2.2 One such procedural decision was requested that a tracker recording Principal Areas of Disagreement in Summary (PADS) should be used.
- 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 Thurrock Flexible Generation Ltd (formerly TPL) have not submitted a PADS Tracker.

1.3 Terminology

- 1.3.1 In the “Final position on matters” table in Section 2 of this SoCG, “Matter Agreed” indicates where the issue has now been resolved and “Matter Agreed*” indicates where further discussion may need to take place during the detailed design or construction stages of the Project to finalise detail or is subject to a side agreement (between TFGL and the Applicant).

2 Matters

2.1 Final position on matters

- 2.1.1 A summary of engagement undertaken between the Applicant and Thurrock Flexible Generation Ltd is summarised in Table A.1 in Appendix A.
- 2.1.2 The outcome of discussions to date 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) Thurrock Flexible Generation Ltd.
- 2.1.3 At Examination Deadline 6 there were five matters, of which four were agreed and one that was under discussion.
- 2.1.4 It is acknowledged there are some matters where further discussion will take place during the detailed design stage of the Project to finalise detail, or is subject to a side agreement (between TFGL and the Applicant), but the matter is agreed in principle. Matters to which this applies have an asterisk (*) next to them.
- 2.1.5 At Examination Deadline 9A there are still five matters in total, of which four matters are agreed and one matter is agreed in principle*, subject to completion of a separate Side Agreement.
- 2.1.6 This is the final Statement of Common Ground between the Applicant and Thurrock Flexible Generation Ltd.

Table 2.1 Final Positions on Matters

Topic	Item No.	Thurrock Flexible Generation Ltd (formerly TPL) Comment	The Applicant’s Response	Application Document Reference	Status
Design – Road, Tunnels, Utilities					
Location of gas pipeline diversion under the route alignment.	2.1.1	Thurrock Flexible Generation Ltd (formerly TPL) have an approved Development Consent Order (DCO) high-pressure gas pipeline route. The approved alignment will require a diversion where it crosses the Lower Thames Crossing (LTC) main alignment. Thurrock Flexible Generation Limited (formerly TPL) agrees in principle to the proposed diversion route provided in the LTC DCO, save that the precise extent and alignment of work of TFGP1 and tie in points may need amendment depending on detailed design of the TFGP pipe. Sequencing and interface of construction will need to be detailed within the Interface Agreement to be agreed.	The Applicant has made provision for the necessary land and works power in the Project DCO submission to deliver the diversion to the Thurrock Flexible Generation Plant (TFGP) high-pressure gas pipeline around the Project’s main alignment. Sequencing and interface of construction will need to be detailed within the Interface Agreement to be agreed. Should the Project be constructed before Thurrock Flexible Generation Ltd (formerly TPL) commences construction of the high-pressure gas pipeline, Thurrock Flexible Generation Ltd (formerly TPL) have raised the possibility of amending their design and not constructing the section of the pipeline that would be made redundant by the A122 Lower Thames Crossing Work No. TFGP1.	N/A	Matter Agreed

Topic	Item No.	Thurrock Flexible Generation Ltd (formerly TPL) Comment	The Applicant's Response	Application Document Reference	Status
Construction					
Substation Road shared access	2.1.2	Thurrock Flexible Generation Ltd (formerly TPL) support the shared use of the initial 400m of the National Highways Tunnels Northern Portal compound access road and will work with National Highways to resolve any construction phase interface requirements. However, it is possible that Thurrock Flexible Generation Ltd (formerly TPL) will need to construct its TFGP DCO approved access further south if Thurrock Flexible Generation Ltd (formerly TPL) commences its development and needs to use the construction access in advance of the northern route if this is not ready to build from a land rights and planning perspective.	The Applicant is in discussions with Thurrock Flexible Generation Ltd (formerly TPL) about a shared access using the Applicant's proposed access point rather than the TFGP DCO approved access further south. Both parties propose to share the first 400m of the access road up to the TFGP junction which runs north to their site. However, the Applicant acknowledges it remains a possibility that Thurrock Flexible Generation Ltd (formerly TPL) will need to construct its TFGP DCO approved access if land and planning for the shared access has not been secured in sufficient time for Thurrock Flexible Generation Ltd (formerly TPL) commencing its development.		Matter Agreed
Conveyor route height clearance above access road	2.1.3	Thurrock Flexible Generation Ltd (formerly TPL) has requested that any conveyor constructed for the Project provides adequate access beneath the structure for their abnormal indivisible loads. This will be dealt with in the Interface Agreement.	The Applicant has confirmed the required clearance with Thurrock Flexible Generation Ltd (formerly TPL) and proposes to consider constructing the conveyor to avoid pylons and at suitable height to avoid impacting construction vehicles accessing the Thurrock Flexible Generation Ltd (formerly TPL) site.	N/A	Matter Agreed

Topic	Item No.	Thurrock Flexible Generation Ltd (formerly TPL) Comment	The Applicant’s Response	Application Document Reference	Status
Construction interface agreement	2.1.4	Thurrock Flexible Generation Ltd (formerly TPL) agree to the development of an Interface Agreement with National Highways.	The Applicant agrees to work with Thurrock Flexible Generation Ltd (formerly TPL) on finalising an Interface Agreement setting out how the two projects will manage their interfaces and including matters relating to construction management and access, and the high-pressure gas pipeline construction.		Matter Agreed
Protective Provisions					
Protective Provisions	2.1.5	Thurrock Flexible Generation Ltd (formerly TPL) are reviewing the Protective Provisions included at Part 1 of Schedule 14 to the Lower Thames Crossing draft DCO to consider whether any adaptations are required. Thurrock Flexible Generation Limited returned the draft Interface Agreement on 19 October 2023 and reserves the right to submit bespoke protective provisions if the Interface Agreement negotiations are not concluded in time.	The Applicant does not consider any adaptations are required to the Protective Provisions included at Part 1 of Schedule 14 to the Lower Thames Crossing draft DCO. As noted in item 2.1.4, the Applicant and Thurrock Flexible Generation Ltd are progressing an Interface Agreement to address interfaces between the respective schemes. The Applicant considers this matter is agreed, subject to completion of a Side Agreement which makes further provision for this matter.	Part 1 of DCO Schedule 14 [Document Reference 3.1 Draft DCO (11)]	Matter Agreed*

Appendix A Engagement activity

Table A.1 Engagement activities between the Applicant and Thurrock Flexible Generation Ltd (formerly TPL)

Date	Overview of engagement activities
18 November 2022	Meeting to discuss gas pipeline alignment interface
24 November 2022	Meeting to discuss general Project updates and interfaces
23 February 2023	Meeting to discuss TPL construction and the Project updates
28 March 2023	Meeting to discuss TPL construction and the Project updates
11 May 2023	Meeting to discuss the Project DCO Protective Provisions and TFGP Interface Agreement
21 September 2023	Email from Applicant to TFG to share National Highways' comments on the draft Interface Agreement.
09 November 2023	Meeting to discuss TFGP Interface Agreement
30 November 2023	Meeting to discuss TFGP Interface Agreement

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.
Lower Thames Crossing	LTC	The Proposed A122 Lower Thames Crossing (the Project).
Statement of Common Ground	SoCG	This document detailing the issues agreed, under discussion or not agreed at the time of Examination
Thurrock Flexible Generation Plant	TFGP	The TFGP development comprises a gas fired electricity generating station and a battery storage facility on land to the north of Tilbury substation.
Thurrock Power Limited	TPL	Thurrock Power Limited is the former name of Thurrock Flexible Generation Ltd and was a subsidiary of Statera Energy Limited and is the Proponent for the Thurrock Flexible Generation Plant.

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

National Highways Limited registered in England and Wales number 09346363