

**A57 Link Roads**

**TR010034**

**9.20 Statement of Common Ground with  
Openreach**

Rule 8(1)(e)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

April 2022

# Infrastructure Planning

## Planning Act 2008

### The Infrastructure Planning (Examination Procedure) Rules 2010

## A57 Link Roads

### Development Consent Order 202[x ]

---

#### 9.20 STATEMENT OF COMMON GROUND WITH OPENREACH

---

<b>Rule Number:</b>	Rule 8(1)(e)
<b>Planning Inspectorate Scheme Reference</b>	TR010034
<b>Application Document Reference</b>	TR010034/EXAM/9.20
<b>Author:</b>	A57 Link Roads Project Team, National Highways and Atkins

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 1.0	January 2022	Deadline 2
Rev 2.0	April 2022	Deadline 9

## STATEMENT OF COMMON GROUND

**This Statement of Common Ground has been prepared and agreed by (1) National Highways Limited and (2) Openreach**

**Signed**.....  
*Andrew Dawson*  
*Project Manager*  
**On behalf of National Highways**  
**Date: 26.04.22**

**Signed**  
*Paul O'Keefe*  
*NW Network Rearrangement Project*  
*Engineer*  
**On behalf of Openreach**  
**Date: 27.04.2022**

# Table of contents

<b>1.</b>	<b>Introduction</b>	<b>5</b>
1.1.	Purpose of this document	5
1.2.	Parties to this Statement of Common Ground	5
1.3.	Terminology	5
1.4.	Addressing Rule Six requirements	6
<b>2.</b>	<b>Record of Engagement</b>	<b>7</b>
<b>3.</b>	<b>Table of issues and matters to be agreed</b>	<b>9</b>
3.2.	Issues Related to Rule Six Letter Annex E	9

# 1. Introduction

## 1.1. Purpose of this document

- 1.1.1. This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed A57 Link Roads scheme (previously known as Trans-Pennine Upgrade) ("the Scheme") and the application ("the Application") made by National Highways Limited ("National Highways") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 ("the Act").
- 1.1.2. This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available on the Planning Inspectorate website.
- 1.1.3. This SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to the SoCG, and where agreement has not (yet) been reached. SoCGs are an established means in the planning process of allowing all parties to identify and so focus on specific issues that may need to be addressed during the examination.

## 1.2. Parties to this Statement of Common Ground

- 1.2.1. This SoCG has been prepared by (1) National Highways as the Applicant and (2) Openreach.
- 1.2.2. National Highways (formerly Highways England) became the Government-owned Strategic Highways Company on 1 April 2015. It is the highway authority in England for the strategic road network and has the necessary powers and duties to operate, manage, maintain and enhance the network. Regulatory powers remain with the Secretary of State. The legislation establishing the then Highways England made provision for all legal rights and obligations of the Highways Agency, including in respect of the Application, to be conferred upon or assumed by Highways England (now National Highways).
- 1.2.3. Openreach runs the UK's digital network. It maintains the telephone cables, ducts, cabinets, and exchanges that connect nearly all homes and businesses in the UK to the national broadband and telephone network.

## 1.3. Terminology

- 1.3.1. In the tables in the Issues chapter of this SoCG, "Not Agreed" indicates a final position, and "Under discussion" where these points will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties. "Agreed" indicates where the issue has been resolved.
- 1.3.2. It can be taken that any matters not specifically referred to in the Issues chapter of this SoCG are not of material interest or relevance to, and therefore have not been the subject of any discussions between the parties. As such, those matters can be read as agreed, only to the extent that they are either not of material interest or relevance to Openreach

## 1.4. Addressing Rule Six requirements

1.4.1. The document evidences the meeting of conditions set out within Annex E of the Rule Six letter from the Examining Authority, dated 19 October 2021. Openreach is a Category E interested party. The SoCG will address the following requirements within Annex E through the associated sections outlined in tables 1.1 below.

**Table 1.1: Section Six Letter Annex E Requirement for category E interested parties - statutory undertakers.**

Annex E Requirement	Statutory Undertaker Issues
Impacts on rights/apparatus and on the transmission/distribution systems that could be interfered with and their mitigation	1. Impacts on rights/apparatus and on the transmission/distribution systems that could be interfered with and their mitigation
The acquisition of any statutory undertakers' land or rights over such land and the detriment that may be caused to the carrying on of the undertaking in question. The adequacy and agreement of protective provisions in the draft Development Consent Order; any necessary side agreements; and compliance with s127 and s138 of the Planning Act 2008	2. The acquisition of any statutory undertakers' land or rights over such land and the detriment that may be caused to the carrying on of the undertaking in question. The adequacy and agreement of protective provisions in the draft Development Consent Order; any necessary side agreements; and compliance with s127 and s138 of the Planning Act 2008
The protection of the Mottram Longdendale Aqueduct.	3. The protection of the Mottram Longdendale Aqueduct.
The adequacy of the Protective Provisions set out in the draft Development Consent Order to safeguard relevant interests	4. The adequacy of the Protective Provisions set out in the draft Development Consent Order to safeguard relevant interests
The Outline Environmental Management Plan	5. The Outline Environmental Management Plan
Any other relevant matters included in the ExA's Initial Assessment of Principal Issues	6. Any other relevant matters included in the ExA's Initial Assessment of Principal Issues
Any other matters on which agreement might aid the smooth running of the Examination and assist the ExA's recommendation to the Secretary of State	7. Any other matters on which agreement might aid the smooth running of the Examination and assist the ExA's recommendation to the Secretary of State

## 2. Record of Engagement

2.1.1. A summary of the meetings and correspondence that has taken place between National Highways and Openreach between 2016 and January 2022 in relation to the Application, is outlined in Table 2-1.

**Table 2.1: Record of Engagement between National Highways and Openreach**

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
01/08/2016	Openreach email	Openreach confirmed that all locations would be affected by the proposed scheme.
July 2016- June 2017	Email	Stage 2 C3 budget estimates requests were sent.
05/10/2016	Openreach email	A C3 estimate was received from Openreach for major works but did not detail how Openreach's equipment would be affected or any diversion proposals.
04/11/2020	HE email	A notice of Highways England's statutory consultation was sent via e-mail to provide the opportunity for Openreach to share their views on the proposals. A copy of the formal notification of the application (Section 48 Notice) was also enclosed.
23/11/2020	HE telephone call	A query was made to Openreach regarding the existing utilities at land inquiry stage prior to DCO. Openreach responded that once it received a C3 enquiry it would engage in the diversionary procedure.
12/01/2021	Balfour Beatty email	Following the consultation in late 2020, a follow-up e-mail was sent to Openreach requesting a meeting be arranged to identify potential diversions and discuss the next steps.
10/03/2021	HE Email	Protective Provisions Email sent to network alterations email address
22/03/2021	HE Email	Protective Provisions follow up email sent
30/03/2021	C3 update email	Updated C3 received from Openreach following further discussions with BB.
09/04/2021	HE Email	JCB to establish if any legal contacts with Openreach from J10.
20/10/2021	Teams Meeting	Meeting held to review all diversion proposals, status of existing C3 budget costs and agree strategy for developing designs to C4
28/10/2021	Site visit with Openreach	Site visit held with Paul O'Keefe to walk the route and review proposed diversion routes and constraints
05/11/2021	Initial C4s received	C4s for Carrhouse Lane and Wooley Bridge works were received from Openreach. Project team reviewed and provided comments
19/11/2021	Email	Email to Openreach to chase response to Protective Provision proposals
14/12/2021	Teams Meeting	Meeting held, draft SOCG document approved by Openreach, PPs provided for review to Openreach

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
16/12/2021	Email & Letter	Openreach provided email and letter confirmation of approval of Protective Provisions and compliance with Outline Environmental Management Plan
29/03/2022	Email	Openreach provided email confirmation of agreement of all SoCG issues
26/03/2022	Email	Email to Openreach requesting signature for agreement of SoCG issues
27/03/2022	Email	Openreach email providing signature for SoCG

Note: Meeting invites are not included in the table above

- 2.1.2. It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) National Highways and (2) Openreach in relation to the issues addressed in this SoCG.



## Table of issues and matters related to Rule Six letter Annex E to be agreed

**Table 3.2: Statement of Common Ground (SoCG) Between National Highways and Openreach Table of Issues/Matters - Final Version dated 27 April 2022**

SoCG Ref. Number	Relevant examination document	Relevant Issue	Openreach comment	National Highways response	Status
<b>1. Impacts on rights/apparatus and on the transmission/distribution systems that could be interfered with and their mitigation</b>					
1.1	2.3 Work Plans [APP-008]	C3 diversions  Diversions / protections	<p>Throughout the C3 process and subsequent engagement meetings between the project team, design team and Openreach, there have been 15 potential interfaces with existing Openreach assets identified. The following diversions/ protections are required:</p> <ul style="list-style-type: none"> <li>• Diversion of the trunk fibre/copper route on Roe Cross Road</li> <li>• Diversion of local fibre/copper route Old Road</li> <li>• Termination of local woodpole route on Old Hall Lane</li> <li>• Diversion of fibre/copper routes on Mottram Moor</li> <li>• Diversion of local feeds at Carrhouse Lane</li> <li>• Diversion of local wood pole route at Wooley Bridge</li> </ul>	<p>NH to progress design and payment of C4s with Openreach</p> <p>All diversion routes have been agreed in principle between NH and Openreach</p>	Agreed

SoCG Ref. Number	Relevant examination document	Relevant Issue	Openreach comment	National Highways response	Status
<b>2. The acquisition of any statutory undertakers' land or rights over such land and the detriment that may be caused to the carrying on of the undertaking in question. The adequacy and agreement of protective provisions in the draft Development Consent Order; any necessary side agreements; and compliance with s127 and s138 of the Planning Act 2008</b>					
2.1	4.3 Compulsory Acquisition Information – Book of Reference [APP-025]	DCO land boundaries	<p>It is the intention that all utility diversions will be coordinated and designed to remain within existing or proposed Highways land.</p> <p>New easements are to be progressed for diverted routes such as the proposed diversion between Old Road and Roe Cross Road.</p>	NH to finalise detailed diversion routes in order to maintain diversions within permanently acquired land/highway land	Agreed
2.2	4.3 Book of Reference [REP5-009]	Acquisition of existing land in the ownership of statutory undertaker (s127)	Openreach confirms that there is no land identified in the Book of Reference as being land currently within the ownership of Openreach which is to be subject of acquisition for this Scheme.	Noted	Agreed
2.3	4.3 Book of Reference [REP5-009]	Extinguishment of rights, and removal of apparatus, of statutory undertakers (s138)	Openreach confirms that the acquisition of land identified in the Book of Reference as being land over which Openreach has a relevant right, or there is on, under or over the land relevant apparatus is necessary for the purpose of carrying out the development to which the order relates and that, where required, suitable arrangements are in place for the replacement of rights and apparatus.	Noted	Agreed

### 3. The protection of the Mottram Longdendale Aqueduct

3.1			Not applicable to Openreach		
-----	--	--	-----------------------------	--	--

### 4. The adequacy of the Protective Provisions set out in the draft Development Consent Order to safeguard relevant interests

4.1	5.1 Consultation Report - Appendix W - Table of Protected Provisions for Statutory Undertakers [APP-050]	Protective Provisions	Openreach have reviewed the proposed Protective Provisions and approved them via email and letter on 16/12/2021	Noted	Agreed
-----	----------------------------------------------------------------------------------------------------------	-----------------------	-----------------------------------------------------------------------------------------------------------------	-------	--------

### 5. The Outline Environmental Management Plan

5.1	7.2 Outline Environmental Management Plan [APP-183]	Compliance with EMP	Openreach is aware that the EMP and other DCO commitments will need to be adhered to for any works it undertakes that form part of the Scheme. Openreach confirmed compliance via email on 16/12/2021	Noted	Agreed
-----	-----------------------------------------------------	---------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-------	--------

### 6. Any other relevant matters included in the ExA's Initial Assessment of Principal Issues

6.1			N/A		
-----	--	--	-----	--	--

### 7. Any other matters on which agreement might aid the smooth running of the Examination and assist the ExA's recommendation to the

**Secretary of State**

7.1			N/A		
-----	--	--	-----	--	--

© Crown copyright (2022).

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/](http://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](mailto:psi@nationalarchives.gsi.gov.uk).

Printed on paper from well-managed forests and other controlled sources.

Registered office Bridge House, 1 Walnut Tree Close, Guildford GU1 4LZ  
National Highways Limited registered in England and Wales number 09346363