

A57 Link Roads

TR010034

**9.22 Statement of Common Ground with
Cadent Gas**

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]

9.22 STATEMENT OF COMMON GROUND WITH CADENT GAS

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STATEMENT OF COMMON GROUND

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

Signed 

Andrew Dawson

Project Manager

On behalf of National Highways

Date: *26th April 2022*

Signed 

Vicky Cashman

Planning & Consents

On behalf of Cadent Gas

Date: *26th April 2022*

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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) Cadent Gas.
- 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. Cadent Gas is the UK's largest gas distribution network. It operates across West Midlands, East of England, North London and North West of England.

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 Cadent Gas.

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. Cadent Gas 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	Corresponding section heading in table 3.1
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 Cadent Gas 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 Cadent Gas

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
05/06/2018 / 15/06/2018	NH Email	Following the preferred route announcement, fresh C3 inquiries were made to Cadent via email on 05/06/2018, and resubmitted on 15/06/2018.
08/12/2020	Cadent Email	Cadent provided updated C3 quotation for Scheme, included in SGAR3 report.
10/03/2021	NH Email	Protective Provisions outreach email sent to Energy Assets – redirected to contact Cadent Gas
10/03/2021	NH Email	Protective Provisions outreach email sent to Cadent Gas
11/03/2021	Cadent Email	Cadent Gas response related to generic Protective Provisions agreed on M25 J28
15/03/2021	NH Email	Paul Bellingham confirmed Cadent still negotiating M25 J28 and M54 Protective Provisions. Latter will be closing examination on 21/4/21 which may lead to agreement
09/04/2021	NH Email	PB Cadent not yet reached Protective Provisions agreement. VF proposed to stick with standard agreements in DCO.
6/8/2021	Meeting	Cadent and HE Discussion regarding working area diversions
11/8/2021	NH Email	Email from NH to all attendees of 6/8/21 meeting requesting confirmation that the minutes are a correct record of the meeting.
08/11/2021	Meeting	Meeting with Cadent, NH Project Team, NH Area Ops, Tameside and BB to discuss proposal for 355mm MP reinforcement main new route along A57.
09/11/2021	Meeting	"Further meeting held 09/11 to review impact on scheme. Update to be made to Utility cost tracker to include for the proposed main route. JG advised existing 180mm MP at Carrhouse lane could be decommissioned once new 355mm main has been commissioned."
19/11/2021	Meeting	Meeting on site on 19/11 with Cadent to review gas governor location and utility corridor.
15/12/2021	Meeting	Teams meeting to review diversion proposals and development of updated C3 quotations
21/12/2021	Meeting	Teams meeting with Cadent Land Team to review SOCG and Protective Provisions.

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) Cadent Gas in relation to the issues addressed in this SoCG.

3. Table of issues and matters related to Rule Six Letter Annex E to be agreed

Table 3.1: Statement of Common Ground (SoCG) Between National Highways and Cadent Gas Table of Issues/Matters - Final Version dated 7th January 2022.

SoCG Ref. Number	Relevant examination document	Relevant Issue	Cadent Gas comment	National Highways response	Status
1. Impacts on rights/apparatus and on the transmission/distribution systems that could be interfered with and their mitigation					
1.1		C3 diversions Diversions / protections	<p>Throughout the C3 process and subsequent engagement meetings between the project team, design team and Cadent, there have been 14no potential interfaces with existing Cadent assets identified. The following diversions/ protections are required:</p> <ul style="list-style-type: none"> • Diverting the 355mm PE MP & 6" CI LP gas mains from Old Road, and replacing the existing 2" steel main in Roe Cross Road with 63mm PE • Diverting the 250mm DI and abandoning 4" CI LP gas main on A57 Mottram Moor • Abandoning the 180mm PE MP gas main on Carrhouse Lane. • Diverting the 180mm PE MP gas main at proposed Woolley Bridge junction tie-in. <p>In addition, a new MP Main is to be installed by Cadent in April / May 2022 to reinforce the existing network. This proposed main is to be installed on Backmoor, Mottram Moor and Woolley Lane. The design and installation of this main is being fully coordinated with the road scheme design in order to minimise where possible the requirements to divert during the A57 road scheme</p>	<p>Payment of C4 by NH to Cadent</p> <p>Completion of detailed design of diversions/protection of existing assets</p> <p>Completion of detailed engagement on design on new 355mm MP reinforcement main to be installed in 2022.</p>	Agreed

SoCG Ref. Number	Relevant examination document	Relevant Issue	Cadent Gas comment	National Highways response	Status
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					
2.1		Land rights	Cadent advised that land rights will be required to be obtained prior to construction and commissioning of any diverted apparatus to avoid any delays to the project's timescales. A diversion agreement may be required addressing responsibility for works, timescales, expenses and indemnity.	NH note this and will ensure that planning of construction works takes into consideration the requirement to secure land rights ahead of works commencing.	Agreed
2.2		Gas governor	The existing gas governor located on Old Road sits within the red line boundary. The scheme design has taken this into account and has been developed to allow the gas governor to remain in situ. The existing easement/restricted zone for the gas governor needs to be confirmed, it is confirmed to be 3m by Cadent.	NH to ensure that design of diversions and landscaping in the vicinity of the Gas Governor takes into account the associated restrictions around it.	Agreed
2.3	4.3 Book of Reference [REP5-009]	Acquisition of existing land in the ownership of statutory undertaker (s127)	Cadent confirms that, subject to 2.1 and 2.2 above, the land identified in the Book of Reference as being land currently within the ownership of Cadent can be purchased without serious detriment to the carrying on of the undertaking, or any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them.	National Highways acknowledges that Cadent does not agree to the acquisition of the land or rights required for the operation of the gas governor (land parcel 3/5). Consequently, National Highways will not seek to acquire the land or rights within the area of land parcel 3/5.	Agreed
2.4	4.3 Book of Reference [REP5-009]	Extinguishment of rights, and removal of apparatus, of statutory	Cadent confirms that, subject to 2.1 and 2.2 above, the acquisition of land identified in the Book of Reference as being land over which Cadent 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		Agreed

SoCG Ref. Number	Relevant examination document	Relevant Issue	Cadent Gas comment	National Highways response	Status
		undertakers (s138)	that, where required, suitable arrangements are in place for the replacement or retention of rights and apparatus.		
3. The protection of the Mottram Longdendale Aqueduct					
3.1			Not applicable to Cadent		
4. The adequacy of the Protective Provisions set out in the draft Development Consent Order to safeguard relevant interests					
4.1		Protective Provisions	<p>Cadent raised concerns about the provision of working areas either side of the proposed diversion and more specifically to the land plots showing temporary access, and noted that it will need to ensure its protective provisions are established in these areas to cover future access for replacement, inspection and maintenance.</p> <p>Cadent have provided wording to NH (Richard Thurling) to include in the relevant schedule of the DCO.</p>	NH Noted. Protective provisions have been verbally agreed by both parties with final copies to be circulated for signature.	Agreed
4.2		Protective Provisions	<p>Operations within Cadent's existing easement strips are not permitted without approval and will necessitate a Deed of Consent or Crossing Agreement being put in place. Any proposals for work in the vicinity for Cadent's existing apparatus will require approval by Plant Protection under the Protective Provisions/ Asset Protection Agreement and early discussions are advised.</p> <p>Cadent raised a number of further points:</p>	<p>The project team are engaging with Cadent and CMS (Rob Garden) to review draft protective provisions and side agreement with NH. Cadent have requested that the same protective provisions are used as have been previously accepted on recent NH schemes.</p> <p>A review has been completed by both parties and verbally agreed. The side</p>	Agreed

SoCG Ref. Number	Relevant examination document	Relevant Issue	Cadent Gas comment	National Highways response	Status
			<ul style="list-style-type: none"> It has a Deed of Grant of Easement for each pipeline, which prevents the erection of permanent / temporary buildings/structures, change to existing ground levels or storage of materials etc within the easement strip. Written permission is required before any works commence within the Cadent easement strip and a Crossing Agreement may be required if any apparatus needs to cross the Cadent easement strip All works in the vicinity of Cadent's asset shall be subject to review and approval from Cadent's plant protection team in advance of commencement of works on site. 	agreement is also to be completed shortly, with no outstanding contentious items.	
5. The Outline Environmental Management Plan					
5.1	7.2 Outline Environmental Management Plan [APP-183]		<p>Cadent Gas 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.</p> <p>NH will provide all necessary information and support to Cadent to inform of the relevant commitments which affect Cadent works</p>	NH will have provided a copy of the document to Cadent, and raised the relevant points for consideration in a presentation to all Statutory Undertakers held on 12 Jan 2022.	Agreed
6. Any other relevant matters included in the ExA's Initial Assessment of Principal Issues					
6.1		<p>Safe working</p> <p>Pipeline safety</p>	<p>Cadent highlighted the following advice about pipeline safety:</p> <ul style="list-style-type: none"> Health and Safety Executive's guidance document HS(G) 47 "Avoiding Danger from Underground Services", and Cadent's Specification for Safe Working in the Vicinity of Cadent High-Pressure gas pipelines and associated installations requirements for third parties GD/SP/SSW22. 	NH has noted the advice	Agreed

SoCG Ref. Number	Relevant examination document	Relevant Issue	Cadent Gas comment	National Highways response	Status
			<ul style="list-style-type: none"> Digsafe leaflet Excavating Safely - Avoiding injury when working near gas pipes. Cadent's plant protection team will dictate additional requirements. <p>Cadent will need to ensure that their pipelines remain accessible throughout and after completion of the works.</p> <p>The actual depth and position must be confirmed on site by trial hole investigation under a Cadent representative's supervision. Ground cover above pipelines should not be reduced or increased.</p> <p>If any excavations are planned within 3 metres of Cadent High-Pressure Pipeline or, within 10 metres of an AGI (Above Ground Installation), or if any embankment or dredging works are proposed; then the actual position and depth of the pipeline must be established on site in the presence of a Cadent representative.</p> <p>A safe working method must be agreed prior to any work taking place in order to minimise the risk of damage and ensure the final depth of cover does not affect the integrity of the pipeline.</p>		
6.2		Existing utilities	<p>Cadent requires appropriate protection for retained apparatus including compliance with relevant standards for works proposed near to its apparatus. Cadent identified the following apparatus within the vicinity of the proposed works:</p> <ul style="list-style-type: none"> Low or Medium pressure (below 2 bar) gas pipes and associated equipment. (As a result, it is highly likely that there are also gas services and associated apparatus in the vicinity, these are not shown on plans but their presence should be anticipated) 	<p>For diversions sitting outside the highway boundary, NH will be responsible for obtaining at their cost and granting to Cadent the necessary land rights, on Cadent's standard terms, to allow the construction, maintenance and access of the diverted apparatus.</p>	Agreed

SoCG Ref. Number	Relevant examination document	Relevant Issue	Cadent Gas comment	National Highways response	Status
			<ul style="list-style-type: none"> Gas Governor - freehold land interest 		
6.3		<p>Impact on gas infrastructure</p> <p>Surveys</p>	<p>With regards to surveys related to gas infrastructure, Cadent would overlay the CAD on ESRI to determine what is affected.</p> <p>Cadent would expect the highway contractor to undertake trial holes required for any apparatus and the exploratory work for all the services.</p> <p>Some of the existing mains are PE and the depth of these as well as level alterations, construction depths would determine whether Cadent needs to divert.</p> <p>The scheme needs to go through plant protection first as stated below, may affect other pressure tiers too</p>	Trial holes are being planned to confirm locations of existing Cadent apparatus, to be agreed with Cadent	Agreed
6.4		Impact of proposed landscaping on existing Cadent assets	Cadent have provided their guidance titled 'Tree Planting Recommendations on Pipelines' to allow the landscape design team to coordinate the design to comply with Cadent requirements	Noted	Agreed
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					
		Paragraph 7.4.4 [of the Statement of Reasons]	Cadent advised that as the Gas Governor adjacent to Old Road falls within land for purchase by NH in the DCO, the relevant protective provisions will need to be considered.	Noted	Agreed

SoCG Ref. Number	Relevant examination document	Relevant Issue	Cadent Gas comment	National Highways response	Status
		states that none of the land that is proposed to be acquired is Statutory Undertakers' land for the purposes of s127(3) of the PA2008. Do any Statutory Undertakers disagree? If so, why?			

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