

## A303 Sparkford to Ilchester Dualling Scheme TR010036

### 8.13 Statement of Common Ground with Openreach

APFP Regulation 5(2)(g)  
Planning Act 2008  
Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009  
May 2019



Infrastructure Planning

Planning Act 2008

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

**A303 Sparkford to Ilchester Dualling  
Scheme**

Development Consent Order 201[X]

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**STATEMENT OF COMMON GROUND**

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<b>Planning Inspectorate Scheme Reference</b>	TR010036
<b>Application Document Reference</b>	8.13
<b>Author:</b>	A303 Sparkford to Ilchester Dualling Scheme Project Team, Highways England

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A	March 2019	Draft Submission for Deadline 4
B	May 2019	Final Submission for Deadline 6

**STATEMENT OF COMMON GROUND**

This Statement of Common Ground has been prepared and agreed by (1) Highways England Company Limited and (2) Openreach Limited.

Signed  .....  
Hannah Sanderson  
Senior Project Manager  
on behalf of Highways England  
Date: April 2019

Signed   
[NAME]  
[ROLE] Project Engineer  
on behalf of Openreach  
Date: [DATE] 24<sup>th</sup> April 2019

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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 A303 Sparkford to Ilchester Dualling ("the Application") made by Highways England Company Limited ("Highways England") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order ("the Order") under section 37 of the Planning Act 2008 ("PA 2008").
- 1.1.2 This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available in the deposit locations and / or the Planning Inspectorate website.
- 1.1.3 The SoCG has been produced to confirm to the Examining Authority where agreement has been reached between the parties to it, 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.
- 1.1.4 This SoCG contains reference to the protective provisions contained within the DCO at Schedule 8 Part 2, which are included to provide additional protection to operators of electronic communications code networks and so are applicable to Openreach.

### **1.2 Parties to this Statement of Common Ground**

- 1.2.1 This SoCG has been prepared by (1) Highways England as the Applicant and (2) Openreach.
- 1.2.2 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 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.
- 1.2.3 Openreach Limited is an independent division of BT Group. They are responsible for the copper wires and fibre cables that connect homes and businesses to local exchanges. Their customers are the 620+ communications providers who rely on them to deliver phone, broadband, superfast broadband, data and TV services to households and businesses.

### **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 Openreach, 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 Record of Engagement

1.4.1 A summary of the meetings and correspondence that has taken place between Highways England and Openreach in relation to the Application is outlined in Table 1.1.

Table 1.1: Record of engagement

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the issues tables)
16/12/15	Records search	Highways England's agent (Mott Macdonald-Sweco) search of Openreach's plant records to determine presence of Openreach's plant within the scheme area.
15/04/16	Letter	Highways England's agent (Mott Macdonald-Sweco) request budget estimate for diversionary or protection works to Openreach's plant.
09/06/16	Email	Openreach provision of budget estimate for diversionary works.
16/02/18	Meeting	To discuss preliminary design and request Openreach's assistance in the provision of preliminary layouts for input to the Development Consent Order (DCO) application.
05/03/18	Email	Further provision, by Openreach, of budget estimate and outline layout plans to assist with the preparation of the DCO application.
22/11/18	Email	Highways England's agent (Mott Macdonald-Sweco) outlining the status of the scheme, key elements of the DCO application, and requesting input to a Statement of Common Ground (SoCG).
15/02/19	Telecon	Discussion regarding ongoing preparation of SoCG.
28/02/19	Email	Openreach provision of input to SoCG.

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

## 2. Issues

Topic	Sub-section	Openreach comment	Highways England response	Status
General	General	Openreach have no objections to the scheme or any detailed comment to make, and confirm that we are assured of all of our rights under NRSWA, the Electronic Communications Code and associated regulations.	<p>Noted.</p> <p>Subject to any provisions in the DCO which indicate otherwise, Highways England confirm that the relationship between them and the utility undertakers, as regulated by the provisions of Part 3 (street works in England and Wales) of the New Roads and Street Works Act 1991 and the Communications Act 2003, is generally not affected.</p> <p>Further protection is offered by the protective provisions in Part 2 of Schedule 8 of the draft DCO “for the Protection of Operators of Electronic Communications Code Networks”.</p>	<b>AGREED</b>

