

A303 Sparkford to Ilchester Dualling Scheme TR010036

8.17 Statement of Common Ground with Wessex Water

APFP Regulation 5(2)(q)
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]

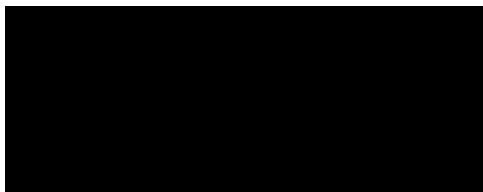
STATEMENT OF COMMON GROUND

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A	March 2019	Draft submission for Deadline 4
B	May 2019	Final version

STATEMENT OF COMMON GROUND

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



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



Signed.....
Nigel Martin
Head of Developer Services
on behalf of Wessex Water
Date: May 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 draft Development Consent Order (DCO) at Schedule 8 part 1, which are included to provide additional protection to electricity, gas, water and sewerage undertakers and so are applicable to Wessex Water.
- 1.1.5 This SoCG also contains reference to the document "Measures necessary where apparatus is affected by major works (diversionary works): A Code of Practice" which sets out arrangements for liaison between developers of major projects and the utility companies. This document is referred to as "the Code of Practice" in this SoCG.

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) Wessex Water.
- 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 Wessex Water is a licensed water and sewerage undertaker, supplying water and sewerage services to more than 2.8 million customers in an area covering around 10,000 km². Wessex Water is regulated by The Water Services Regulation Authority, the Drinking Water Inspectorate and the Environment Agency.

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 Wessex Water, 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 Wessex Water.

1.4 Record of Engagement

- 1.4.1 A summary of the meetings and correspondence that has taken place between Highways England and Wessex Water 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)
08/01/16	Records search	Highways England's agent (Mott MacDonald-Sweco) search of Wessex Water's plant records to determine presence of Wessex Water's plant within the scheme area.
29/02/16	Letter	Highways England's agent (Mott MacDonald-Sweco) request budget estimate for diversionary or protection works to Virgin Media's plant.
25/04/16	Letter	Wessex Water provision of budget estimate for diversionary works.
27/03/17	Meeting	General project update
08/09/17	Meeting	To discuss preliminary design and request Wessex Water's assistance in the provision of preliminary layouts for input to the DCO application.
13/12/17	Email	Further provision, by Wessex Water, of budget estimate and outline layout plans to assist with the preparation of the DCO application.
22/11/18	Telecon and follow up 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).
08/01/19	Telecon	Catch-up regarding production of SoCG
15/02/19	Telecon	Catch-up regarding production of SoCG
01/03/19	Telecon	Wessex Water provision of input to draft 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) Wessex Water in relation to the issues addressed in this SoCG.

2. Issues

Topic	Sub-section	Wessex Water comment	Highways England response	Status
Mitigation of the effects of the project on the transmission/distribution systems	Sch 1. Work No.32 – The diversion of 500 metres of water distribution apparatus, shown on sheet 2 of the Works Plans between points JD and JJ.	Appears acceptable subject to notes below.	Noted	AGREED
	Sch 1.Work No.44 – The diversion of 1470 metres of water supply apparatus, shown on sheets 2 and 3 of the Works Plans between points JR, JS, JN, JO and KA.	Appears acceptable subject to notes below.	Noted	AGREED
	Sch. 1 Work No.46 – The diversion of 250 metres of water distribution apparatus, shown on sheets 2 and 3 of the Works Plans between points JU and JX.	Appears acceptable subject to notes below.	Noted	AGREED
	Sch. 1 Work No.74 – The diversion of 320 metres	Agreement will need to be made as to the relocation of existing	Agreed. Paragraph 7(1) of the protective provisions within the draft DCO	AGREED

Topic	Sub-section	Wessex Water comment	Highways England response	Status
	of public sewer, shown on sheet 3 of the Works Plans between points JX and KP.	manholes, maintaining suitable cover levels and dualling the sewer to lessen the risk of Highway works in the future.	(Schedule 8, Part 1) provides that any relocated apparatus must be constructed and be in operation to the reasonable satisfaction of the utility undertaker before any existing apparatus is removed. It is anticipated that Highways England will design and construct this sewer diversion in accordance with the Specifications in Sewers for Adoption. Design will take place in the second half of 2019 and Wessex Water will be consulted during this process.	
	Sch. 1 Work No.77 – The diversion of 50 metres of water distribution apparatus, shown on sheet 3 of the Works Plans between points KH and KI.	Mains level to be altered with the road and contained within a duct. Wessex Water will require the provision of twinned ducts for all new critical crossings of the A303 in order to ensure security of supply and lessen the risk of Highway works in the future. Specifications to be agreed and subject to the notes below.	Agreed. Paragraph 7(1) of the protective provisions within the draft DCO (Schedule 8, Part 1) provide that any relocated apparatus must be constructed and be in operation to the reasonable satisfaction of the utility undertaker before any existing apparatus is removed. Detail design will take place in the second half of 2019 and Highways England will request a detailed design and specification for this and all other works to Wessex Water's distribution system in accordance with the	AGREED

Topic	Sub-section	Wessex Water comment	Highways England response	Status
			procedure set out in appendix C4 of the Code of Practice.	
General Work Plans		The Work Plans show all utilities in one colour. For clarity the following conventions must be used: Water mains (light blue) Foul sewers (red) Surface water sewers (dark blue)	Agreed. Highways England do not intend to amend the draft DCO Work Plans although a suitable colour coding convention will be adopted for use in all construction plans. Detail design will take place during the second half of 2019.	AGREED
Land	Submission reference 4.3: Book of Reference	Wessex Water noted as within Category 2 as set out in section 57 (categories for purposes of section 56(2)(d)). A person is within Category 2 if they are interested in the land or have the power to sell and convey or release any of the Order land. Category 3 persons whose entitlement to enjoy private easements or rights may be extinguished, suspended or interfered with. Please explain the implications of this	Highways England would like to clarify that Wessex Water are named as being within Category 2 for 31 individual plots listed in Part 1 of the Book of Reference. Wessex Water have also been listed in Part 3 of the Book of Reference as a party who are currently entitled to enjoy easements or other private rights over land which it is proposed shall be extinguished, suspended or interfered with, for the same plots as those covered in Part 1. Wessex Water are not listed as a Category 3 party for any plots.	AGREED
Development Consent Order drafting, including requirements	Draft Development Consent Order, Part 3, Article 11	Wessex Water require reassurance that the risks to them and their customers	Article 11(a) of the draft DCO provides Highways England as the Undertaker with the authority to undertake all work	AGREED

Topic	Sub-section	Wessex Water comment	Highways England response	Status
		arising from the breaking up or opening up of streets or sewers, drains or tunnels under them would be adequately controlled by Highways England and its contractor(s).	necessary on any street within the Development Consent Order Boundary in order to construct the works. Risks of undertaking this work will be consistent with conventional construction practice regarding excavation and will be controlled accordingly. Part 1 of Schedule 8 to the draft Development Consent Order (Protective Provisions) has been prepared to ensure Wessex Water's exposure to such risks is appropriately managed.	
	Draft Development Consent Order, Part 3, Article 13	Any highway (other than a trunk road) to be constructed under this Order must be completed to the reasonable satisfaction of the local highway and, unless otherwise agreed in writing with the local highway authority, the highway including any culverts or other structures laid under it must be maintained by and at the expense of the local highway authority from its completion. Wessex Water require clarification regarding whether	The term "structures" is intended to mean road infrastructure structures (such as bridges, ground works, embankments, large tunnels, etc.).	AGREED

Topic	Sub-section	Wessex Water comment	Highways England response	Status
		the term “structures” includes water mains and sewers. We would like to clarify that Wessex Water will continue to own and operate any of our apparatus in the affected highways.		
	Draft Development Consent Order, schedule 8, part 1, paragraph 7, sub paragraph 2	Please clarify the 28 days written notice for diversion? We will work with the Undertaker to develop a scheme in accordance with the works programme.	This notice period relates to situations where Highways England elect to undertake diversionary and protection works to Wessex Water’s apparatus. In these cases Wessex Water would not be required to procure any design, materials or construction contracts. Highways England would still be required to agree a works specification with Wessex Water in accordance with Schedule 8, part 1, paragraph 7, sub paragraph 6 of the draft DCO.	AGREED
	Draft Development Consent Order, schedule 8, part 1, paragraph 7, sub paragraph 6	Wessex Water would like to highlight that, if Highways England elect undertake work to their apparatus, their contractor will require Lloyds accreditation or be an approved ‘Self Lay Provider’.	Noted. Schedule 8, part 1, paragraph 7, sub paragraph 7 of the draft DCO prevents Highways England from undertaking any connection works within 300mm of existing apparatus, and so Wessex Water would retain this aspect of work regardless of Highways England’s approach for other elements.	AGREED

Topic	Sub-section	Wessex Water comment	Highways England response	Status
	Draft Development Consent Order, schedule 8, part 1, paragraph 10, sub paragraph 5	Wessex Water note this clause which concerns deducting payment if the diversion causes Wessex Water to defer subsequent renewal dates. Wessex Water's position is that such a deduction may not be applicable to works to its apparatus, and that this will be reflected in any detailed estimates submitted in response to requests made by Highways England under appendix C4 of the Code of Practice.	Noted. Highways England's position is that they consider the deferment of time for renewal mechanism to be valid <i>in principle</i> although accept that this is subject to further negotiation, taking into account the details of the specific apparatus in question. These negotiations would take place subsequent to receipt of Wessex Water's C4 response.	AGREED
	Diversion Notes General	Any customer private services should be located and left in situ if able. A new duct must be installed next to existing apparatus with chambers provided by WW at either end of road crossings	Agreed. Detail design will take place in the second half of 2019 and Highways England will request a detailed design and specification for this and all other works to Wessex Water's distribution system in accordance with the procedure set out in appendix C4 of the Code of Practice	AGREED
		Diverted mains and sewers must remain in publicly accessible land	Agreed. In addition, the measures contained within the draft DCO and protective provisions (paragraphs 7 and 8 of Part 1 of Schedule 8 to the draft DCO) ensure that Wessex Water will be	AGREED

Topic	Sub-section	Wessex Water comment	Highways England response	Status
			afforded access to their apparatus if diverted under the draft DCO.	
		Diversions must be completed before abandonment of existing apparatus	Agreed. This is secured in paragraph 7(1) of the protective provisions in Part 1 of Schedule 8 to the draft DCO.	AGREED
	Diversion Notes (WW)	<p>Diversion works will be non-contestable. Subject to agreement, Wessex Water will:</p> <ul style="list-style-type: none"> • Supply lay and install all materials and fittings pressure test, chlorinate, sample. • Arrange main shutdown deliver warning letters to properties. • Make connections to existing network. • Transfer any existing services with equivalent size and material 	<p>Noted.</p> <p>Highways England may wish to carry out the diversion works itself (and the draft DCO allows this to occur), subject to providing notice in writing to Wessex Water in advance in accordance with paragraph 7(6) of the protective provisions at Part 1 of Schedule 8 to the draft DCO.</p>	AGREED

Topic	Sub-section	Wessex Water comment	Highways England response	Status
	Diversion Notes Developer (Undertaker)	If the excavated trench is not fit for purpose or delays occur due to the developer, additional mobilisation/demobilisation charges will be applied	<p>Noted. The protective provisions (paragraph 7(1)) state that any diverted apparatus must be constructed and in operation to the reasonable satisfaction of the utility undertaker before any existing apparatus is extinguished. Paragraph 10(1) provides for Highways England to pay to the utility undertaker the costs associated with any diversion works.</p> <p>Highways England's intention is to manage the works, including the relationship between Highways England and Wessex Water, in accordance with the procedures set out in the Code of Practice.</p>	AGREED

