

## A303 Sparkford to Ilchester Dualling Scheme TR010036

### 8.14 Statement of Common Ground with Sky

APFP Regulation 5(2)(q)  
Planning Act 2008  
Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009  
June 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**

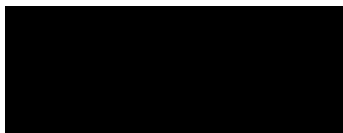
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<b>Planning Inspectorate Scheme Reference</b>	TR010036
<b>Application Document Reference</b>	8.14
<b>Author:</b>	A303 Sparkford to Ilchester Dualling Scheme Project Team, Highways England

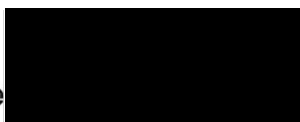
<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
A	March 2019	Draft submission for Deadline 4
B	June 2019	Final for Deadline 8 submission

## STATEMENT OF COMMON GROUND

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



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



Signe.....  
Gregory Cross  
Head of Network Infrastructure  
on behalf of Sky  
Date: 30<sup>th</sup> 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 DCO at Schedule 8 part 2, which are included to provide additional protection to operators of electronic communication code networks and so are applicable to Sky.
- 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) Sky.
- 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 Sky is a British telecommunications company which provides television and broadband internet services, fixed line and mobile telephone services to consumers and businesses in the United Kingdom.

### **1.3 Terminology**

- 1.3.1 In the tables in the Issues chapter of this SoCG, "Not Agreed" indicates a final position, and "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 Sky, 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 Sky.

## 1.4 Record of Engagement

1.4.1 A summary of the meetings and correspondence that has taken place between Highways England and Sky 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)
15/12/15	Records search	Highways England's agent (Mott Macdonald-Sweco) search of Sky's plant records to determine presence of Sky'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 Openreach's plant.
31/03/16	Letter	Sky provision of budget estimate for diversionary works.
27/02/17	Meeting	General project update
07/09/17	Meeting	To discuss preliminary design and request Sky's assistance in the provision of preliminary layouts for input to the Development Consent Order (DCO) application.
20/11/18	Telecon	Initial call by Highways England's agent (Mott Macdonald-Sweco) to Sky outlining the requirement for a Statement of Common Ground (SoCG).
22/11/18	Email	Detailed email from 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).
05/03/19	Telecon	Discussion regarding ongoing preparation of SoCG.
05/03/19	Email	Sky 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) Sky in relation to the issues addressed in this SoCG.

## 2. Issues

Topic	Sub-section	Sky comment	Highways England response	Status
General	General	It is felt that the documentation provided is somewhat excessive and should be condensed to a much smaller document outlining the basic proposals. Sky requires confirmation as to which work numbers relate to infrastructure owned or used by Sky.	Highways England are applying for a Development Consent Order to construct the dualling of the A303 between Sparkford and Ilchester. The documentation provided is therefore relevant to that scheme and everything that is required to deliver it. The documentation is consistent with the requirements of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.  The works (described in Schedule 1 of the draft Development Consent Order and illustrated in the Works Plans) include diversionary works to ensure Sky's apparatus is moved into an appropriate location. Proposed works to Sky's apparatus are listed as Work Nos 8, 13, 31, 34, 36, 47, 69, 72, 84, 96, 97 and 98 in Schedule 1 of the draft Development Consent Order and shown on the Works Plans.	<b>AGREED</b>
General	General	We will require an outline Method Statement of your proposals. In particular:  (a) Sky notes that it will require detailed information in respect of the routing	Agreed.  Because Sky's existing apparatus is within the A303 boundary these works are classified as 'Street Works', and, as such, works to divert or protect them are covered	<b>AGREED</b>



Topic	Sub-section	Sky comment	Highways England response	Status
		<p>of diversions, chamber locations and access arrangements which has yet to be provided; and</p> <p>(b) Sky requires confirmation of the phasing of any diversions</p>	<p>by the New Roads and Street Works Act 1991. The associated Code of Practice “Measures Necessary where Apparatus is affected by Major Works (Diversionary Works)” sets out the procedure for liaison between Highways England and utility companies in this respect.</p> <p>Arrangements for establishing the routing of diversionary works and the positioning of proposed chambers will involve the procedure set out in appendix C4 of the Code of Practice which includes a site survey and provision by Sky of a detailed design, specification and programme for the works once requested by Highways England. The Code of Practice requires that utility companies and highway authorities should work together towards an agreed programme of works through this process.</p> <p>Highways England will appoint a main works contractor in 2019 and this contractor will prepare all necessary method statements prior to commencement of each relevant work activity.</p>	

Topic	Sub-section	Sky comment	Highways England response	Status
General	General	We will require an outline programme of works and confirmation as to where any diversions fit within the outline programme.	Agreed. Liaison between Highways England and Sky will follow procedures set out on the Code of Practice, and this requires that utility companies and highway authorities should work together towards an agreed programme of works through this process. Highways England will appoint a main works contractor in 2019 and this contractor will prepare a programme of works prior to commencement on site.	<b>AGREED</b>
General	General	Sky has commissioned a 'C3' quote in respect of any proposed diversion of its apparatus. Sky expects Highways England to underwrite the cost of the production of the quote and any other costs incurred by Sky as a result of this project being implemented	Sky's existing cable route is located within the verge of the existing A303 trunk road. As such works to divert or protect this apparatus will be undertaken in accordance with the New Roads and Street Works Act 1991. Specifically, financial arrangements for diversionary works are included in Section 85 of the Act. The draft Development Consent Order does not amend section 85 of that Act.	<b>AGREED</b>
General	General	All documentation should be relevant to Sky and no other party.	Highways England are applying for a Development Consent Order to construct the dualling of the A303 between Sparkford and Ilchester. The documentation provided is therefore relevant to that scheme and everything that is required to deliver it. The	<b>AGREED</b>

Topic	Sub-section	Sky comment	Highways England response	Status
			documentation is consistent with the requirements of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.	
General	General	Sky requires confirmation from Highways England that its apparatus will be located within adopted highway or alternatively appropriate access rights will be granted to Sky	The proposed line of Sky's diverted apparatus is substantially within land that is either to be acquired permanently by Highways England or already within the extents of a highway that will be retained, and will therefore benefit from access rights. The Statement of Reasons [APP-020] confirms these arrangements. Four plots (5/9b, 5/3j, 7/5a and 7/8b) within which proposed Sky apparatus will be located are to be acquired temporarily for the purpose of dedicating rights and then returned to the landowner. This is also confirmed by the Statement of Reasons.	<b>AGREED</b>
		Sky has not yet undertaken a thorough investigation into the location and extent of its plant and apparatus within the scheme area. Sky reserves the right to make further modifications to proposed works to its apparatus following these surveys, and will submit details following a request to do so by Highways England under the procedures set out in appendix C4 of the Code of Practice.	It is understood that Sky are currently planning surveys of the existing apparatus. The findings of this survey will assist with the exact determination of the extent of works to Sky's apparatus.  It is agreed that further design development work, including any surveys, should be undertaken in line with the procedures set out in appendix C4 of the code of practice	<b>AGREED</b>

