

A47 North Tuddenham to Easton Dualling

Scheme Number: TR010038

Volume 8

8.8 Statement of Commonality for Statements of Common Ground

The Infrastructure Planning (Examination Procedure) Rules 2010
Rule 8(1)(e)

~~Nov~~December 2021

Deadline 64

Infrastructure Planning

Planning Act 2008

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

A47 North Tuddenham to Easton
Development Consent Order 202[x]

**STATEMENT OF COMMONALITY
FOR STATEMENTS OF COMMON GROUND**

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1 INTRODUCTION

1.1 Purpose of this Document

- 1.1.1 This Statement of Commonality for Statements of Common Ground ("this Statement") relates to an application made by Highways England ("the Applicant") to the Planning Inspectorate ("PINS") under Section 37 of the Planning Act 2008 ("PA 2008") for a Development Consent Order ("DCO"). If made the DCO would grant consent for the Applicant to undertake the A47 North Tuddenham to Easton ("the Scheme"). A detailed description of the Scheme can be found in the Environmental Statement Chapter 2 The Proposed Scheme, Rev.1 (**AS-005**).
- 1.1.2 This Statement has been prepared to provide the Examining Authority ("ExA") with the current position on Statements of Common Ground ("SoCG") between Highways England and prescribed consultees, statutory undertakers and interested parties ("other parties") in relation to the Scheme.
- 1.1.3 This Statement also provides a current position on the commonality on specific points in the various SoCGs at Examination Deadline 64 (13 December 12 November 2021).
- 1.1.4 This Statement will be updated and submitted at subsequent Examination Deadlines as necessary.

2 STRUCTURE OF STATEMENTS OF COMMON GROUND

- 2.1.1 To ensure consistency in the approach taken to documenting matters agreed, matters subject to further negotiation or matters not agreed, each of the SoCGs adopts a standard format in order to provide clarity to other parties and ultimately the ExA.
- 2.1.2 Each SoCG has the following structure:
- Section 1: provides an introduction to the SoCG and a description of its purpose.
 - Section 2: states the engagement that has occurred between the Applicant and the relevant party.
 - Section 3: sets out any issues that have arisen, reporting on the status of each issue, i.e. whether it is agreed, still under discussion or not agreed, and any remaining actions.
 - Appendices which contain any relevant document not forming part of the application that are referenced in the SoCG (e.g. emails / meeting notes / data).

3 LIST OF STATEMENTS OF COMMON GROUND

- 3.1.1 The Applicant has begun to prepare SoCGs with a number of prescribed consultees, statutory undertakers and other parties it considered beneficial to do so following acceptance to Examination.
- 3.1.2 SoCGs with further specific parties were also requested by the ExA through the Rule 6 letter dated ~~06 July~~ 27 April 2021 and the Rule 8 letter dated 12 August 2021.
- 3.1.3 The parties which the Applicant is exploring the possible need for SoCGs are listed in Table 3-1 below. Further detail about the current position of each SoCG can be found at Section 4, Table 4-1 of this Statement.

Table 3-1 : List of Stakeholders for SoCGs

Local Authorities
Breckland District Council
Broadland District Council
Norfolk County Council
South Norfolk Council
Prescribed Consultees
Environment Agency
Natural England
Historic England
Statutory Undertakers
Anglian Water
BT Openreach
National Grid Gas
UK Power Networks (UKPN)
Vodafone (if required)
Hornsea Project Three (UK) Ltd
Vattenfall
Interested Parties
Berry Hall Estate

4 SUMMARY OF CURRENT POSITION

- 4.1.1 This section provides the current position of each SoCG as at Deadline **46**. As final versions of the SoCGs are agreed as the DCO Examination progresses, they will be submitted alongside this Statement.
- 4.1.2 Table 4-1 provides a high-level position and where necessary includes further detail to aid understanding of the ExA. The high-level positions used in the table are:
- **Final Signed SoCG all matters agreed** – The final SoCG has been signed by both parties and all matters are agreed.
 - **Final Signed SoCG with matters outstanding** – The final SoCG has been signed by both parties, and there remain matters outstanding, that the Applicant and the other party agree will not be resolved during the Examination.
 - **Draft SoCG** – The SoCG has been drafted by the Applicant, it has been shared with the other party and comments have been provided. Discussion is ongoing to reach a 'Final Signed SoCG all matters agreed' or 'Final Signed SoCG with matters outstanding'.
 - **SoCG drafted and shared with other party** – The SoCG has been drafted by the Applicant and shared with the other party, but awaiting comments to be provided before issue as 'SoCG in draft' to the Examining Authority. The SoCG will be provided at the earliest opportunity.
 - **SoCG under preparation** – The SoCG to be drafted by the Applicant subject to on-going discussions with the other party. The SoCG or position statement on why SoCG not needed will be provided at the earliest opportunity.

Table 4-1 : SoCG high level position

Doc. Ref.	Party	Position at Deadline 1 1 Sept 2021	Position at Deadline 4 12 Nov 2021	Position at Deadline 6 13 Dec 2021	Position at Deadline 7 17 Jan 2022	Position at Deadline 8 25 Jan 2022	Position at Deadline 9 8 Feb 2022
Prescribed Consultees - Statutory Environmental Bodies							
8.1	Natural England	SoCG drafted and shared with other party	SoCG drafted and shared with other party	<u>SoCG drafted and shared with other party</u>			
8.2	Environment Agency	SoCG drafted and shared with other party	Draft SoCG	<u>Draft SoCG</u>			
8.3	Historic England	Final Signed SoCG all matters agreed					
Local Authorities							
8.4	Norfolk County Council	SoCG drafted and shared with other party	Draft SoCG	<u>Draft SoCG</u>			
8.5	Breckland Council	SoCG drafted and shared with other party	Final Signed SoCG all matters agreed				
8.6	Broadland District Council	SoCG drafted and shared with other party	Draft SoCG	<u>Draft SoCG</u>			
8.7	South Norfolk Council	SoCG drafted and shared with other party	Draft SoCG	<u>Draft SoCG</u>			
Prescribed Consultees – Statutory Undertakers (if applicable)							
TBC 8.9	Anglian Water	SoCG under preparation – where there are any issues outstanding these may be resolved through the inclusion of Protective Provisions in the draft DCO.	SoCG drafted and shared with other party	<u>Draft SoCG</u>			
TBC	BT Openreach	SoCG not required					
TBC	National Grid Gas	SoCG under preparation – where there are any issues outstanding these may be resolved through the inclusion of Protective Provisions in the draft DCO.	SoCG under preparation – where there are any issues outstanding these may be resolved through the inclusion of Protective Provisions in the draft DCO.	<u>SoCG under preparation – where there are any issues outstanding these may be resolved through the inclusion of Protective Provisions in the draft DCO.</u>			
TBC	UK Power Networks (UKPN)	SoCG under preparation – where there are any issues outstanding these may be resolved through the inclusion of Protective Provisions in the draft DCO.	SoCG under preparation – where there are any issues outstanding these may be resolved through the inclusion of Protective Provisions in the draft DCO.	<u>No SoCG proposed – no Relevant Representations made and any issues outstanding can be resolved through the inclusion of Protective Provisions in the draft DCO.</u>			
TBC	Vodafone Ltd	No assets directly affected - considering if SOCG required for off site assets (see below).	<u>No assets directly affected - are any issues outstanding can be resolved through the inclusion of Protective Provisions in the draft DCO. SoCG under preparation – where there are any issues outstanding these may be resolved through the inclusion of Protective Provisions in the draft DCO.</u>	<u>No SoCG proposed – no assets directly affected nor Relevant Representations made and any issues outstanding can be resolved through the inclusion of Protective Provisions in the draft DCO.</u>			
TBC	Hornsea Project Three (UK) Ltd	SoCG under preparation – seeking to submit a draft SoCG by Deadline 2.	SoCG drafted and shared with other party	<u>SoCG drafted and shared with other party</u>			
TBC	Vattenfall	SoCG under preparation – reviewing if Norfolk Vanguard DCO application SoCG may be sufficient.	SoCG under preparation – reviewing if Norfolk Vanguard DCO application SoCG may be sufficient.	<u>SoCG under preparation – reviewing if Norfolk Vanguard DCO application SoCG may be sufficient.</u>			
Interested Parties							

Doc. Ref.	Party	Position at Deadline 1 1 Sept 2021	Position at Deadline 4 12 Nov 2021	Position at Deadline 6 13 Dec 2021	Position at Deadline 7 17 Jan 2022	Position at Deadline 8 25 Jan 2022	Position at Deadline 9 8 Feb 2022
TBC	Berry Hall Estate	SoCG under preparation – awaiting review of other party's proposed alternative design	SoCG drafted and shared with other party	<u>SoCG drafted and shared with other party</u>			

5 COMMONALITY

- 5.1.1 This section of the Statement provides the Applicant's summary of principal issues covered in each SoCG and demonstrates where there is commonality in the topics or matters.
- 5.1.2 The table is presented in such a way to show topics covered within the various SoCGs and how these are relevant to each other party and a position for each topic as follows:

	Matter agreed with other party
	Matter provisionally agreed – unchanged since agreed in draft SoCG submitted in Annex M of the Consultation Report with DCO application, or the Applicant believes is endorsed in Relevant Representation. Seeking confirmation in updated SoCG discussions.
	Matter subject to further discussion
	Matter not able to be agreed

- 5.1.3 Where a matter is not relevant to the other party, it is not included within the SoCG and therefore not covered in Table 5-1 and shown as a blank.

Table 5-1 : Table of Commonality at Deadline 1

SoCG Ref	Party	Draft DCO	Protective Provisions	Other Consents & Licenses	EMP and Associated Documents	Design and Engineering	Planning Policy – Local Plan	Landscape & Visual	Historic Environment	Arboriculture	Biodiversity	Traffic & Transport	Air Quality	Noise and Vibration	Road Drainage and Water Environment	Geology, Soils and Agriculture	Socio-economic and Recreation (incl. PRoWs)	Cumulative Effects	Detrunking & Adoption	Materials Assets & Waste	Climate
8.1	Natural England																				
8.2	Environment Agency																				
8.3	Historic England																				
8.4	Norfolk County Council																				
8.5	Breckland Council																				
8.6	Broadland District Council																				
8.7	South Norfolk Council																				
TBC	Anglian Water																				
TBC	BT Openreach																				
TBC	National Grid Gas																				
TBC	UKPN																				
TBC	Vodafone																				
TBC	Hornsea Project Three (UK) Ltd																				
TBC	Vattenfall																				
TBC	Berry Hall Estate																				

6 POSITION AT DEADLINE 64

6.1 Introduction

- 6.1.1 This section provides the ExA with a summary of the current position at Deadline 64 between the Applicant and each party. The individual SoCG should be referred to for the full detail on specific matters.
- 6.1.2 For the statutory undertakers in Section 6.4, the Applicant and the parties are focusing on is seeking agreement of the Protective Provisions and/or (where relevant) a side agreement, unless it is agreed with the statutory undertaker that a SoCG is required.

6.2 Statutory Environmental Bodies

Natural England

- 6.2.1 The position of Natural England at Deadline 64 is currently Under Discussion.
- 6.2.2 A draft SoCG has been developed by the Applicant and was issued to Natural England in February 2021, then an updated version was issued on 09 September 2021. The draft reflects the issues raised during statutory consultation and meetings/correspondence on the development of the Scheme design and Environmental Statement. The Applicant is awaiting comments from Natural England on the SoCG, but has received no feedback by Deadline 4 even after chasing emails on 16 September, 23 September, 08 October, ~~and~~ 02 November and 01 December 2021.
- 6.2.3 It is noted that Natural England have not submitted a Relevant Representation or Written Representation. The Applicant can confirm the following communications with regards designated habitats and protected species:
- Natural England have confirmed that they are in agreement with the findings of this Habitats Regulations Assessment screening as evidenced in the Applicant's Response to Examining Authority's Further Written Questions, October 2021 (**REP3-023**).
 - Ghost licence applications for protected species were issued to Natural England in March and April 2021. Status of those applications is:
 - Letters of No Impediment have been received from Natural England with regarding ghost licences for the following protected species:
 - Badgers (12 July 2021).
 - Water Voles (23 March 2021).
 - Engagement on-going to acquire Letters of No Impediment regarding ghost licences for Great Crested Newts and Bats, with further information provided to by Applicant in August 2021 following a request by Natural England in July 2021.

Environment Agency

- 6.2.4 The position of Environment Agency at Deadline **64** is currently Under Discussion.
- 6.2.5 A draft SoCG has been developed between the Applicant and the Environment Agency and **was** submitted at Deadline 4 (see **TR010038/EXAM/8.2**). The draft reflects the issues raised: during statutory consultation; during meetings/correspondence on the development of the Scheme design and Environmental Statement; following receipt of the Relevant and Written Representations; and during discussions on issues during August to November 2021.
- 6.2.6 The Applicant will continue to engage with the Environment Agency to gain agreement on the outstanding matters.

Historic England

- 6.2.7 The position of Historic England is that all current issues have been agreed and a final signed SoCG (**REP1-009**) was been submitted at Deadline 1.

6.3 Local Authorities

Norfolk County Council

- 6.3.1 The position of Norfolk County Council (NCC) at Deadline **64** is currently Under Discussion.
- 6.3.2 A draft SoCG has been developed between the Applicant and NCC and **was** submitted at Deadline 4 (see **TR010038/EXAM/8.4**). The draft reflects the issues raised: during statutory consultation; during meetings/correspondence on the development of Scheme design and Environmental Statement; following receipt of the Relevant Representations, Written Representation, Local Impact Report and responses to the ExA's first written questions plus the Applicant's responses to all these; and during discussions on issues during August to November 2021.
- 6.3.3 The SoCG is also designed to distinguish between issues relevant to NCC as a Local Authority and its separate role as the Norwich Western Link developer.
- 6.3.4 The Applicant will continue to engage with NCC to gain agreement on the outstanding matters.

Breckland Council

- 6.3.5 The position of Breckland Council at Deadline 4 is that all current issues were agreed on 11 November 2021 and a final signed SoCG (**TR010038/EXAM/8.5**) was submitted to the ExA at Deadline 4.
- 6.3.6 The SoCG reflects Breckland Council's Relevant Representations, Written Representations, Local Impact Report and responses to the ExA's first written questions plus the Applicant's responses to all these.

Broadland District Council

- 6.3.7 The position of Broadland District Council (BDC) at Deadline **64** is currently Under Discussion.
- 6.3.8 A first draft SoCG between the Applicant and BDC is included within DCO

application in Section 3.2 of Consultation Report Annex M: Engagement with Stakeholders (**APP-037**).

- 6.3.9 An updated SoCG has been developed between the Applicant and BDC and submitted at Deadline 4 (see **TR010038/EXAM/8.6**). The SoCG reflects BDC's Relevant Representations, BDC's Written Representation, BDC's responses to the ExA's first written questions and the Applicant's responses to these.
- 6.3.10 The Applicant ~~will~~has continued to engage with BDC to gain agreement on the outstanding matters and is currently awaiting confirmation from BDC that all issues are now resolved.

South Norfolk Council

- 6.3.11 The position of South Norfolk Council (SNC) at Deadline 64 is currently Under Discussion.
- 6.3.12 A first draft SoCG between the Applicant and SNC is included within DCO application in Section 3.3 of Consultation Report Annex M: Engagement with Stakeholders (**APP-037**).
- 6.3.13 An updated SoCG has been developed between the Applicant and SNC and submitted at Deadline 4 (see **TR010038/EXAM/8.7**). The SoCG reflects SNC's Relevant Representations, SNC's Written Representation, SNC's responses to the ExA's first written questions and the Applicant's responses to these.
- 6.3.14 The Applicant ~~will~~has continued to engage with SNC to gain agreement on the outstanding matters and is currently awaiting confirmation from SNC that all issues are now resolved.

6.4 Prescribed Bodies – Statutory Undertakers

Anglian Water Services Ltd

- 6.4.1 The position of Anglian Water at Deadline ~~4–6~~ is ~~Not Agreed~~currently Under Discussion. Following negotiations there are a few paragraphs of the protective provisions ~~remaining to which cannot~~ be agreed with Anglian Water. The Applicant has prepared a SoCG (**TR010038/EXAM/8.9**) setting out the areas of disagreement and this has been ~~shared~~agreed with Anglian Water. The Applicant ~~hopes to~~has submitted this to the Examination at Deadline 56.

BT Openreach Ltd

- 6.4.2 BT Openreach Ltd have confirmed that the standard protective provisions included within the draft DCO, at Part 2, Schedule 9 (**APP-017**) provide adequate protections for their interests and therefore do not intend to take part in the examination process. The Applicant therefore does not intend to enter into a SoCG with BT Openreach Ltd.

National Grid Gas Ltd

- 6.4.3 The position of National Grid Gas Ltd at Deadline 4 is currently Under Discussion.
- 6.4.4 The Applicant is negotiating a standard agreement and protective provisions with National Grid Gas Ltd and expects to reach agreement before the end of the Examination.

- 6.4.5 Discussions are ongoing in relation to the development of the design and construction methodology for diverting the high pressure gas pipeline in advance of the main works. If issues are raised by National Grid Gas Ltd with the Scheme, the Applicant will discuss entering into a SoCG with National Grid Gas Ltd if this is required.

UK Power Network (UKPN)

- 6.4.6 UKPN has been made aware of the Scheme. The Applicant has been meeting regularly with UKPN and there have been no issues raised to date. UKPN has not submitted any Relevant Representations and in any event UKPN can rely on the standard protective provisions included within the draft DCO, at Part 2, Schedule 9 (**APP-017**). If issues are raised by UKPN with the Scheme, the Applicant will discuss entering into a SoCG with UKPN.

Vodafone LTD

- 6.4.7 No Vodafone assets are directly affected, but the Applicant is engaging with Vodafone about ~~maintaining~~ access to two mobile phone masts. ~~The position at Deadline 4 is currently Under Discussion. Vodafone are considering whether a SoCG is appropriate and are reviewing. Vodafone has not submitted any Relevant Representations and in any event Vodafone can rely on~~ the protective provisions contained in Part 2, Schedule 9 of the draft DCO.

Hornsea Project Three (UK) Ltd

- 6.4.8 The Applicant is engaging with Orsted's Hornsea Project Three Ltd about the interaction of their respective DCO schemes. The position at Deadline 4 is currently Under Discussion.
- 6.4.9 Following the submission of Hornsea Project Three Ltd's relevant representation, both Parties have continued to work together to agree a draft SoCG and hope to submit a draft SoCG at Deadline 5 (23 November 2021).
- 6.4.10 The Parties also continue to discuss ~~protective provisions, but hope that a co-operation agreement to facilitate co-existence will be entered into to dispense with the need for~~ the protective provisions submitted by Hornsea Project Tree Ltd at Deadline 4 (12 November 2021). The Parties will keep the Examiner updated as to the progress of the co-operation agreement ~~and if sufficient progress is not made then draft protective provisions will be submitted by Hornsea Project Three (UK) Ltd at Deadline 4 (12 November 2021)~~.

Vattenfall

- 6.4.11 The Applicant is engaging with Vattenfall about the interaction of their respective DCO schemes. The Vattenfall scheme is not directly affected, so construction traffic management is the only issue of common concern.
- 6.4.12 The Applicant has already agreed a SoCG with regards Vattenfall's Norfolk Vanguard Ltd DCO application¹. The position at Deadline 64 is currently Under Discussion, including whether a separate SoCG is required to clarify existing

¹ Last version submitted at Norfolk Vanguard's DCO Examination available at: <https://infrastructure.planninginspectorate.gov.uk/wp-content/uploads/projects/EN010079/EN010079-003103-Rep3-SOCG-7.1%20Norfolk%20Vanguard%20SoCG%20with%20Highways%20England.pdf>

references to managing traffic along the A47.

6.5 Other Interested Parties

Berry Hall Estate

- 6.5.1 The position with Berry Hall Estate at Deadline 64 is currently Under Discussion.
- 6.5.2 A draft SoCG has been developed by the Applicant and presented to Berry Hall Estate representatives for comment. The draft reflects issues raised during Berry Hall Estates Relevant Representations and submission at Examination Deadlines 1, 2 and 3 plus the Applicant's responses to all these and discussions during August to November 2021.
- 6.5.3 A joint submission letter on issues ~~has been~~was developed by the Applicant and Mr Meynell and accepted by the ExA as a late submission (REP4-044). ~~It is hoped to submit this letter~~ at Deadline 45 (~~1223~~ November 2021).