

A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 8

8.9 Statement of Common Ground with National Grid

Planning Act 2008

Rule 8(1)(e)

Infrastructure Planning (Examination Procedure) Rules 2010

February 2022

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010****A428 Black Cat to Caxton Gibbet
improvements
Development Consent Order 202[]**

8.9 Statement of Common Ground with National Grid

Regulation Reference:	Rule 8(1)(e)
Planning Inspectorate Scheme Reference	TR010044
Application Document Reference	TR010044/EXAM/8.9
Author	A428 Black Cat to Caxton Gibbet Improvements Project Team, National Highways

Version	Date	Status of Version
Rev 1	31 August 2021	Final for Submission – Deadline 1
Rev 2	4 November 2021	Final for Submission – Deadline 4
Rev 3	14 December 2021	Final for Submission – Deadline 6
Rev 4	15 February 2022	Final for Submission – Deadline 10

STATEMENT OF COMMON GROUND

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

Signed... 

Lee Galloway
Project Director
on behalf of National Highways
Date: 15 February 2022

Signed 

Anne Holdsworth
DCO Liaison Officer
on behalf of National Grid
Date: 15 February 2022

Table of contents

Chapter	Pages
1 Introduction	1
1.1 Purpose of this document	1
1.2 Parties to this Statement of Common Ground	2
1.3 Terminology	3
2 Record of Engagement	4
3 Issues Raised	9
 Table of Tables	
Table 2-1 - Record of Engagement	4
Table 3-1 – DCO and Legal Matters.....	9

1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statement of Common Ground (SoCG) has been prepared in respect of the A428 Black Cat to Caxton Gibbet improvements (the Scheme) made by National Highways Company Limited (National Highways) 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 The Order, if granted, would authorise National Highways to construct a new 10 mile (16km) dual 2-lane carriageway from the Black Cat roundabout to Caxton Gibbet roundabout and in addition approximately 1.8 miles (3km) of tie-in works. The Scheme includes the following components:
- a. A new three-level grade separated junction at Black Cat roundabout, with the A1 at the lower level, the new dual carriageway on the upper level and a roundabout between the two at approximately existing ground level. In addition to slip roads, a new free flowing link between the A421 eastbound carriageway and the A1 northbound carriageway will also be provided.
 - b. A new grade separated all movements junction will be constructed to the east of the existing Cambridge Road roundabout to provide access to the new dual carriageway and maintain access to the existing A428.
 - c. At the Caxton Gibbet roundabout, a new grade separated all movements junction will be constructed, incorporating the existing roundabout on the south side of the new dual carriageway and a new roundabout on the north side. The new dual carriageway will then tie-in to the existing A428 dual carriageway to the east of the new Caxton Gibbet junction.
 - d. In the vicinity of the new Black Cat junction, direct access onto the A1 from some local side roads and private premises will be closed for safety reasons. A new local road will provide an alternative route. The existing Roxton Road bridge will be demolished and replaced with a new structure to the west to accommodate the realigned A421.
 - e. New crossings will be constructed to enable the new dual carriageway to cross the River Great Ouse, East Coast Main Line railway, Barford Road, the B1046/Potton Road, Toseland Road and the existing A428 at Eltisley.
 - f. The existing A428 between St Neots and Caxton Gibbet will be de-trunked and retained for local traffic and public transport with maintenance responsibility transferred to the local highway authorities.

- g. An alternative access will be provided to side roads at Chawston, Wyboston and Eltisley.
 - h. There will be safer routes for walkers, cyclists, and horse riders.
- 1.1.3 This SoCG has been produced to confirm to the Examining Authority (ExA) 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.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) National Highways (formerly known as Highways England) as the Applicant and (2) National Grid Electricity Transmission Plc (NGET) and National Grid Gas Plc (NGG) (together, “National Grid”).
- 1.2.2 National Highways 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 National Highways made provision for all legal rights and obligations of National Highways, including in respect of the Application, to be conferred upon or assumed by National Highways.
- 1.2.3 NGET owns the electricity transmission network in England and Wales NGG is the sole owner and operator of the gas transmission system in Great Britain. NGET and NGG have licences to operate the electricity and gas transmission network, and are required to comply with the terms of these licences in the delivery of their statutory responsibilities. NGET is subject to a statutory duty (under section 9 of the Electricity Act 1989) to, inter alia, maintain ‘an efficient, co-ordinated and economical’ system of electricity transmission. NGG is under a statutory duty (under section 9 of the Gas Act 1986) to, inter alia, develop and maintain an efficient and economical network for the conveyance of gas.
- 1.2.4 National Grid owns or operates the following infrastructure within or in close proximity to the proposed Order limits for the Scheme:
- a. Electricity Transmission - NGET has a high voltage electricity overhead transmission line within or in close proximity to the Order limits.
 - b. Gas Transmission - NGG has a high-pressure gas transmission pipeline and above ground installation within or in close proximity to the Order limits.

1.3 Terminology

1.3.1 In Section 3 of this SoCG:

- a. “Agreed” indicates where the issue has been resolved.
- b. “Not Agreed” indicates a final position.

2 Record of Engagement

2.1.1 The parties have been engaged in consultation since the beginning of the proposed development. A summary of the meetings and correspondence that has taken place between National Highways and National Grid in relation to the Application is outlined in **Table 2-1**.

Table 2-1 - Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes
31/05/2019	Letter	Highways England (HE) letter to National Grid (NG) to notify them that the Statutory Consultation for the scheme had launched (s.42a)
22/07/2019	Letter	NG response to Statutory Consultation for the scheme
09/01/2020	Meeting	Meeting between HE and NG to discuss early material procurement, feasibility and timescales.
10/01/2020 – 11/02/2020	Emails	Emails exchanged between HE and NGET regarding planned power outages.
24/06/2020	Letter	Supplementary Consultation Launch Communications 2020.
15/07/2020	Email	NG provided their response to the A428 supplementary consultation (July 2020) and prefaced this with a statement that their comments remained unchanged from the previous responses as both will require appropriate protection for retained apparatus including compliance with relevant standards for works proposed within close proximity of its apparatus.
24/07/2020	Meeting	Meeting with NGG to discuss and finalise location of Drill pits.
17/08/2020	Email	Email sent to NG following the meeting of 25/08/2020 to confirm that all issues were resolved.
25/08/2020	Meeting	Meeting to discuss proposals; material vesting - not applicable as apparatus will remain NG's they can provide evidence of purchase. Confirmed how NG will be able to gain access to the land to resolve planning requirements (Field number 34).
01/10/2020 and 08/10/2020	Emails	Email from NGG providing agreed draft works agreement for review. HE response providing feedback on the agreement.

Date	Form of correspondence	Key topics discussed and key outcomes
08/10/2020	Email	HE email to NG to analyse the clashes between diversions and environmental/archaeological areas.
08/10/2020	Email	Detailed Design Study received from NGG.
18/11/2020	Meeting	Meeting held with NGG including discussion on programme of works.
20/01/2021	Letter	Correction informing letter issued by HE to NG. HE advised NG of a correction to the supplementary consultation plans, specifically relating to the rights sought over a small area of land along the section of realigned access track located on the east side of the A1 and to the south of the property known as Greenacres. This land was previously shown as being required temporarily however it was now necessary to correct the plans to show the acquisition of permanent rights in this location.
04/02/2021		Draft agreement received with additional content specific to the scheme.
10/02/2021	Email	NG works agreement received.
28/04/2021	Email	Draft agreement received from NG with additional content specific to the scheme.
28/05/2021	Email	NG shared as-built drawings showing the extent of the protection slab and the depth of their pipe.
28/05/2021	Email	NG to undertake pipeline assessment and check if there is any design off the shelf for the protection slab that can be used in order to make the design process quicker.
25/06/2021	Meeting	Meeting with NGET to discuss fibre cable asset, which was confirmed to be owned by Vodafone.
15/07/2021	Meeting	Meeting to discuss protections of NGG apparatus at Black Cat Roundabout.
15/07/2021	Email	Revised programme received from NG.
06/07/2021	Email	NGET shared a drawing of the fibre cable location.
22/07/2021	Meeting	Meeting with NGG to discuss options for protection slab (NG01) with two options identified for further discussion. NG02A, NG02B, NG03 and NG05 [NG accepted that the existing slabs to be extended with possible diversion or additional protection required relating to NG02B].

Date	Form of correspondence	Key topics discussed and key outcomes
03/08/2021	Email	HE emailed NGET drawings received and advised will be incorporated into the model in advance of future meetings.
04/08/2021	Email	NGET confirmed the fibre cable is owned by Vodafone and not NGET, therefore all inquiries need to be directed to Vodafone.
08/09/2021	Meeting	NGG Plant protection – design coordination meeting.
24/09/2021	Meeting	NGET/Babcock meeting regarding planned 400kV conductors' replacement in summer 2023.
03/11/2021	Email	Email from NH to NG asking for Easement details.
03/11/2021	Email	Email from NG to NH with Easement details.
18/11/2021	Email	Email from NH to NG requesting availability for a catch-up meeting.
22/11/2021	Email	Email from NH to NG with details of identified interface for easement.
24/11/2021	Meeting	Meeting between NH and NGG to discuss progress.
24/11/2021	Email	Email from NH to NGG with progress meeting notes and sketches and action points.
25/11/2021	Email	Email from NGG to NH with requested copy of clauses from the progress meeting action points.
29/11/2021	Email	Email from NH to NG requesting update on the outcome from their meeting with the land team.
01/12/2021	Emails	Email from NGG/NGET lawyers to NH lawyers regarding site specific interactions and protection requirements
06/12/2021	Email	Email from NH to NG update on the outcome from their meeting with the land team.
07/12/2021	Email	Email from NGG to NH requesting Kelpie Marina Road is kept outside of the pipeline easement and advising they have made contact with Xin at DNVGL to obtain details of her availability and a programme of works and that they are waiting on a response.
07/12/2021	Email	Email from NGG to NH requesting latest overview drawings.

Date	Form of correspondence	Key topics discussed and key outcomes
07/12/2021	Email	Email from NH to NGG saying they will ask colleagues at Skanska to send them the overview drawings.
07/12/2021	Meeting	Meeting with NGG/NGET, NGG/NGET lawyers and NH lawyers to discuss the interfaces between NGG and NGET assets.
09/12/2021	Email	Email from NH lawyers to NGET/NGG lawyers recognising that the points raised in respect of the Kelpie Marina Access Road and the Rectory Farm access are being looked into.
14/12/2021	Meeting	A428 Black Cat & DNVGL Meeting between NH, DNVGL and NGG.
14/12/2021	Email	Email from NH to NGG with A428 Black Cat & DNVGL Meeting notes and action points.
16/12/2021	Email	Email from NGET to NH regarding interaction between the OHL Refurbishment works and scheme, access, CDM and protection, together with access sketch plans.
20/12/2021	Meeting	Meeting between NH and NGG to discuss alignment of Kelpie Marina access road.
20/12/2021	Email	Email from NH to NGG in follow up to meeting, providing draft sketch of Kelpie Marina access road realignment, details on vehicle access and acknowledging outstanding action on NH to provide supporting information to DNVGL.
14/01/2022	Meeting	Meeting between NH and NGET regarding 4VK OHL Line Refurbishment - A1 Works, access CDM and protection of crossing points.
14/01/2022	Email	Email from NH to NGET with 4VK OHL Line Refurbishment - A1 Works and access Meeting notes, access sketch plans and action points.
19/01/2022	Email	ProjectWise Transmittal of latest design information pack shared with NGG to inform their consultants.
01/02/2022	Meeting	Meeting between NH and NGG consultants regarding design progress update

2.1.2 Parties agreed that this is not a complete record of the key meetings and consultation undertaken between (1) National Highways and (2) National Grid in relation to the issues addressed in this SoCG. Side discussions have additionally taken place between National Highways' and National Grid's respective legal advisers.

- 2.1.3 The issues and matters highlighted in Section 3 of this SoCG summarise the key issues that have been identified to date in relation to a number of key areas of the DCO application. Discussions are ongoing in relation to the interaction between the Scheme and National Grid's assets and the parties are still in the process of identifying issues. National Grid therefore reserves the right to raise further issues as these discussions progress.

3 Issues Raised

3.1 Introduction and general matters

- 3.1.1 This section sets out the ‘issues’ which are agreed or not agreed between National Grid and National Highways. On 2 July 2021, the Examining Authority issued a letter under Section 89(3) of the Planning Act 2008 and Rules 9 and 17 of The Infrastructure Planning (Examination Procedure) Rules 2010 (known as the ‘Rule 9 Letter’). Paragraph 2 sets out a request for Statements of Common Ground (SoCG) between National Highways and various parties, including National Grid. For National Grid, the Rule 9 Letter advises that the following issues should be in the SoCG:
- a. The effects on existing services, apparatus and infrastructure.
 - b. Protective Provisions contained within the draft DCO.
 - c. The provisions set out in section 127 of the Planning Act 2008.

Table 3-1 – DCO and Legal Matters

Issue	Document Reference	National Highways Position	National Grid Position	Status	Date
Effects on existing services, apparatus and infrastructure	National Grid’s Relevant Representation National Grid’s written representation dated 31 August 2021 [REP1-086]	The protection of National Grid’s assets is secured through protective provisions. Updated and agreed general protective provisions for the protection of NGET and NGG were included in the amended dDCO submitted at Deadline 9 at Schedule 9 Part 4. National Grid has identified specific interactions between its apparatus and the scheme where it requests a more detailed package of protective measures – see below.	National Grid has a duty to protect its position in relation to infrastructure and land which is within or in close proximity to the Order limits of the Scheme. As such, National Grid will require appropriate protection for retained apparatus including compliance with relevant standards for works proposed within close proximity of its apparatus. National Grid’s rights of access to inspect, maintain, renew and repair such apparatus must also be maintained at all times and access to inspect and	Agreed.	26/01/22

Issue	Document Reference	National Highways Position	National Grid Position	Status	Date
			maintain such apparatus must not be restricted.		
Effects on existing services, apparatus and infrastructure	National Grid's Relevant Representation National Grid's written representation dated 31 August 2021 [REP1 – 086]	The protection of National Grid's assets is secured through protective provisions. The Applicant and National Grid are working to agree those issues identified by National Grid at (a) to (d) without prejudice to National Highways' view that such agreement is not material in the determination of the DCO where the agreed protective provisions are included in the Order.	National Grid has a duty to protect its position in relation to infrastructure and land which is within or in close proximity to the Order limits of the Scheme. As such, National Grid will require appropriate protection for retained apparatus including compliance with relevant standards for works proposed within close proximity of its apparatus. National Grid's rights of access to inspect, maintain, renew and repair such apparatus must also be maintained at all times and access to inspect and maintain such apparatus must not be restricted. The protection of National Grid's assets will be secured through inclusion of agreed protective provisions. In addition, the parties are discussing and working to agree: a) Suitable protection of the NGG high-pressure gas transmission pipeline at any locations where the Scheme will intersect and/or interact with the pipeline. Four such crossing points have	Not Agreed	15/02/22

Issue	Document Reference	National Highways Position	National Grid Position	Status	Date
			<p>currently been identified at NG01, NG02A, NG02B and NG03.</p> <p>b) An acceptable alignment for the Kelpie Marina Access Road (forming part of the Scheme), such that this road is located outside of the land area over which NGG currently has rights and interests by way of easements.</p> <p>c) Alternative access routes, to enable NGET to continue to effectively access, maintain or use its apparatus (where the Scheme would otherwise obstruct existing rights of access).</p> <p>d) Arrangements which will support and enable NGET to undertake the planned refurbishment of its apparatus along the Eaton Socon/Wymondley power line.</p> <p>National Grid and National Highways are currently engaged in positive discussions to resolve final outstanding matters. National Grid believes that these points may be agreed soon.</p>		

Issue	Document Reference	National Highways Position	National Grid Position	Status	Date
Protective Provisions contained within the draft DCO		<p>Adequate protective provisions for the protection of National Grid’s statutory undertaking are contained within Schedule 9 Part 4 of the draft DCO submitted at Deadline 9 and these are agreed between National Highways and National Grid.</p> <p>National Grid has identified specific interactions between its apparatus and the scheme where it requests a more detailed package of protective measures – see above.</p>	<p>National Grid will require protective provisions to be included within the DCO for the project to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards.</p>	Agreed	11/02/22
Provisions of Section 127 Planning Act 2008		<p>Adequate protective provisions for the protection of National Grid’s statutory undertaking are set out within Schedule 9 of the draft DCO.</p>	<p>Where the Promoter intends to compulsorily acquire land or rights, or interfere with any of National Grid’s interests in land or National Grid’s apparatus or rights of access, National Grid will require appropriate protection and further discussion is required on the impact to its apparatus and rights.</p> <p>National Grid and National Highways have progressed this issue and are continuing discussions to resolve final outstanding differences. National Grid believes that these points may be agreed soon.</p>	Not agreed	15/02/22