

A12 Chelmsford to A120 widening scheme

TR010060

8.5 Statement of Common Ground with Network Rail Infrastructure Limited

Rule 8 (1)(e)

Planning Act 2008
Infrastructure Planning (Examination Procedure)
Regulations 2010

Volume 8

April 2023

Infrastructure Planning

Planning Act 2008

The Infrastructure Planning
(Examination Procedure) Rules 2010

A12 Chelmsford to A120 widening scheme
Development Consent Order 202[]

Statement of Common Ground with Network Rail Infrastructure Limited

Regulation Reference	Rule 8 (1)(e)
Planning Inspectorate Scheme Reference	TR010060
Application Document Reference	TR010060/EXAM/8.5
Author	A12 Project Team and National Highways

Version	Date	Status of Version
1	February 2023	Draft for Deadline 2
2	April 2023	Draft for Deadline 4

STATEMENT OF COMMON GROUND

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

Signed.....



Philip Davie

Project Manager

on behalf of National Highways

Date: 6th April 2023

Signed.....

[NAME]

[POSITION]

on behalf of Network Rail Infrastructure Limited

Date: [DATE]

For the submission of the Statement of Common Ground for Deadline 4, between **National Highways** and **Network Rail**, updates have been made in the following sections of the document:

Location	Update made
Record of Engagement	11 meetings held: one SoCG meeting, one utilities clearance specific meeting, one face to face meeting, two clearance specific meetings and six weekly update meetings. Five emails exchanged.
Issued agreed	Addition of 3.1.3, 3.1.4, 3.1.5, 3.1.6, 3.1.7 (formerly point 10 in “Issues in discussion” in Deadline 2 submission).
Issues in discussion	Updates added to 3.2.1, 3.2.2, 3.2.3, 3.2.4, 3.2.5, 3.2.6, 3.2.8 (formerly point 10). Addition of 3.2.1a, 3.2.7a, 3.2.9, 3.2.10, 3.2.11, 3.2.12, 3.2.13, 3.2.14. Removal of point 9.

DRAFT

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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 A12 Chelmsford to A120 Widening Scheme ("the Application") 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 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.

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) National Highways as the Applicant and (2) Network Rail Infrastructure Limited ("Network Rail").
- 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 the Highways Agency, including in respect of the Application, to be conferred upon or assumed by National Highways.
- 1.2.3 Network Rail is a statutory undertaker responsible for maintaining and operating the railway infrastructure and associated estate. It owns, operates, maintains and develops the main rail network.

1.3 Terminology

- 1.3.1 In the tables in the Issues chapter of this SoCG, "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 either (i) not of material interest or relevance to Network Rail and therefore have not been the subject of any discussion between the parties, or (ii) are matters which Network Rail is not yet aware of, for example, due to the need to carry out further analysis of the impacts of the works contemplated by the Order following additional information requested from National Highways.

2 Record of Engagement

2.1.1 A summary of the meetings and correspondence that has taken place between National Highways and Network Rail in relation to the Application is outlined in table 2.1

Table 2.1 Record of Engagement

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
17 th October 2019	Letter from National Highways (NH)	Preferred Route Announcement (PRA) letter.
12 th February 2021	Microsoft Teams meeting held between NR and NH.	<ul style="list-style-type: none"> • BAPA • Proposed Paynes Lane footbridge • WCH requirements of the footbridge • Clearance to OLE (Overhead Line Equipment) • Clearance process for air rights above the railway during construction, maintenance and decommission. Bridge Agreement. • Network Rail land boundary adjacent to the proposed northbound on-slip road • Estimated constructing programme • Disruptive Track Possession • Requirements for Borrow Pits in the vicinity of the railway <p>Cross sections showing the proposed ground levels, latest plan of the footbridge with realigned ramps and a high-level programme to assist with producing the BAPA.</p>
18 th June 2021	Letter from NH	Section 42 letter.
5 th August 2021	Microsoft Teams meeting held between NR and NH.	<p>Key topics discussed:</p> <ul style="list-style-type: none"> • Project overview • Footpath 4 had been diverted around the new Network Rail electricity feeder station and expressed a preference for the Public Right of Way to be extinguished by the A12 scheme • Possible increase in traffic during or after construction over Network Rail bridges or level crossings • Red Line Boundary • The Rail Head at Marks Tey to be changed to temporary land as it is leased out for receiving and loading aggregate and cannot be relocated.

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
		<ul style="list-style-type: none"> • Level crossing
<p>16th August 2021</p>	<p>Email from NR to NH.</p>	<p>Email from David Brierley to NH. Letter of response to section 42. Key topics discussed: Impact on Network Rail Infrastructure</p> <ul style="list-style-type: none"> • Freight • Strategic Planning • Level Crossings • Asset Protection (ASPRO) • Investigation and Mitigation • Legal and Land Interests including Standard Provisions <p>Including:</p> <ul style="list-style-type: none"> • Requirement for further information and consultation • Potential Agreements • Network Rail Contacts
<p>6th September 2021</p>	<p>Microsoft Teams meeting held between NR and NH.</p>	<p>Key topics discussed:</p> <ul style="list-style-type: none"> • Requested Beaulieu Park NR information • Requested NR STAT's information • Discussed potentially temporarily moving NR boundary fence during north abutment construction (NR didn't seem to have an issue with this). • The proposed new track alignment and 3rd line associated with the new Beaulieu Railway Station • The proposed OLE layout/changes associated with the track alignment/3rd line • Minimum vertical/horizontal clearances between the OLE & new footbridge • Minimum horizontal offset distances from any bridge piers to the railway boundary & nearest running rail of the physical track. • Realignment of the on-slip ramp • Proposed Carriageway Retaining wall • 'Land take' requirements – NR processes, Business/Technical Clearances • Licenses, i.e., for new footbridge/airspace, temporary works, access to NR land, etc, • Design submission requirements – Approval In Principle, Detailed Design, Design Check, etc

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
		<ul style="list-style-type: none"> • Construction requirements – monitoring, daytime and/or possession working, etc • Timescales
<p>26th November, 10th December 2021</p>	<p>Microsoft Teams meetings held between NR and NH.</p>	<p>Key topics discussed:</p> <ul style="list-style-type: none"> • Paynes Lane Footbridge • Permanent oversailing • Permanent land take • Retaining wall • Temporary land requirements – access, compounds, hoarding lines, boundary line relocation • BAPA • Temporary car park location • Framework Agreement
<p>Three meetings held between 21st February 2022 and 23rd March 2022</p>	<p>Microsoft Teams meetings held between NR and NH.</p>	<p>Key topics discussed:</p> <ul style="list-style-type: none"> • CAD models/shapefiles • Greater Anglia • RAP (Railway Access Points) • Clearances and timescale • Framework Agreement • Letter of Assurance • Scheme overview • J19 footbridge (Bridge Agreement) and retaining structure (Asset Agreement) to be separate from BAPA • Potential issues at Hatfield Peverel due to stopping up on the carpark and alternative routes • Cross sections • BAPA • Level Crossings • Traffic Management Plans • Fees • Event of disagreement • Legal proceedings • Borrow Pits

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
5 th April 2022	Email from NH to NR.	Email from Kaluba Kampanbila to Stephen Sprei. Network Rail Costs letter.
6 th April 2022	Email from NR to NH.	Email from Dino Pelusi to Miguel Machado. Requested details about the proposed Borrow Pits (depth/size, approximate distance from the railway boundary line, water extraction, whether they will be back filled, use).
6 th April 2022	Email from NH to NR.	Email from Miguel Machado to Dino Pelusi. Information about Borrow Pits provided.
Three meetings held between 6 th April 2022 and 4 th May 2022	Microsoft Teams meetings held between NR and NH.	<p>Key topics discussed:</p> <ul style="list-style-type: none"> • BAPA update - progress, legal costs, liaison with TOC and Countryside Properties plc access • Greater Anglia • Legal – costs • Clearances • Countryside access • Drainage • Beaulieu Park Station • Foot crossing • Right of way • Viaduct for access to the retaining wall
22nd April 2022	Microsoft Teams meeting held between NR, Beaulieu Park Station (BPS) and NH.	<p>Meeting with Murphy's</p> <p>Key topics discussed:</p> <ul style="list-style-type: none"> • Murphy's Infrastructure Overview • Traffic Management • Footbridge • DCO Programme • Murphy's programme – timeline, car park • Ditch • Land Use and Clearance • Access Road to Paynes Lane Bridge • Bridge Ramps
13 th May 2022	Letter from National Highways	Land Use Design Changes.

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
<p>Four meetings held between 18th May 2022 and 29th June 2022</p>	<p>Microsoft Teams meetings held between NR and NH.</p>	<p>Key topics discussed:</p> <ul style="list-style-type: none"> • BAPA – includes proposed footbridge, slip road realignments and retaining wall. • Specific agreements for the footbridge and retaining wall • Asset Protection Agreement • Borrow pits • Greater Anglia • Legal – cost letter • Clearance – coordinates, plans updated to reduce land take • Statement of Reasons, Cross sections • Clarification of temporary land take at Marks Tey • Beaulieu station – waiting for a response from Countryside about Paynes Lane Bridge (especially northern ramps) • Vehicle incursion around Hatfield Peverel • Retaining structure • APA - needs technical approval • 2/17i • Viaduct • Risk assessment • Document Sharing Platform
<p>9th June 2022</p>	<p>Letter from National Highways</p>	<p>Proposed changes to the Scheme.</p>
<p>29th June 2022</p>	<p>Email from NH to NR.</p>	<p>Email from Tracey Harvey to Dino Pelusi and Stephen Sprei. Signed BAPA agreement.</p>
<p>13th July 2022</p>	<p>Microsoft Teams meeting held between NR and NH.</p>	<p>Key topics discussed:</p> <ul style="list-style-type: none"> • Greater Anglia • Clearance update • Query on purple land - National Highways to clarify rationale behind acquisition of subsoil interests. • Beaulieu Station update – landing of the ramps agreed with Murphy’s to go outside of Countryside’s

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
		<p>Red Line Boundary (RLB). DCO submission date to be pushed back to accommodate this change.</p> <ul style="list-style-type: none"> • Document Sharing platform • Forecast • Clarification of what agreements are required
<p>27th July 2022</p>	<p>Microsoft Teams meeting held between NR and NH.</p>	<p>Key topics discussed:</p> <ul style="list-style-type: none"> • More complex works e.g. the bridge, on-slip and retaining walls works require an agreement separate to the BAPA • Clearances update and possibility of beginning the bridge agreement • Beaulieu Park Station- concerns that some of National Highways works will clash with Network Rail plans (track alignment is being moved 1.5 m to the south and there is some proposed A12 land take here) • Beaulieu Park Station – description of works (new station, car park, update to the railway line) • Subsoil rights (purple land-2/17i) • Footbridge and documentation to be shared via sharing platform. • Forecast • Statement of Common Ground • Route for A12 maintenance access – preferred route would be via eastern side of car park, entered from the northern end via a gated maintenance road.
<p>15th and 27th July 2022</p>	<p>Microsoft Teams meeting held between NR, BPS and NH.</p>	<p>Key topics discussed:</p> <ul style="list-style-type: none"> • Murphy’s update • Programme of works • Railway re-profiling • Footbridge • Document sharing platform and interface • Land boundaries • Anglian Water – as built needed for BPS • DCO timelines • Access • Carpark detail

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
		<ul style="list-style-type: none"> • Paynes Lane Footbridge • Preferred pedestrian bridge options • Maintenance access track
27 th July 2022	Email from NH to NR.	Email from Miguel Machado to Stephen Sprei. Confirmed that Plot 2/17f has now been removed.
29 th July 2022	Email from NH to NR.	Email from Miguel Machado to Dino Pelusi. Draft copy of DCO attached.
29 th July 2022	Email from NH to NR.	Email from Stephen Sprei to Hugo Rawstorne. Confirmed that there is a live application with Essex Highways to close the crossing at Boreham. Noakes level crossing at 32.77 is proposed to be extinguished under TWAO powers. Requested a meeting to further understand National Highways' latest plans and to understand timescales and the impact on the level crossings along the A12 corridor.
29 th July 2022	Microsoft Teams meeting held between NR and NH.	<p>Key topics discussed:</p> <ul style="list-style-type: none"> • Confirmation of Paynes Lane Bridge Land take. • 2/17i. Confirmed that there is a brick arch viaduct that the Boreham Brook goes under • Utilities mast – assumed to be located on 19/11b • Confirmation of works at Marks Tey Station area • CAD model to be sent through by Ardent so that NR can draft clearance plans
Three meetings held between 10 th August 2022 and 31 st August 2022	Microsoft Teams meeting held between NR and NH.	<p>Key topics discussed:</p> <ul style="list-style-type: none"> • Beaulieu Park Station • Forecast – cost breakdowns • Statement of Common Ground • Clearance update • BAPA update • Clash • Confirmation of deconfliction with BPS workstream. • CAD files • Statement of Common Ground
26 th August 2022	Microsoft Teams meeting held	<p>Key topics discussed:</p> <ul style="list-style-type: none"> • Clash protection

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
	between NR, BPS and NH.	<ul style="list-style-type: none"> • Levels between A12 slip and the track • Overlay • Timescales • Plan of tentative cross section • Access Road/Car Park • Surface water drainage • Maintenance rights must be added into agreement involving plot 2/15a • Land transfers • Design plans
2 nd September 2022	Email from NH to NR.	<p>Email from Hugo Rawstorne to Dino Pelusi.</p> <p>Key topics discussed:</p> <ul style="list-style-type: none"> • Countryside Zest – site developers to the north of Paynes Lane bridge are planning to transfer land for an overflow car park to Network Rail. Some of this land will be in the A12 RLB and will be operated on a franchise basis • National Highways require an easement to maintain and service the bridge which may need to be through Network Rail land • Conversations with Beaulieu Park Station have revealed that the location of track has been heavily investigated by Network Rail and the regrading of the embankment
5 th September 2022	Email from NR to NH.	<p>Email from Dino Pelusi to Hugo Rawstorne</p> <p>Stakeholder Contacts – New Paynes Lane Footbridge and Junction 19 works document/ AMP002 form shared.</p>
6 th September 2022	Letter from NH.	Land use design changes letter.
7 th September 2022	Microsoft Teams meeting held between NR and NH.	<p>Key topics discussed:</p> <ul style="list-style-type: none"> • Land transfer from Countryside Zest to Network Rail • Clearance – make sure that none of the land transfer will impact this • Beaulieu Park Station – land take, how much of an effect to the land parcels of the land south of the railway

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
		<ul style="list-style-type: none"> • Overlay • Technical clearance • Insurance
13 th September 2022	Email from NH to NR.	Email from Miguel Machado to Dino Pelusi. Beaulieu Park Station interface attached.
13 th September 2022	Email from NH to NR.	Email from Chris Alves-Greenland to Dino Pelusi. Car park overlay attached.
20 th September 2022	Letter from NH.	Section 56 letter.
14 th and 21 st September 2022	Microsoft Teams meeting held between NR and NH.	Key topics discussed: <ul style="list-style-type: none"> • Drainage • Clearances update – business and technical • Collaboration Space • Land acquisition • Beaulieu Park Station • Structures – footbridge, detailed design • Cost undertaking
28 th September 2022	Microsoft Teams meeting held between NR, BPS and NH.	Key topics discussed: <ul style="list-style-type: none"> • DCO programme • Clearance • Bridge/ramp design • Land acquisition/design • Drainage • Embankment
3 meetings held between 7 th October 2022 and 26 th October 2022	Microsoft Teams meeting held between NR and NH.	Key topics discussed: <ul style="list-style-type: none"> • Paynes Lane Footbridge • Ownership of footbridge • Clearance overview • Timescales • Deliverables • DDA Compliance

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
		<ul style="list-style-type: none"> • Design – steps/ramps • Survey access • Clearance update • Asset Protection Agreement • Land acquisition – Junction 19 and Marks Tey area • Process Overview • Bridge Agreement • Embankment subsidence
14 th October 2022	Microsoft Teams meeting held between NR, CZ and NH.	<p>Key topics discussed:</p> <ul style="list-style-type: none"> • District Valuer • Overlay plan – overlays all interests in the area (National Highways, Network Rail and Beaulieu Park Station) • Timescales for the diversion east to west route • Land transfer • Operational access along the fence line (Murphy's) • Timescales for the footbridge
Three meetings held between 2 nd November 2022 and 16 th November 2022	Microsoft Teams meeting held between NR and NH.	<p>Key topics discussed:</p> <ul style="list-style-type: none"> • Clearance • Relevant Representation • Bridge agreement • Embankment subsidence • Deed of undertaking • Strategy Clearance • Countryside Zest – land transfer • Plans • AOB
2 nd November 2022	Email from NR to NH.	Email from Dino Pelusi to Hugo Rawstone. Current Network Rail and National Highways Overbridge Agreement attached
16 th November 2022	Email from NR to NH.	Email from Tony Ridley to Hugo Rawstone. Table of Network Rail interests and Schedule of Works document attached.

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
28 th November 2022	Email from NR to NH.	<p>Email from Tony Ridley to Simon Bird.</p> <p>Queries raised about clearances:</p> <ul style="list-style-type: none"> • 2/18d - confirmation of the rights acquired • 19/11a - confirmation of the rights acquired • 19/11b - confirmation of the rights acquired • 19/12a - confirmation of the rights acquired • 19/12b - confirmation of the rights acquired • 19/12c - confirmation of the rights acquired
30 th December 2022	Email from NR to NH.	<p>Email from Dino Pelusi to Simon Bird, Kaluba Kampanbila, Tracey Harvey and Hugo Rawstorne.</p> <p>Asset Protection Agreement Outside Party and Third-Party Asset Protection Agreement templates attached.</p>
9 meetings held between 23 rd November 2022 and 25 th January 2023	Microsoft Teams meeting held between NR and NH.	<p>Key topics discussed:</p> <ul style="list-style-type: none"> • DCO update • Clearances – update • Beaulieu Park Station – overlay, plans, clashes (2/15, NR boundary, footbridge, utilities, access) • Template agreements – bridge agreements and retaining wall and earthworks, asset agreement • Protective Provisions/Agreements • CM/CEM agreement • Timescale • Drainage – existing ditch, 2/17g, 2/17n • 2/1b NR land interest
19 th January 2023	Email from NH to NR	<p>Email from Hugo Rawstorne to Tony Ridley.</p> <p>NR individual plot shape files attached.</p>
26 th January 2023	Microsoft Teams meeting held between NR, NH and CZ.	<p>Key topics discussed:</p> <ul style="list-style-type: none"> • Plans/overlay • Shape files • Area of the car park, main area DCO and Beaulieu 'clash' - coordinated boundary • Land transfer • Assets and issues arising from this • Red line boundary

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
		<ul style="list-style-type: none"> • 2/15a • Purple land • Face to face meeting • Underground search report • Proposed works at Marks Tey and communications with Tarmac Trading
1 st February 2023	Microsoft Teams meeting held between NR and NH.	Key topics discussed: <ul style="list-style-type: none"> • Clearances – including rejections • NR occupier rights • Filter drain • Ditch and slope design • Viaduct space
6 th February 2023	Email from NH to NR	Email from Hugo Rawstone to Stephen Sprei. Requested shape files to update clearance requests.
8 th and 9 th February 2023	Microsoft Teams meetings held between NR and NH	Key topics discussed: <ul style="list-style-type: none"> • Occupier Parcels - overlay • Clearances – now reduced to 70 • SoCG • Filter drain
15 th and 22 nd February 2023	Microsoft Teams meetings held between NR and NH	Key topics discussed: <ul style="list-style-type: none"> • Clearances • Viaduct Span • Occupier Plots – deeds, boundaries • SoCG • Countryside Zest – new access proposed • Deed of Undertaking • Purple land – subsoil
22 nd February 2023	Email from NH to NR	Email from Hugo Rawstone to Dino Pelusi and Tony Ridley. Subsoil rights for 2/17i clarified.
23 rd February 2023	Email from NH to NR	Email from Hugo Rawstone to Dino Pelusi, Tony Ridley and Kenneth Dinah. Latest SoCG attached.

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
1 st March 2023	Microsoft Teams meeting held between NR and NH	Key topics discussed: <ul style="list-style-type: none"> • Clearances – signal sighting and access to equipment to assets causing clearance rejection • SoCG
2 nd March 2023	Meeting between NR and NH at NR office	Dino Pelusi, Steve Day, Natassia Chew, Kenneth Dinah, Asa Sibley, Robin Hearn, Simon Martin, Jonathan Garelick, Karen Still, Ian Bland, James Hudson, Tony Ridley, Martyn Wilson, Kaluba Kampanila, Simon Bird, Asit Modi, Hugo Rawstone and Laura Crumpton attended. Key topics discussed: <ul style="list-style-type: none"> • Summary of interaction with Network Rail Land (Junction 19/Beaulieu Park Station/Paynes Lane Footbridge, Boreham Culvert/Viaduct. Marks Tey Station/Junction remodelling • Drainage/Embankment at Junction 19 • Level Crossings • Possible overlaps/interface • Questions
8 th March 2023	Microsoft Teams meeting between NR and NH	Key topics discussed: <ul style="list-style-type: none"> • Actions – bridge design, BPS drawings, interoperability, viaduct access, 2/18b, historic ownership/interest • Clearance – more information needed on level crossing closure • Utilities • SoCG
10 th March 2023	Microsoft Teams meeting between NR and NH	Clearances meeting. Key topics discussed: <ul style="list-style-type: none"> • Clearances/NR Interests • Area south of Witham (sheet 8 plot) – historic disused railway line
15 th March 2023	Microsoft Teams meeting between NR and NH	Key topics discussed: <ul style="list-style-type: none"> • Meeting with solicitors – reference numbers • Clearance requests • BAPA • Bridge design

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
16 th March 2023	Microsoft Teams meeting between NR and NH	<p>Clearance meeting.</p> <p>Key topics discussed:</p> <ul style="list-style-type: none"> • Clearance Update/NR Interests • Reference Numbers in Book of Reference (BoR) • Anomalies in BoR • Disused Railway
17 th March 2023	Email from NR to NH	<p>Email from Dino Pelusi to Sarah Hodge, Tracey Harvey Tony Ridley, Stephen Dagg, Laura Crumpton, Hugo Rawstorne, Kieran Craddock, Steve Day, Kenneth Dinah and Isabel Doyle.</p> <ul style="list-style-type: none"> • 2/1b, 2/1c, 2/1e, 2/2a, 2/2b, 2/2k, 2/8b, 2/15a, 2/15b, 2/15c, & 2/15f • 3/1a • 4/3a • 5/6d • 8/6l • 15/5a • 19/1d, 19/1e, 19/1f, 19/4c & 19/8a,
17 th March 2023	Email from NR to NH	<p>Email from Steve Day to Dino Pelusi, Sarah Hodge, Tracey Harvey Tony Ridley, Stephen Dagg, Laura Crumpton, Hugo Rawstorne, Kieran Craddock, Steve Day, Kenneth Dinah and Isabel Doyle.</p> <p>Clarified that NR do not intend to investigate their interest on plots where NR owns or owned the subsoil beneath existing highway (including the A12). May become relevant if the highway is to be stopped up, but not at this stage.</p>
21 st March 2023	Email from NH to NR	<p>Email from Kieran Craddock to Dino Pelusi, Sarah Hodge, Tracey Harvey, Tony Ridley, Chris Alves-Greenland, Stephen Dagg, Laura Crumpton, Hugo Rawstorne, Steve Day, Kenneth Dinah and Isabel Doyle.</p> <p>Confirmed that the BoR will be updated accordingly to remove NR interest in selected plots following information provided in email from Dino Pelusi dated 17th March 2023.</p> <ul style="list-style-type: none"> • 2/1b, 2/1d, 2/1e, 2/2a, 2/2b, 2/2k, 3/1a, 4/3a, 5/6d, 8/6l, 19/1d, 19/1e and 19/1f
22 nd March 2023	Microsoft Teams meeting between NR and NH	<p>Key topics discussed:</p> <ul style="list-style-type: none"> • Clearances – outstanding, needs further investigation, ASPRO

Date	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
29 th March 2023	Microsoft Teams meeting between NR and NH	Tony Ridley, Dino Pelusi, Hugo Rawstorne, Isabel Doyle, Dumitru Borcan and Ruth Williams attended. Utility Clearances meeting. Key topics discussed: Clearances update 2/18a, 2/18d, 12/5a, 2/2b, 2/2k, 5/6d, 19/11a, 19/11b, 19/12a, 19/12c AOB Utilities at Marks Tey – 19/8a
31 st March 2023	Microsoft Teams meeting between NR and NH	Umi Filby, Sarah Hodge, Tony Ridley, Dino Pelusi, Hugo Rawstorne and Isabel Doyle attended. SoCG meeting.

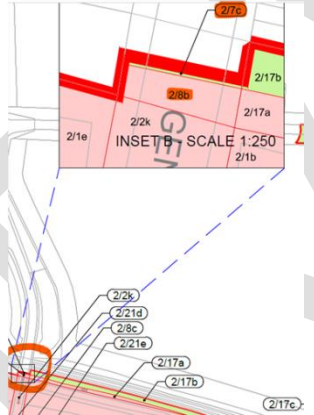
- 2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) National Highways and (2) Network Rail in relation to the issues addressed in this SoCG.
- 2.1.3 This statement is The Applicant's draft, it is not agreed with Network Rail. The Applicant has been advised by NR that NR are required to update this document on 10 May 2023 (Deadline 5).


3 Issues

3.1 Issues agreed

Table 3.1 Issues agreed.

Ref	Issue	Doc Reference	Network Rail Infrastructure Limited Position	National Highways Position	Status	Date
3.1.1.	Utilities, including the telecoms mast at Marks Tey.		Concerns over the mast location being within NR land.	The mast is confirmed to be located on NH land.	Agreed	Aug 2022
3.1.2.	Data sharing			Data sharing platform set up to provide up to date information to NR.	Agreed	Jun 2022
3.1.3.	Subsoil Interests (plot 2/17i) [Purple] at Boreham Viaduct		NR will grant rights to NH over this land but does not see that permanent acquisition of the land by NH is necessary or appropriate.	It is confirmed that 2/17i is Permanent Acquisition of the Subsoil Rights only, which provides access rights for NH to plots to the south of the railway track. NH to agree to not to affect in any way NR's ability to maintain the track at this location in NR PPs.	Agreed	Apr 2023
3.1.4.	2/17f			Removed from the BoR.	Agreed	Jul 2022
3.1.5.	Removal of NR land interest on selected land parcels		Agree no NR interests in this land, so reference to NR should be removed from BoR.	Based on evidence provided from NR, NH are removing land parcels 2/1b, 2/1d, 2/1e, 2/2a, 2/2b, 2/2k,	Agreed	Apr 2023

Ref	Issue	Doc Reference	Network Rail Infrastructure Limited Position	National Highways Position	Status	Date
				3/1a, 4/3a, 5/6d, 8/6l, 19/1d, 19/1e and 19/1f from NR Interest in BoR following discussions and investigations.		
3.1.6.	Addition of plots 2/7c and 2/8b for clearance		<p>NR agreed that it now has ownership of these plots and that they could be merged on DCO Land Plans with plots 2/17a and 2/17b which are already in BoR as an NR asset.</p> 	These plots constitute the historic Generals Lane Bridge which was demolished in 2016 and attributed to Essex County Council/NH. NH has been advised that these plots now belong to NR and the BoR is being updated accordingly.	Agreed	Mar 2023
3.1.7.	Rights of Way relating to historic Level Crossing removal – Boreham Level Crossing (2/17c)		Level crossing at location of 2/17c has been closed following confirmation of a level crossing closure order on 13 th February 2023. However, NR still require NH to use DCO powers (if necessary) to extinguish any	NH believe this land parcel is no longer required for the scheme.	Agreed	Mar 2023

Ref	Issue	Doc Reference	Network Rail Infrastructure Limited Position	National Highways Position	Status	Date
			<p>private rights or PRoW in place, including any rights relating to the existing public rights of way labelled 'Bridleway 213 23', this crossing being shown at plot 2/17c on Sheet 2 of the Permanent Works Plans.</p> 			

3.2 Issues in discussion

Table 3.2 Issues in discussion.

Ref	Issue	Doc Reference	Network Rail Infrastructure Limited Position	National Highways Position	Status	Date
3.2.1.	Business clearance		<p>NR's internal processes require NR to obtain business and technical clearance for any projects that will impact on the railway.</p> <p>Business clearance and technical clearance is required for a project to be approved.</p> <p>In summary, to complete this process, details of the project are sent to relevant teams within NR as clearance conditions requests, the teams review the details and analyse the proposed project works to ensure the project can come forward without detriment to the use and safety of the railway.</p> <p>For the A12 project, 32 clearances on NR owned land have been submitted.</p> <p>29 clearances [TBC] are on third party land, submitted March 2023.</p> <p>Some of the submitted business clearances have been rejected or put on hold due to safety concerns, primarily relating to access and signalling, as further detailed in NR's Written Representation.</p> <p>The concerns mentioned above and set out in more detail in NR's Written Representation remain.</p>	NH are requesting an update on the 32 NR land business clearances submitted.	Under discussion	Mar 2023

Ref	Issue	Doc Reference	Network Rail Infrastructure Limited Position	National Highways Position	Status	Date
			However, the parties have regular weekly meetings scheduled and are hopeful of reaching a solution in due course.			
3.2.1a.	Business Clearance –		Awaiting business clearance on third party land and utilities clearances.	NR have flagged utilities works over 18	Under discussion	Mar 2023

Ref	Issue	Doc Reference	Network Rail Infrastructure Limited Position	National Highways Position	Status	Date
	Utilities interests			<p>land parcels, primarily located in Marks Tey. NH are working through these with NR.</p> <p>A call between NR and NH on 29th March 2023 further discussed this. Awaiting design details from Openreach, expected end of May 2023.</p>		
3.2.2.	Technical Clearance		<p>Signals and Structures have lodged objections. Details of these objections are shared with NH on 5th April 2023. Other disciplines still to feedback.</p>	<p>Discussions on Technical Clearance have commenced.</p> <p>A technical meeting took place between NR and NH on 2nd March 2023. Details of objection have been shared with NH on 5th April 2023.</p> <p>NH would like to work through the objections and have asked for further information.</p> <p>NH have shared Paynes Lane Footbridge design</p>	Under discussion	Mar 2023

Ref	Issue	Doc Reference	Network Rail Infrastructure Limited Position	National Highways Position	Status	Date
				proposals with NR and is awaiting feedback.		
3.2.3.	Framework Agreement		<p>NR provided their template draft Framework Agreement, including proposed protective provisions for Network Rail on 29th December 2022.</p> <p>Substantive response received from NH on 4th April 2023, currently awaiting fee uplift from promoters to allow legal team to review the comments.</p>	NH legal team (WBD) have reviewed and responded with their comments to the draft Framework Agreement.	Under discussion	Feb 2023
3.2.4.	Network Rail Documents – Third Party Asset Protection Agreement (APA)/Outside Party Asset Protection Agreement (OPAPA)		NR have provided templates of APA and OPAPA. The template is now agreed and detailed negotiations can begin.	<p>National Highways is reviewing the template.</p> <p>NH believe it will be an APA but awaiting confirmation from NR.</p> <p>NH legal team (WBD) have reviewed the Bridge Agreement.</p>	Under discussion	Feb 2023
3.2.5.	Protective Provisions (PPs)		<p>NR supplied their Standard PPs for inclusion within the DCO on 29th December 2022.</p> <p>Response reviewed 21st February 2023 and comments returned to WBD 23rd February 2023.</p>	National Highways agrees in principle to the inclusion of PPs in the DCO and the parties are currently discussing a few technical points.	Under discussion	Feb 2023

Statement of Common Ground with Network Rail

Ref	Issue	Doc Reference	Network Rail Infrastructure Limited Position	National Highways Position	Status	Date
3.2.6.	Maintenance road to Paynes Lane Footbridge. Located on Countryside Zest (CZ) land, to be transferred to NR		NH would like to secure access over land that is due to be transferred to NR (as part of the BPS redevelopment) for access to the proposed new Paynes Lane Bridge. The access being proposed by NH for maintenance is not a permanent access track.	NH is in discussion with NR and CZ.	Under discussion	Feb 2023
3.2.7.	Transfer of Countryside Zest (CZ) land to NR. Clash at bottom right of NR operational overspill car park (plot 2/15a)		Land is within the order limits that is required for Beaulieu Park Station.	To be worked through in Detailed Design and agreed with NR. NH will agree to having a right to build and maintain the pedestrian bridge. The perceived clash appears to be down to the thickness of the RLB.	Under discussion	Feb 2023
3.2.7a.	Transfer of Countryside Zest (CZ) land to NR. Clash at bottom right of NR operational overspill car park (plot 2/15a)		A further, larger clash has been identified on the south east of the NR overspill car park. One element of this clash is for proposed right of way between Paynes Lane Footbridge and BPS. The other element of this clash is for some proposed NR freehold land contiguous to the existing track land located south of the NR overspill car park.	NH will liaise with NR to provide access when required whilst NH are constructing Paynes Lane Footbridge.	Under discussion	Mar 2023

Ref	Issue	Doc Reference	Network Rail Infrastructure Limited Position	National Highways Position	Status	Date
3.2.8.	Interaction with proposed new Beaulieu Park Station (BPS)		<p>NR are waiting on Beaulieu Park ASPRO team to provide information to inform NH's design.</p> <p>The Proposed BPS Development impacts on Plots that will be needed for access, parking, utilities and drainage to the new station and its car park. There is also expected to be an impact on the electrification of the lines due to the height of the proposed Paynes Lane Footbridge and concern that NR will lack sufficient space beneath the Footbridge to add a proposed third line of rails in connection with the new station.</p>	<p>Design to be developed during the detailed design stage with consideration for NR asset risks. Dialogue ongoing with BPS.</p> <p>Once review of the information received from Network Rail on 3rd March 2023 for the Beaulieu Park Station and associated rail infrastructure design is complete, the Applicant will review in detail and ensure any clashes are avoided and protect any Network Rail Assets that interact with The Proposed Scheme.</p> <p>Paynes Lane Footbridge will stay outside of the Network Rail boundary fence and therefore not impact on the realignment and additional track required for the Beaulieu Park Station.</p>	Under discussion	Feb 2023

Ref	Issue	Doc Reference	Network Rail Infrastructure Limited Position	National Highways Position	Status	Date
				<p>Paynes Lane Footbridge, as shown on Sheet 2 of 30 in the Structures Engineering Drawings and Sections [APP-032], shows the existing overhead line equipment with the necessary clearance envelope around the OLE.</p> <p>Any minor adjustments required to stay out of the overhead line equipment (OLE) envelope are well within the limits of deviation and therefore will not affect The Application or any Network Rail assets.</p>		
3.2.9.	Freehold Land take at 2/18b. This plot includes an existing on-slip road and a proposed retaining wall		<p>NR wish to retain the Freehold of this plot to allow any future intervention to take place.</p> <p>NR wants to understand rationale for the total land take on this plot, taking into account the need to maintain the viaduct and NR's ability to access the railway embankments.</p>	NH to agree to rights for access and maintenance purposes and licences to construct. NH to agree to not to affect in any way NR's ability to maintain the railway.	Under discussion	Mar 2023

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Ref	Issue	Doc Reference	Network Rail Infrastructure Limited Position	National Highways Position	Status	Date
			NR do not feel the extent of land take on plot 2/18b is necessary.	The proposed retaining wall is 7.5m away from the existing Boreham viaduct. NH changing plot from pink to pink and green.		
3.2.10.	Access via Boreham Viaduct, plot 2/17i		Boreham Viaduct is owned and maintained by NR. Boreham Viaduct falls within or in close proximity to Plots 2/15c, 2/17i, 2/18b and 2/17j. NR need to ensure that NH proposed rights are not to the detriment of existing NR rights required to access, maintain and/or partially infill Boreham Viaduct. The proposed wall along the viaduct and rights of access beneath it would prevent access to the southern face of Boreham viaduct, and both wingwalls.	Should maintenance, inspection, repairs to the viaduct, or any intervention under Section 14 of the Railway Regulation Act 1842 be required, the Applicant would agree a safe and suitable access over plots 2/17i 2/17j.	Under discussion	Mar 2023
3.2.11.	Restrictions on Access and Maintenance	Written Representation REP2-092	Network Rail's access to the Great Eastern Main Line which is required to ensure the line can be safely maintained would be restricted by the Proposed Development.	The Applicant will provide suitable access to Network Rail and ensure suitable notice and durations and confirm and agree any alternative routes in advance. Weekly meetings between the two parties are ongoing. The Applicant needs to understand NR's	Under discussion	Mar 2023

Ref	Issue	Doc Reference	Network Rail Infrastructure Limited Position	National Highways Position	Status	Date
				access and maintenance requirements to resolve this issue.		
3.2.12.	Signal Sighting	Written Representation REP2-092	The A12 scheme will impact on sighting of NR signals to train drivers. This is a concern which cannot be resolved by NR modifying its infrastructure; therefore, it necessitates NH to make modifications to the design of the project.	The concerns regarding signal sighting have only recently been raised, as the NR clearance process requires only land plans to be submitted. It is unlikely that there will be any signal sighting issues once NR reviews the available engineering plans. The Applicant will ensure, in coordination with NR, that the permanent works do not affect signal sighting for either the current layout or the proposed 3 track layout as BPS is developed. NH are awaiting further information from NR to progress this further.	Under discussion	Apr 2023
3.2.13.	Existing infrastructure – Overbridge at	Written Representation REP2-092	Network Rail is concerned about additional strain on its existing infrastructure, in particular about the overbridge near	The traffic impact on the overbridge at New Lane, Feering (near		Apr 2023

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Ref	Issue	Doc Reference	Network Rail Infrastructure Limited Position	National Highways Position	Status	Date
	New Lane, Feering (near Junction 24)		junction 24, as it understands that the Proposed Development will result in an increase in traffic sing the existing bridge.	junction 24) is expected to be small, with around 20 to 50 additional vehicles per day predicted to use the bridge as a result of the proposed scheme.		
3.2.14.	Existing Infrastructure - Drainage and Embankment Stability – 2/17g and 2/7m	Written Representation REP2-092	<p>There is concern about the works at Plots 2/17g and 2/7m which would lead to structural implications relating to the stability of the existing railway embankments.</p> <p>NR embankment must not be affected by the NH drainage proposals.</p> <p>NR need to agree to any outline/in principal design rather than waiting until the detailed design stage.</p>	The drainage design proposal will be worked through in detailed design with due consideration of the potential interface with the existing railway embankment and agreed with NR.		Apr 2023

Acronyms

Abbreviation	Term
AOB	Any Other Business
APA	Third Party Asset Protection Agreement
ASPRO	Asset Protection
BAPA	Basic Asset Protection Agreement
BoR	Book of Reference
BPS	Beaulieu Park Station
CAD	Computer Aided Design
CZ	Countryside Zest
DDA	Disability Discrimination Act
DCO	Development Consent Order
NH	National Highways
NR	Network Rail
OLE	Overhead Line Equipment
PPs	Protective Provisions
OPAPA	Outside Party Asset Protection Agreement
RLB	Red Line Boundary
SoCG	Statement of Common Ground
TOC	Train Operating Companies
WBD	Womble Bond Dickinson

Glossary

Term	Definition
Business Clearance	Part of Network Rail's internal (non-statutory) clearance process which is required before land or rights can be disposed of and is a business requirement before the disposal can be signed off under the terms of their Network Licence.
Technical Clearance	Part of Network Rail's internal (non-statutory) clearance process which is required before land or rights can be disposed of and is a business requirement before the disposal can be signed off under the terms of their Network Licence

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References

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Appendix

A.1 Appendix A

A.1.1 Clearance list provided by NR on 15.12.22

A.2 Appendix B

A.2.1 Meeting minutes

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For each of those areas that are in dispute, it would be beneficial if each party would put their estimation as to the likelihood that disagreement will remain by the end of the Annex F

F2 Examination. This should be done on a ‘Low’, ‘Medium’ and ‘High’ traffic light model. This will allow the ExA to assess those areas where oral discussions may be most beneficial.

	Low
	Medium
	High

Issue/ Matters under discussion	RAG Status Estimation	RAG Status Estimation
	National Highways	Network Rail (NR)
Business clearance		
Business Clearance – Utilities interests		
Technical Clearance		
Framework Agreement		
Network Rail Documents – Third Party Asset Protection Agreement (APA)/Outside Party Asset Protection Agreement (OPAPA)		
Protective Provisions (PPs)		
Maintenance road to Paynes Lane Footbridge. Located on Countryside Zest (CZ) land, to be transferred to NR		
Transfer of Countryside Zest (CZ) land to NR. Clash at bottom right of NR operational overspill car park (plot 2/15a)		
Transfer of Countryside Zest (CZ) land to NR. Clash at		

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bottom right of NR operational overspill car park (plot 2/15a)		
Interaction with proposed new Beaulieu Park Station (BPS)		
Freehold Land take at 2/18b. This plot includes an existing on-slip road and a proposed retaining wall		
Access via Boreham Viaduct, plot 2/17i		
Restrictions on Access and Maintenance		
Signal Sighting		
Existing infrastructure – Overbridge at New Lane, Feering (near Junction 24)		
Existing Infrastructure - Drainage and Embankment Stability – 2/17g and 2/7m		

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