

A12 Chelmsford to A120 widening scheme

TR010060

8.13 Statement of Common Ground with CADENT GAS LIMITED

Rule 8 (1)(e)

Planning Act 2008
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Regulations 2010

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(Examination Procedure) Rules 2010

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

Statement of Common Ground with
CADENT GAS LIMITED

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Application Document Reference	TR010060/APP/8.13
Author	A12 Costain Jacobs Partnership Project Team & National Highways

Version	Date	Status of Version
P01.1	February 2023	Draft for Deadline 2
2	April 2023	Draft for Deadline 4
3	May 2023	Draft for Deadline 6

STATEMENT OF COMMON GROUND

This Statement of Common Ground has been prepared and agreed by (1) National Highways Limited and (2) Cadent Gas Services Limited

Signed.....

Phil Davie

Project Director

on behalf of National Highways

Date: 08/06/2023

Signed.....

[NAME]

[POSITION]

on behalf of [Cadent Gas Services Limited]

Date: [DATE]

For the submission of the Statement of Common Ground for deadline 6, between **National Highways** and **Cadent Gas Limited**, updates have been made in the following sections of the document.

Location	Update made
Record of engagement	Additional records added for engagement since the previous Deadline 4 update.
Agreed Issues	No update to agreed issues.
Issues under discussion	6 topics still under discussion. No further topics have been added.

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1 Introduction

1.1 Purpose of this document

- 1.1.1 SoCGs are a useful and established means of ensuring that the evidence at the DCO examination focuses on the material differences between the main parties, and so aim to help facilitate a more efficient examination process.
- 1.1.2 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.
- 1.1.3 The purpose of the SoCG is to set out agreed factual information about the proposed DCO application. It is intended that the SoCG should provide matters on which both parties agree. As well as identifying matters which are not in dispute, the SoCG may also identify areas where agreement has not been reached.
- 1.1.4 It is envisaged that this SoCG will evolve during the examination phase of the DCO application.
- 1.1.5 Any subsequent drafts will be agreed and issued, with the version numbers clearly recorded in the 'Document Control' table at the beginning of the document.
- 1.1.6 This Statement of Common Ground ("SoCG") relates to an application made by National Highways Limited ("the Applicant") to the Planning Inspectorate ("PINS") under Section 37 of the Planning Act 2008 ("PA 2008") for the A12 Chelmsford to A120 Widening Development Consent Order ("the DCO"). If made, the DCO would grant consent for the Applicant to undertake the A12 Chelmsford to A120 Widening Scheme ("the Scheme").
- 1.1.7 A detailed description of the Scheme can be found in the ES Chapter 2 "The Proposed Scheme" [[6.1 Environmental Statement - Chapter 2 The proposed scheme \(planninginspectorate.gov.uk\)](#)].
- 1.1.8 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:
[\[A12 Chelmsford to A120 Widening Scheme | National Infrastructure Planning \(planninginspectorate.gov.uk\)\]](#)

1.2 Parties to this Statement of Common Ground

- 1.2.1 This SoCG has been prepared by (1) the Applicant and (2) Cadent Gas Limited (Cadent Gas).
- 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.

- 1.2.3 Cadent Gas is the UK's largest gas distribution network and their assets are affected by the scheme.

2 Record of Engagement

- 2.1.1 A summary of the meetings and correspondence that has taken place between the Applicant and Cadent Gas in relation to the Application is outlined in table below

Table 2.1 Record of Engagement

Reference	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
15/05/2020 - Cadent in receipt of draft gas drawings & latest alignment via public link.	Email	Cadent in receipt of draft gas drawings & latest alignment via public link.
13/11/2020 - C2 Search	Websearch Portal	C2 Search
29/01/2021 - Letter of Authority and C3 Budget Estimate request	Email	Letter of Authority and C3 Budget Estimate request
29/01/2021 - C3 Application	Email	C3 Application
22/06/2021 - LHP C3 Costing from Cadent	Email	LHP C3 Costing from Cadent
02/07/2021 - Cadent introduction re MP mains	Email	Cadent introduction re MP mains
27/08/2021 – National Highways sign and return Customer Agreements to commence C4 Stage / Phase 1.	Email	Customer Agreements (Contracts) for delivery of C4 Stage / Phase 1
28/09/2021 – National Highways make advanced payment for C4 Stage / Phase 1.	Payment	Advanced payment received from National Highways so C4 Stage / Phase 1 can officially commence.
13/10/2021 - LHP Cadent confirm FW as consultants	Email	LHP Cadent confirm FW as consultants
12/11/2021 - MP Diversion designs from Cadent	Email	MP Diversion designs from Cadent
14/02/2022 – Draft Design Studies	Email	Draft indicative route plans released to National Highways for AIA1 to AIA5.
25/03/2022 – Final Design Studies	Email	Release for final Design Studies, including indicative route plans to

Reference	Form of correspondence	Key Topic discussed and key outcomes (the topics should align with the Issues tables)
		be developed during Detailed Design.
01/08/22 A12 Cadent MP Progress Meeting	Meeting	Kick-off meeting with Cadent Medium Pressure Team & Infracore Consulting to introduce new OOA, and understand the key topics and issues to date
06/09/22 A12 Cadent MP Progress Meeting	Meeting	Progress Meeting discussion on proposals for diversions of MP assets, program and C3 costs
14/09/22 Cadent Fingleton White LHP meeting minutes	Meeting	Design Kick Off Meeting
08/03/2023 – C5 Stage / Phase 2B Payments	Email	National Highways makes C6 Stage / 2B Phase payments
29/03/2023 – Cadent MP Progress Meeting	Meeting	Progress meeting including commercial discussions regarding Cadent Cost, C3's vs C4's, Advanced Works & NRSWA discounts
17/04/2023 A12 CDM Arrangements with Cadent HP	Email	NH proposal of CDM working relationship between Cadent and National Highways
05/05/2023 - NH Assessment and determination of the preferred route for AIA2	E-mail with report	The first draft of the report confirming that the routing of the pipeline around Whetmead LNR.
15/05/2023 – A12 Assessment and determination of the preferred route for AIA2 CG Comment response.	Email with comment sheet	CG initial comments on the report confirming the routing of the pipeline around Whetmead LNR.

2.1.2 It is agreed that this is an accurate record of the key meetings and consultation undertaken between (1) the Applicant and (2) Cadent Gas in relation to the issues addressed in this SoCG.

2.2 Terminology

2.2.1 In the tables in the Issues chapter of this SoCG.

- “Agreed” indicates where the issue has been resolved;
- “Under discussion” indicates area(s) of current disagreement where resolution remains possible, and where the parties will continue to discuss the issue(s) to seek to reach agreement by the end of the examination; and
- “Not Agreed” indicates a final position for area(s) of disagreement where the resolution of divergent positions will not be possible, and parties agree on this point.

2.2.2 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 Cadent Gas Services, and therefore have not been the subject of any discussion 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 Cadent Gas Services.

3 Issues

3.1 Issues agreed

Table 3.1 Issues agreed.

Ref	Issue	Doc Ref	Agreement	Date
1	Scope of works for High Pressure diversions		<p>Cadent's High-Pressure (HP) team and National Highways (NH) have been working together during the development phase to identify the possible solutions required to address the potential interactions of the proposed Scheme with Cadent's assets.</p> <p>Cadent initially undertook design studies for the A12 project with proposed indicative solutions to the five Asset Interaction Areas (AIAs) being presented for consideration. These are:</p> <ul style="list-style-type: none"> • AIA1 – Little Braxted to Springfield High-Pressure Pipeline (42 bar MOP) • AIA2 – Little Braxted to Springfield High-Pressure Pipeline (42 bar MOP) • AIA3 – Langham to Daisy Green to Little Braxted High-Pressure Pipeline • AIA4 – Little Braxted to Tye Green High-Pressure Pipeline • AIA5 – Little Braxted to Witham Intermediate-Pressure Pipeline <p>Since the development of these initial studies, both parties have been coordinating and progressing the indicative solutions through detailed design phases, striving to ascertain the final solutions before the conclusion of the DCO process .</p>	April 2023
2	Scope of works for Medium Pressure diversions		<p>Cadent's Medium-Pressure team and National Highways have been working together during the development phase of the project to develop the proposals to address the impact of the proposed works on Cadent medium pressure assets.</p>	April 2023

Ref	Issue	Doc Ref	Agreement	Date
			<p>This has resulted in the development of 13 outline proposals for the diversion of approximately 6,500m of medium pressure pipeline due to the impact of the proposed Scheme. These are:</p> <ul style="list-style-type: none"> • EAGD220048 A12 Chelmsford to A120 Chelmsford, CM2 5AE • EAGD220049 Widening A12 Project, Boreham Interchange • EAGD220050 A12 Project London Road Witham CM8 3DJ • EAGD220051 A12 Project Rivenhall End south, London Road, CM8 3HB • EAGD220052 A12 Project Feering London Road CO5 9EJ • EAGD220053 A12 Project Feering London Road CO5 9EJ • EAGD220054 Junction Of Domsey Chase London Road Feering CO5 9ES • EAGD220055 B1024A12 Junction London Road Kelvedon CO5 9BU • EAGD220056 A12 Project Marks Tey Colchester CO6 1HA • EAGD220057 A12 Project Marks Tey, London Road, Colchester CO6 1LG • EAGD220058 Rivenhall End, London Road, Witham, CM8 3HN • EAGD220059 Rivenhall End, T Junction, London Road, Witham, CM8 3HB • EAGD220060 Phase 2 Marks Tey London Road Colchester CO6 1LG 	

3.2 Issues in discussion

Table 3.2 Issues in discussion.

Ref	Issue	Doc Reference	Cadent Gas Position	Applicant's position	Status	Date
1	Protective Provisions.	TR010060 - dDCO	<p>The draft Order includes protection for Cadent's apparatus and the gas distribution network. However, it does not include the specific protection provisions that Cadent requires to prevent serious detriment to this undertaking.</p> <p>Cadent has engaged with NH in relation to the protective provisions that Cadent require are included within the draft Order (the Cadent Protective Provisions) throughout the pre-application process. Cadent has agreed the Cadent Protective Provisions with NH and expects the agreed form of the Cadent Protective Provisions to be secured by an agreement in due course.</p>	<p>Protective provisions for the benefit of Cadent Gas are included within the draft Order Schedule 11 - Part 5</p> <p>The Applicant and Cadent are putting in place legal arrangements which are expected to result in Cadent withdrawing their objection to the proposed Scheme.</p> <p>NH are agreeing Protective Provisions that will be secured by an agreement in due course.</p>	Under Discussion	May 2023

Ref	Issue	Doc Reference	Cadent Gas Position	Applicant's position	Status	Date
2	Cadent's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the order limits should be maintained at all times and access to inspect such apparatus must not be restricted.	TR010060 - dDCO	<p>Cadent has undertaken a review of existing and proposed accesses to apparatus which may be impacted by proposals.</p> <p>Resolution is also subject to agreed form of Protective Provisions.</p>	<p>NH's position is that the PPs as included in Part 5 of Schedule 11 afford adequate protection for Cadent assets during and after the construction works planned for the A12 scheme.</p> <p>NH are agreeing Protective Provisions that will be secured by an agreement in due course.</p>	Under discussion	May 2023
3	Cadent is not yet satisfied that the DCO includes all land and rights required to accommodate diversions as detailed design studies will need to influence these requirements.	TR010060 - dDCO	<p>Cadent has not yet completed detailed design studies of its diversions therefore land and consents cannot be confirmed at this stage. Cadent will update the ExA once these studies have completed.</p>	<p>NH have made appropriate provision in the DCO to acquire land and rights for accommodating the diversions proposed for the scheme and sufficient contingency has been allowed for variations of the proposed diversions along these corridors.</p> <p>Details design for the HP and MP is in progress and several investigations</p>	Under discussion	May 2023

Ref	Issue	Doc Reference	Cadent Gas Position	Applicant's position	Status	Date
				carried out to ensure all option are explored and the best solution identified within the order limits.		
4	Cadent will require National Highways to obtain and grant to Cadent adequate rights to lay, access, protect and maintain apparatus on Cadent's standard easement terms or equivalent rights acquired by compulsion including the imposition of restrictive covenants to protect apparatus.	TR010060 - dDCO	As above	This is agreed and Cadent's position is protected by paragraph 57 of the protective provisions as contained in the dDCO.	Under Discussion	May 2023
5	Development of detail design for Cadent Gas High Pressure diversions		<p>C5 Stage / Phase 2B Payments made by National Highways on 8th March 2023 to enable further progress on the detailed design of Cadent's HP diversions required.</p> <p>The final solution required for each AIA has yet to be determined and agreed by</p>	National Highways and Cadent are working jointly at present to progress and develop the detail design required for the 5 number AIA identified in the Design study phase.	Under Discussion	May 2023

Ref	Issue	Doc Reference	Cadent Gas Position	Applicant's position	Status	Date
			both parties. Final designs for the Scheme and its infrastructure, as well as the final designs of other utilities and services affected by the Scheme have yet to be concluded, therefore the resolution of each AIA is yet to be achieved.			
6	Development of detail design for Medium Pressure diversions		Cadent is working with NH to progress the detailed design studies required to confirm the final routing of the proposed 13 medium pressure diversions to facilitate the scheme.	NH and Cadent are working collaborative to present to progress the detail design required for the 13 diversions required for medium pressure assets affected by the works.	Under Discussion	May 2023

3.2.2 The parties will update the Examining Authority as to progress in negotiations as the Examination proceeds and as requested by the Examining Authority. If agreement is not reached, then the Protective Provisions in Schedule 11 of the DCO will apply.

Acronyms

Abbreviation	Term
AIA2	Diversion reference number assigned by Cadent Gas to one of their diversions
BEIS	Business, Energy & Industrial Strategy
CAD	Computer Aided Design
DCO	Development Consent Order
dDCO	Draft Development Consent Order
EIA	Environmental Impact Assessment
FW	Fingleton White (Cadent's HP and IP Designer)
HP	High Pressure
IP	Intermediate Pressure
LHP	Localised High Pressure
MP	Medium Pressure
NH	National Highways Limited
RFI's	Requests for Information
SHEQ	Safety, Health, Environment & Quality
SoCG	Statement Of Common Ground
Applicant	National Highways Limited