



Tween Bridge Solar Farm

9.10 Statement of Common Ground with National Highways

Deadline 1 May 2026

Document Reference: 9.10

Revision 1

Statement of Common Ground

Table of Contents:

1	Introduction	3
1.1.	Purpose of this document	3
1.2.	Parties to this Statement of Common Ground	4
1.3.	Terminology	4
2	Record of Engagement	5
2.1.	Summary of consultation and engagement	5
3	Current Position	7
4	Signatures	25

List of Tables:

Table 2-1 Record of Engagement

Table 3-1 Current Position

No table of figures entries found.

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1 Introduction

1.1. Purpose of this document

- 1.1.1. This Statement of Common Ground (hereafter referred to as the 'SoCG') has been prepared to support the Examination of the Development Consent Order (DCO) application (the 'DCO Application') for Tween Bridge Solar Farm (the 'Scheme').
- 1.1.2. The DCO Application is for a Nationally Significant Infrastructure Project (NSIP) for the construction, operation (including maintenance) and decommissioning of a solar photovoltaic (PV) array electricity generating facility, Battery Energy Storage System (BESS) and associated infrastructure which would allow for the generation and export of electricity.
- 1.1.3. The SoCG is a 'live' document that has been prepared by the Applicant and National Highways Limited (NH).
- 1.1.4. The SoCG has been prepared in accordance with the Guidance for examination of DCO applications which was published in 2024 by the Department for Levelling Up, Housing and Communities¹.
- 1.1.5. This Guidance comments that:
- "A statement of common ground is a written statement prepared jointly by the applicant and another party or parties, setting out any matters on which they agree, or indeed disagree. A SoCG helps to ensure that the evidence at examination focuses on the material differences between the main parties and therefore makes best use of the lines of questioning pursued by the Examining Authority'.*
- 1.1.6. The aim of this SoCG is to therefore provide a clear position of the progress and agreement made or not yet made between the Applicant and NH on matters relating to the Scheme. Where matters are yet to be agreed, the parties will continue to proactively work to reach agreement.
- 1.1.7. The SoCG will be updated as more information becomes available and as a result of ongoing discussions between the Applicant and NH.

¹ Planning Act 2008: Examination stage for Nationally Significant Infrastructure Projects (April 2024)

Statement of Common Ground

1.2. Parties to this Statement of Common Ground

- 1.2.1. This SoCG has been prepared by (1) the Applicant and (2) NH.
- 1.2.2. NH is the Strategic Highways Authority responsible for operating, maintaining and improving the Strategic Road Network (SRN). The SRN within the vicinity of the Order Limits comprises the M18 and M180 motorways.
- 1.2.3. Collectively, the Applicant and NH are referred to as 'the parties'.

1.3. Terminology

- 1.3.1. Section 3 of this document sets out the relevant matters raised through discussion between the parties. It provides a summary of the position of each party and identifies the status of discussions on each matter:
 - "Agreed" indicates where the issue has been resolved between the parties and is not anticipated to be subject to further discussions;
 - "Under discussion" indicates where a matter remains in active dialogue between the parties and a final position has not been reached;
 - "Not Agreed" indicates where the parties have established a final position that they cannot resolve the matter and it will remain a point of difference.

2 Record of Engagement

2.1. Summary of consultation and engagement

2.1.1. The parties have been engaged in consultation and engagement throughout the development of the Scheme. Table 2-1 shows a summary of the meetings and correspondence that has taken place between the Applicant and NH in relation to the Scheme. This is limited to engagement which is materially relevant to the contents of this SoCG and does not seek to include every correspondence between the parties (e.g. that which was primarily administrative).

2.1.2. Table 2-1: Record of Engagement

Table 2-1 – Record of Engagement since 2023		
Date	Method	Purpose / Description
9 March 2023	Email	Email from the Applicant to NH setting out the proposed scope of highways and transportation assessment work to assess the impact of the Scheme proposals on the SRN.
30 October 2023	Technical Memorandum	Technical Memorandum prepared by JSJV on behalf of NH with regard to the proposed highways and transportation work to assess the impact of the Scheme proposals on the SRN.
26 November 2025	Technical Memorandum	Technical Memorandum prepared by JSJV on behalf of NH with regard to the submitted Scheme proposals.
3 December 2025	MS Teams meeting	Meeting to discuss JSJV's (on behalf of NH) Technical Memorandum dated 26 November 2025 in respect of Scheme proposals.
6 February 2026	Email	Request from Applicant for agreement of parameters relating to the traffic and transport impacts of the Scheme.
11 February 2026	Email	Comment from NH on parameters relating to the traffic and transport impacts of the Scheme.
17 February 2026	Email	Issue by the Applicant of proposed Heads of Terms for Option and Cable.

Statement of Common Ground

24 February 2026	Email	Email from NH setting out the NH position regarding expectations of what should be prepared by the Applicant to address NH queries
25 February 2026	MS Teams Meeting	Meeting between JSJV, NH and Applicant to discuss the scope / expectations for addressing NH queries.
26 March 2026	Email	Email from Applicant's solicitors providing comments on NH template PPs and details of affected NH land.
27 March 2026	Email	Issue by the Applicant of Technical Note dated March 2026 responding to NH queries.
9 April 2026	Email	Email from NH's solicitors responding to email of 26 March 2026 on PPs and NH land interests.

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3 Current Position

- 3.1.1. The table below provides a summary of the current position of the Applicant and NH in relation to specific matters that have been under discussion to date.
- 3.1.2. Where a matter is not represented in the table, it should be assumed that it is either: (i) agreed between the parties and has not been the subject of detailed discussion; or (ii) not relevant to the discussion between the parties.
- 3.1.3. As noted above, this is a 'live' document and there are some aspects that are still under discussion between the parties. The intention is to provide a final position in subsequent versions of the SoCG, addressing and identifying where changes have been made and where agreement had been reached between the parties.

Table 3-1 Current Position:

Ref	Topic	NH Position	Applicant Position	Status
1	Compulsory Acquisition	<p>NH objects to powers of compulsory acquisition being granted in respect of NH's operational land, and to any extinguishment of rights enjoyed by NH for the purposes of carrying on its undertaking.</p> <p>NH considers that there is no compelling case in the public interest for the exercise of compulsory acquisition powers over the NH plots without the inclusion of NH's protective provisions in a form that is acceptable to NH,</p>	<p>The Applicant is seeking to reach a voluntary agreement with NH for the necessary rights over NH's operational land, and, to this effect, it has issued Heads of Terms to NH for its review.</p> <p>The powers of compulsory acquisition included in the Draft Development Consent Order (DCO) [Document Reference 3.1 Revision 3] are to ensure the deliverability of the</p>	Under discussion

Statement of Common Ground

		<p>and that the grant of the DCO without such provisions would result in serious detriment to the SRN.</p> <p>NH is in the process of reviewing the draft Heads of Terms issued by the Applicant but awaits greater clarification from the Applicant on certain matters including:</p> <ul style="list-style-type: none"> • the number of NH plots affected (the information provided by the Applicant by email being inconsistent with the position set out in the Book of Reference [APP-021]); and • the nature of works proposed on and under the SRN, including whether the proposed cabling will sit within the vertical extent of the highway, or the subsoil (the latter has been indicated, but this is to be confirmed). <p>See also point 8 below.</p>	<p>Scheme, notwithstanding the Applicant's desire to reach a voluntary agreement with NH. The compulsory powers sought through the Draft DCO therefore provide a fall back in the event an agreement cannot be reached. The Applicant has included comprehensive protective provisions at Part 7 of Schedule 14 to the Draft DCO and considers that these afford a significant level of protection for NH, thus ensuring there would be no serious detriment to the Strategic Road Network (SRN).</p> <p>The Applicant has clarified by emails dated 26 March 2026 and 27 April 2026 the relevant plots in which NH has an interest and the nature of the interfaces involved with the SRN, which are not extensive and are subject to controls already secured by the Draft DCO, including the protective provisions for National Highways' benefit.</p> <p>The Applicant will continue to engage with NH in relation to the protective provisions and is confident that</p>	
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Statement of Common Ground

			positive progress can be made during the course of the examination.	
2	Traffic Management	NH requests that personal injury collision (PIC) data for the most recent five-year period excluding 2020 and 2021 be provided for the Transport Statement [APP-111].	<p>The Applicant notes that Planning Practice Guidance states that planning applications should include “an analysis of the injury accident records on the public highway in the vicinity of the site access for the most recent 3-year period, or 5-year period if the proposed site has been identified as within a high accident area”. The Applicant has reviewed the personal injury collision (PIC) records within the vicinity of the Scheme and it is not considered to be within a high accident area and therefore an assessment of the most recent 3 year period is considered appropriate.</p> <p>The PIC records demonstrate that there is no highway safety pattern or problem in one particular location at the strategic road network junctions assessed and the recorded incidents were likely due to temporary driver error or misjudgement.</p>	Agreed

Statement of Common Ground

3	Baseline Data	<p>NH requests that the Applicant reconsiders how the SRN is considered and assessed within the Application documents.</p>	<p><u>Peak Hours</u></p> <p>The Applicant has provided baseline data from Department for Transport traffic counts on the M18 and M180 to determine the peak hours on the SRN. This confirms that the peak hours on the SRN within the vicinity of the site is 07:00–08:00 and 16:00–17:00.</p> <p><u>HGV Movements</u></p> <p>The Applicant has provided a summary of the number of daily two-way heavy goods vehicle (HGV) movements that are forecast to be associated with each junction on the SRN. This confirms that M18 Junction 6 is forecast to have the highest number of HGV movements associated with the construction period, with a total of 42 vehicle movements (comprising 21 arrivals and 21 departures) per day</p> <p>All HGV traffic associated with construction deliveries will avoid the peak hours and therefore there will be no impact as a result of the Scheme in the peak hours.</p>	Agreed
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Statement of Common Ground

			<p><u>Construction Worker Movements</u></p> <p>As set out in Chapter 2 of the ES, the proposed working hours at the Scheme will be 07:00 – 19:00. Workers will be expected to be on site for a full day and there will not be separate shifts throughout the day. However, construction workers may work varying hours on any particular day between the hours of 07:00 and 19:00 (i.e. 07:00 to 16:00 or 08:00 to 17:00 or 09:00 to 18:00 etc). The window for arrivals and departures associated with construction worker movements is therefore likely to be longer than a one hour period, with around three hours in the morning (06:00 – 09:00) and three hours in the evening (17:00 – 20:00).</p> <p>The submission documents forecast that up to 377 construction workers would be on the site at any one time during the peak construction period, which is anticipated to be the construction of Land Parcel C and Land Parcel E simultaneously as set out at paragraph 12.5.11 of the ES.</p>	
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Statement of Common Ground

			<p>Paragraphs 12.5.16 and 12.5.17 of the Transport ES chapter confirms that the majority (75%) of construction workers will travel to the Scheme via 15-seater minibus and 25% via private vehicle (with an average of three workers per car). This equates to around nine minibus arrivals and 14 private car arrivals at shift start time and nine minibus departures and 14 private car departures at the end of shifts, associated with Land Parcel C and around 10 minibus and 17 private car arrivals at the start of shifts, and 10 minibus and 17 private car departures at the end of shifts associated with Land Parcel E.</p> <p>The impacts of construction worker vehicle movements associated with the Scheme on the SRN will not be material.</p>	
4	Outline Decommissioning Environmental Management Plan (DEMP)	NH requests that it is included in the list of identified stakeholders in the Outline DEMP [APP-178] .	The Applicant agrees to NH's request, and an updated Outline Decommissioning Environmental Management Plan [Document Reference 7.3 Revision 2] will be submitted at Deadline 1.	Agreed

Statement of Common Ground

5	Outline Battery Safety Management Plan	NH has no further comment at this stage.	The Applicant notes this response.	Agreed
6	Outline Construction Traffic Management Plan (CTMP) [APP-182]	NH requests clarity on the impact of construction traffic (namely construction worker movements, shift patterns and timings) on the SRN, arguing previous comments from NH have not been addressed by the Applicant. In particular, no timings are presented, in order to determine whether vehicle movements would occur during peak times at the SRN. NH considers that assessment of the SRN within the Outline CTMP [APP-182] would allow the peak times of the SRN to be identified.	The Applicant intends to update the oCTMP [APP-182] for Deadline 2 to include this information (as provided in the Technical Note dated March 2026 to NH).	Under discussion
7	Glint and Glare Assessments [APP-122 and Document Reference 6.3.16.2 Revision 2]	NH requires further clarity as to how long the proposed vegetation planting will take to reach sufficient maturity to mitigate glint and glare, and the extent to which glint and glare issues may arise in the intervening period. NH also expects the DCO to make appropriate provision for the ongoing retention and maintenance of vegetation screening to ensure glint and glare issues cannot reoccur. NH notes that the Outline Landscape Ecological Management Plan [APP-181] does not make any reference to mitigation planting for glint and glare effects (only landscape	In the Glint and Glare assessments, mitigation is only required where a high impact is predicted on a road. Environmental Statement Appendices 16.1 and 16.2 [APP-122 and Document Reference 6.3.16.2 Revision 2] conclude that a moderate impact is predicted on separate 0.2km and 1.6km sections of the M180, and a 0.1km section of the A18. On the basis that the predicted impact is moderate, mitigation is not deemed to be required. However, planting has	Under discussion

Statement of Common Ground

		<p>screening) and also does not appear to make any provision for failed planting to be replaced. NH invites the Applicant to provide details of the location of planting proposed to mitigate glint and glare effects.</p>	<p>nonetheless been proposed as part of the Scheme to reduce the effect further over time.</p> <p>The Applicant agrees that appropriate provision must be made for the ongoing management and maintenance of planting. The proposed management prescriptions for retained and proposed planting are set out in Table 4-1 of the Outline Landscape Ecological Management Plan [Document Reference 7.6 Revision 2] submitted at Deadline 1.</p> <p>The location of the proposed mitigation planting to screen views of the fencing and panels and in turn to mitigate glint and glare effects are set out on the drawings at ES Figure 6.4 Landscape and Visual Mitigation Strategy [Document Reference 6.4.6.4 Revision 2] submitted at Deadline 1.</p>	
8	Drainage	<p>NH understands from discussions between FGP (on behalf of the Applicant) and the NH estates team that the Applicant may seek to rely on highway drainage apparatus for outfall from the Scheme. NH would draw the Applicant's attention to paragraph 59 of the</p>	<p>ES Technical Appendix 10.1 Flood Risk Assessment Parts 1 & 2 [Document Reference 6.3.10.1 Revision 2] submitted at Deadline 1 includes the Outline Surface Water Drainage Strategy for the Scheme. As detailed</p>	Under discussion

Statement of Common Ground

		<p>Government’s guidance on the SRN and the delivery of sustainable development² which mandates that no new connections into highway drainage systems from third party developments and proposed drainage schemes will be accepted.</p> <p>NH’s policy on this is clear – no third party schemes are permitted to drain into existing highway drains. It is for the Applicant to procure and construct new drainage apparatus to manage its requirements. If the Applicant wishes to enhance or improve existing highway drainage infrastructure to enable it to tolerate additional flows from the Scheme, that may be acceptable, subject to technical approval from NH.</p>	<p>within ES Technical Appendix 10.1 Flood Risk Assessment Parts 1 & 2 [Document Reference 6.3.10.1 Revision 2] the exact surface water outfall locations are to be confirmed at a later stage of design. At this stage however, the Outline Surface Water Drainage Strategy is based on surface water discharging into the numerous watercourses located within the Order Limits. The Applicant does not anticipate any proposals to outfall surface water runoff into highway drainage apparatus.</p>	
9	DCO	<p>NH requests approval rights in respect of the discharge of certain Requirements, including Requirements 5 (approved details and amendments to them), 8 (landscape and ecology management plan), 9 (fencing and other means of enclosure), 11 (surface and foul water drainage), 16 (construction traffic management plan) and 19 (decommissioning</p>	<p>The Applicant considers that the relevant local planning authority is the appropriate consent granting body in respect of requirements 5, 8, 9, 11 and 19 of the Draft Development Consent Order (DCO) [Document Reference 3.1 Revision 3]. The Applicant is happy to agree a requirement to consult NH in</p>	Under discussion

² <https://www.gov.uk/government/publications/strategic-road-network-and-the-delivery-of-sustainable-development/strategic-road-network-and-the-delivery-of-sustainable-development>

Statement of Common Ground

		<p>and restoration), to the extent that the phase which is the subject of the relevant discharge application affects the SRN.</p> <p><u>Requirement 5 (approved details and amendments to them)</u></p> <p>Given the close proximity of the Scheme to the SRN and the extent to which various approved details will include matters relevant to the SRN, NH requires an approval right in respect of any amendments to approved details which are related to its undertaking. NH requires the following amendment to Requirement 5:</p> <p><i>5(1) With respect to the plans and documents certified under article 43 (certification of plans and documents, etc.) and any plans, details or schemes which have been approved pursuant to any requirement (together the “approved documents, plans, details or schemes”), the undertaker may submit to the relevant planning authority or both relevant planning authorities (as applicable) or National Highways in respect of matters related to the strategic road network for approval any amendments to any of the approved documents, plans, details or schemes and, following approval by the relevant planning authority or both relevant planning authorities</i></p>	<p>relation to plans submitted to the local planning authority for approval under requirements 8, 9, 11 and 19. The Draft DCO will be updated accordingly and submitted at Deadline 1.</p> <p>The Applicant does not consider that it is necessary to make express provision for consultation with NH in respect of matters within the scope of Requirement 5. The Applicant considers that, in the exercise of its discharge functions under Requirement 5 and acting as a responsible public authority, the relevant planning authority can be relied upon to undertake consultation with such bodies as it deems appropriate in relation to the particular amended document or plan for which approval is sought. It would not be appropriate to circumscribe the consultation required to be undertaken by the relevant planning authority, in this regard, given the range of matters which may fall to it to consider as discharging authority under Requirement 5.</p> <p>The Applicant confirms that NH would have approval rights in respect of</p>	
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Statement of Common Ground

		<p><i>(as applicable) or National Highways, and the relevant approved documents, plans, details or schemes is to be taken to include the amendments as so approved pursuant to this paragraph.</i></p> <p><i>5(2) Approval under paragraph (1) for the amendments to any of the approved documents, plans, details or schemes must not be given except where it has been demonstrated to the satisfaction of the relevant planning authority or both relevant planning authorities (as applicable) and National Highways (if relevant) that the subject matter of the approval sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.</i></p> <p><u>Requirement 8 (landscape and ecology management plan)</u></p> <p>See NH's response above at paragraph 7. NH requires the following amendment to Requirement 8:</p> <p><i>8(1) No phase of the authorised development may commence until a written landscape and ecology management plan for that phase has been submitted to and approved by the</i></p>	<p>requirement 16, in so far as a particular phase of the Scheme related to the SRN, as the highways authority. An appropriate amendment has been made to the Draft DCO at Deadline 1.</p>	
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Statement of Common Ground

		<p><i>relevant planning authority or both relevant planning authorities (as applicable) and National Highways in respect of any phase adjacent to the strategic road network.</i></p> <p><u>Requirement 9 (fencing and other means of enclosure)</u></p> <p>The Applicant’s outline indicative layout plans [APP-134 & 135] demonstrate the extent of fencing and enclosures bounding the SRN (for example, see field references D2, D6, D3, D5, D10, D11, D12, D13 etc). Fencing adjacent to the SRN must be designed in accordance with the Design Manual for Roads and Bridges (DMRB) in order to achieve the necessary safety standards, without which pose unacceptable risk to road users.</p> <p>NH requires the following amendment to Requirement 9 in order to ensure the necessary temporary and permanent fencing meets the required design standards:</p> <p><i>9(1) No phase of the authorised development may commence until written details of all proposed temporary fences, walls or other means of enclosure, including those set out in the outline construction environmental management plan, for that phase have been submitted to and approved by the relevant</i></p>		
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Statement of Common Ground

		<p><i>planning authority or both relevant planning authorities (as applicable) or National Highways in respect of fencing to be erected adjacent to the strategic road network.</i></p> <p><i>9(2) No phase of the authorised development may commence until written details of all permanent fences, walls or other means of enclosure for that phase have been submitted to and approved by the relevant planning authority or both relevant planning authorities (as applicable) or National Highways in respect of fencing to be erected adjacent to the strategic road network.</i></p> <p><u>Requirement 11 (surface and foul water drainage)</u></p> <p>See NH's response above at paragraph 8. NH requires the following amendment to Requirement 11:</p> <p><i>11(1) No phase of the authorised development may commence until details of the surface water drainage strategy and (if any) foul water drainage system (including means of pollution control) for that phase have been submitted to and approved by the relevant planning authority or both relevant planning authorities (as applicable) and National Highways if the relevant phase is adjacent to the strategic</i></p>		
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Statement of Common Ground

		<p>road network and includes existing highway drainage infrastructure, such approval to be in consultation with the relevant internal drainage board, the relevant lead local flood authority, the Environment Agency, Yorkshire Water (in respect of its water undertaker functions) and Severn Trent Water (in respect of its sewerage undertaker functions).</p> <p><u>Requirement 16 (construction traffic management plan)</u></p> <p>NH welcomes the Applicant's confirmation that approval rights will be granted to NH in respect of the CTMP insofar as it relates to matters concerning the SRN. NH requires that either:</p> <ol style="list-style-type: none"> a. the definition of "relevant highway authority" in article 2 of Part 1 is amended to include explicit reference to National Highways; or b. the wording of Requirement 16 is amended as follows: <p><i>16(1) No phase of the authorised development may commence until a construction traffic management plan for that phase has been submitted to and approved by the relevant highway</i></p>		
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Statement of Common Ground

		<p><i>authority including National Highways in respect of matters which relate to the strategic road network.</i></p> <p>Given that NH will also need to be named in the various other Requirements referred above and below, NH would suggest that option b is used and the following definition of “National Highways” is inserted into article 2:</p> <p><i>“National Highways” means National Highways Limited (Company No. 09346363) of Three Snowhill, Snow Hill Queensway, Birmingham, England, B4 6GA</i></p> <p><u>Requirement 19 (decommissioning and restoration)</u></p> <p>Given the proximity of the Scheme to the SRN and the likely reliance on NH assets to facilitate decommissioning at a later time, NH requires the following amendments to Requirement 19:</p> <p><i>19(1) Subject to paragraph (2), not less than 6 months before the 40th anniversary of the date of final commissioning for each part of the authorised development approved under requirement 3, a decommissioning environmental management plan in respect of the relevant part must be submitted to the</i></p>		
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Statement of Common Ground

		<p><i>relevant planning authority or both relevant planning authorities (as applicable) and National Highways for approval.</i></p> <p><i>19(5) No decommissioning works for any relevant part must be carried out until the relevant planning authority or both relevant planning authorities (as applicable) and National Highways have approved the decommissioning environmental management plan submitted under paragraph (1) in relation to that part.</i></p> <p><i>19(7) Within 28 days of ceasing operations at any part of the authorised development the undertaker must notify the relevant planning authority or both relevant planning authorities (as applicable) and National Highways in writing of the date it ceased operations for that part.</i></p> <p>NH notes that the Applicant intends to update the draft DCO at Deadline 1 and will provide any further comments following its review of the updated drafting.</p>		
10	Protective provisions	The protective provisions for the benefit of NH as presented in the draft DCO are not agreed. In NH's view, they represent a much-reduced standard of protection than that which NH	The Applicant is engaging with NH in relation to Protective Provisions to be included in the Draft Development Consent Order [Document	Under discussion

Statement of Common Ground

		<p>expects with respect to a development of this nature, which has the potential for substantial impacts on the SRN. NH has a standard set of protective provisions (the 'NH PPs', a copy of which is appended to its relevant representation [RR-O22]) which it considers proportionate and appropriate in respect of a scheme of this nature and which it requires to be secured on the face of the DCO. Justification for various provisions within the NH PPs has been provided to the Applicant by email and will be further supplemented in NH's written representation. NH requests that RWE update the NH protective provisions in the DCO to align with the NH PPs at the earliest opportunity.</p>	<p>Reference 3.1 Revision 3. The Applicant will continue to liaise with NH to seek to agree to the protective provisions for the benefit of NH prior to the close of Examination.</p>	
11	M180 renewal	<p>The Authorised Development has the potential to impact on NH's proposed renewal works to the M180 (between Junctions 2 and 3 in both directions) which are currently programmed to commence in 2028/2029 with completion in 2030. It may be necessary for the protection of these works that RWE agrees to cooperate with NH in the delivery of the Authorised Development, to the extent that the two sets of works interact. This may include a requirement for RWE to enter into an</p>	<p>The Applicant notes the potential interface and agrees that close coordination will be required during delivery. The Applicant is engaging with NH in relation to Protective Provisions to be included in the Draft Development Consent Order [Document Reference 3.1 Revision 3] and would be pleased to discuss the potential interface further with NH as part of this engagement.</p>	Under discussion

Statement of Common Ground

		interface agreement with NH in order to safeguard the renewal works.		
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4 Signatures

This Statement of Common Ground is agreed upon:

On behalf of National Highways Limited:

Name:

Signature:

Date:

On behalf of the Applicant:

Name:

Signature:

Date:

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