

**A57 Link Roads**

**TR010034**

**9.17 Draft Statement of Common Ground  
with United Utilities**

Rule 8(1)(e)

Planning Act 2008

Infrastructure Planning (Examination Procedure) Rules 2010

May 2022

# Infrastructure Planning

## Planning Act 2008

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

## A57 Link Roads

### Development Consent Order 202[x ]

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#### 9.17 DRAFT STATEMENT OF COMMON GROUND WITH UNITED UTILITIES

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<b>Author:</b>	A57 Link Roads Project Team, National Highways and Atkins

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Rev 2.0	May 2022	Deadline 12
Rev 1.0	January 2022	Deadline 2

## **DRAFT STATEMENT OF COMMON GROUND**

**This Draft Statement of Common Ground has been prepared and agreed by (1)  
National Highways Limited and (2) United Utilities**

**To be signed prior  
to examination**

Signed   
**Andrew Dawson**  
**Project Manager**  
**On behalf of National Highways**  
**Date: 16.05.2022**

Signed   
**Neil Brinkley**  
**Legal Manager**  
**On behalf of United Utilities**  
**Date: 16.05.2022**

# Table of contents

<b>1. Introduction</b>	<b>5</b>
1.1. Purpose of this document	5
1.2. Parties to this Statement of Common Ground	5
1.3. Terminology	5
1.4. Addressing Rule Six requirements	6
<b>2. Record of Engagement</b>	<b>8</b>
<b>3. Table of issues and matters related to Rule Six Letter Annex E to be agreed</b>	<b>11</b>

# 1. Introduction

## 1.1. Purpose of this document

- 1.1.1. This Draft Statement of Common Ground ("SoCG") has been prepared in respect of the proposed A57 Link Roads scheme (previously known as Trans-Pennine Upgrade) ("the Scheme") and the ("the Application") made by National Highways Limited ("National Highways") to the Secretary of State for Transport ("Secretary of State") for a Development Consent Order (DCO) under section 37 of the Planning Act 2008 ("the Act").
- 1.1.2. This SoCG does not seek to replicate information which is available elsewhere within the Application documents. All documents are available on the Planning Inspectorate website.
- 1.1.3. This 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) United Utilities (UU).
- 1.2.2. National Highways (formerly Highways England) 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 the then Highways England 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 Highways England (now National Highways).
- 1.2.3. United Utilities is the UK's largest listed water company. It is responsible for water and wastewater services in the North West of England.

## 1.3. Terminology

- 1.3.1. In the tables in the Issues chapter of this SoCG, "Not 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 not of material interest or relevance to, and therefore have not been the subject of any discussions 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 United Utilities.



## 1.4. Addressing Rule Six requirements

- 1.4.1. The document evidences the meeting of conditions set out within Annex E of the Rule Six letter from the Examining Authority, dated 19 October 2021. United Utilities is a Category B interested party. The SoCG will address Category B and E requirements within Annex E through the associated sections outlined in tables 1.1 and 1.2 below.

**Table 1.1: Section Six Letter Annex E Requirement for category B parties – Environment stakeholders.**

Annex E Requirement	1. Construction and Environmental Management Issues
The matters listed under the following headings in the ExA's Initial Assessment of Principal Issues: 1. Soils, ground conditions, material assets and waste 2. The water environment, drainage, flood risk assessment, water frameworks directive 3. Biodiversity, ecological and geological conservation 4. Land use, social and economic, human health	1.1 Matters listed under assessment of principles 1.1.1 Soils, ground conditions, material assets and waste 1.1.2 The water environment, drainage, flood risk assessment, water frameworks directive 1.1.3 Biodiversity, ecological and geological conservation 1.1.4 Land use, social and economic, human health
Dust, odour, artificial light, smoke, and steam	1.2 Dust, odour, artificial light, smoke, and steam
Whether potential releases can be adequately regulated under the pollution control framework, consistent the National Policy Statement for National Networks	1.3 Whether potential releases can be adequately regulated under the pollution control framework, consistent the National Policy Statement for National Networks
Whether contaminated land, land quality pollution control and waste management can be adequately regulated by Environmental Permits	1.4. Whether contaminated land, land quality pollution control and waste management can be adequately regulated by Environmental Permits
Climate change - greenhouse gas emissions and their control, compliance with obligations and targets; vulnerability and resilience of the Proposed Development; cumulative effects	1.5 Climate change - greenhouse gas emissions and their control, compliance with obligations and targets; vulnerability and resilience of the Proposed Development; cumulative effects
The effects on human health and well-being	1.6 The effects on human well-being
Whether processes are in place to meet all relevant Environmental Permit requirements (including with respect to waste management), timescales, and any comfort/impediments to them being granted	1.7 Whether processes are in place to meet all relevant Environmental Permit requirements (including with respect to waste management), timescales, and any comfort/impediments to them being granted
The timing of applications for any required Environmental Permits from the Environment Agency	1.8 The timing of applications for any required Environmental Permits from the Environment Agency



Annex E Requirement	1. Construction and Environmental Management Issues
Any other relevant matters included in the ExA's Initial Assessment of Principal Issues	1.9 Any other relevant matters included in the ExA's Initial Assessment of Principal Issues
Any other matters on which agreement might aid the smooth running of the Examination and assist the ExA's recommendation to the Secretary of State	1.10 Any other matters on which agreement might aid the smooth running of the Examination and assist the ExA's recommendation to the Secretary of State

**Table 1.2: Section Six Letter Annex E Requirement for category E interested parties - Statutory undertakers.**

Annex E Requirement	Statutory Undertaker Issues
Impacts on rights/apparatus and on the transmission/distribution systems that could be interfered with and their mitigation	2. Impacts on rights/apparatus and on the transmission/distribution systems that could be interfered with and their mitigation
The acquisition of any statutory undertakers' land or rights over such land and the detriment that may be caused to the carrying on of the undertaking in question. The adequacy and agreement of protective provisions in the draft Development Consent Order; any necessary side agreements; and compliance with s127 and s138 of the Planning Act 2008	3. The acquisition of any statutory undertakers' land or rights over such land and the detriment that may be caused to the carrying on of the undertaking in question. The adequacy and agreement of protective provisions in the draft Development Consent Order; any necessary side agreements; and compliance with s127 and s138 of the Planning Act 2008
The protection of the Mottram Longdendale Aqueduct.	4. The protection of the Mottram Longdendale Aqueduct.
The adequacy of the Protective Provisions set out in the draft Development Consent Order to safeguard relevant interests	5. The adequacy of the Protective Provisions set out in the draft Development Consent Order to safeguard relevant interests
The Outline Environmental Management Plan	6. The Outline Environmental Management Plan
Any other relevant matters included in the ExA's Initial Assessment of Principal Issues	7. Any other relevant matters included in the ExA's Initial Assessment of Principal Issues
Any other matters on which agreement might aid the smooth running of the Examination and assist the ExA's recommendation to the Secretary of State	8. Any other matters on which agreement might aid the smooth running of the Examination and assist the ExA's recommendation to the Secretary of State



## 2. Record of Engagement

2.1.1. A summary of the meetings and correspondence that has taken place between National Highways and United Utilities between 2016 and January 2022 in relation to the Application, is outlined in Table 2-1.

**Table 2.1: Record of Engagement between National Highways and United Utilities**

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
2016 (Date not specified)	NH E-mail	A C2 enquiry was carried out in Spring and Summer 2016. United Utilities responded that online search indicates that stats equipment is located within Options A and B and within the A57 Link Road.
Unknown	Meeting	Meeting held with United Utilities regarding aqueduct located at Mottram Moor. United Utilities requested a new C2/C3 enquiry be made.
Unknown	NH Email	New C2/C3 enquiry submitted to United Utilities.
21/03/2017	UU Email	United Utilities responded to the C2/C3 enquiry stating that the new enquiry had been logged on their system and a confirmation letter would be sent by 13/04/17.
01/09/2017	UU	C3 estimates were received for both Clean Water and Wastewater.
26/01/2018	NH Email	United Utilities was consulted to provide knowledge on existing land and asset infrastructure, potential issues, and requirements for diversions of utilities, protective provisions, and health and safety provisions when working near assets (S42).
01/2018 – 03/2018	UU Email	United Utilities responded within the deadline. The response did not express support for or opposition to the Scheme but provided advice regarding the interface between its infrastructure and the Scheme.
20/07/2018	NH Email	Latest design proposals were sent to United Utilities and revised estimates for diversion of equipment (C3) affected by proposals were requested.
24/10/2018	UU Email	<p>United Utilities provided revised estimates for diverting both Clean Water and Wastewater equipment.</p> <p>Further meetings have been held between United Utilities, Arcadis and Highways England to discuss significant United Utilities apparatus affected by Scheme proposals, particularly the Longdendale aqueduct. Historical information relating to the aqueduct did not give an exact location or depth of the aqueduct, therefore further investigation by United Utilities is required and on-going.</p> <p>Proposals for several options ranging from a protection slab to a bridging structure were developed and issued to United Utilities &amp; Highways England to protect the aqueduct from potential risk of overloading.</p>



Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
05/11/2020	Meeting	Utilities consultation meeting to discuss aqueduct works and on-going surveys.
02/12/2020	Meeting	Design development meeting: Discussion regarding design development and the relevance of the data underpinning C3 estimates and the need for a refresh of this data.
02/12/2020	Meeting	Construction programme meeting: Discussion regarding the construction programme and lead in times for working on trunk mains.
02/12/2020	Meeting	Ecology surveys meeting: UU raised queries regarding invasive/endangered species.
02/12/2020	Meeting	DCO Boundary meeting: United Utilities highlighted that it is reluctant to implement any utility diversions prior to Highways England having an agreed DCO boundary (DCOB).
09/04/2021	Email	PB to check if any previous Protective Provisions issues
14/10/2021	Meeting	Meeting between BBMU (Stats Lead AW and Design Manager JK), Paige (AF and DC) and UU (Project Engineering Manager JM, Network Performance Engineer DP, Civil Engineer AL).  Meeting reviewed scheme interfaces with existing UU Sewers from west to east. Discussion held over proposals and options for diversion of the existing sewers in the vicinity of the new underpass.
14/10/2021	Meeting	The meeting introduced the scheme and strategy for identifying all interfaces with existing UU Potable water assets. Project team have given references to all utility interfaces on the scheme to allow a schedule to be populated and maintained.
20/10/2021	Email	Email from Andy Willis (BBMU Stats lead) reviewing actions from meeting on 14/10/2021.
12/11/2021	Meeting	Potable water including Aqueduct UUP: Water control board review
23/11/2021	Meeting	Meeting with ENW to review design for diversions on scheme. Project team to provide diversion routes fully coordinated with scheme model to JN.
01/12/2021	Meeting	Teams meeting held between UU, BBA, Atkins and BBMU to review all diversion options for sewers and potable. 90% of diversions now agreed in principle.
20/01/2022	Meeting	Trial Holes review – reviewed Trial Hole Schedule and confirm they agree with locations etc.
01/02/2022	Meeting	To review the Settlement areas West of the River Etherow
15/02/2022	Meeting	Update call – to review status – discussions around options of diversions and approval from UU, settlement areas, sewers – waiting CCTV.

Date	Form of correspondence	Key topics discussed and key outcomes (the topics should align with the Issues tables)
22/02/2022	Meeting	UU Potable Water Diversion Routes
24/03/2022	Meeting	Update call/ pre James Martin Handover – UU diversion Routes, Request for C4's, contestable works, sewer diversion routes, CCTV, PPs & SOCG
25/03/2022	Meeting	Model Review – to review locations/levels of diversions
22/04/2022	Meeting	Discussion of Protective Provisions and SoCG
12/05/2022	Meeting	Further discussion of protective provisions and agreement on SOCG

Note: Meeting invites are not included in the table above

- 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) United Utilities in relation to the issues addressed in this SoCG.



### 3. Table of issues and matters related to Rule Six Letter Annex E to be agreed

**Table 3.1: Statement of Common Ground (SoCG) Between National Highways and United Utilities Table of Issues/Matters regarding Category B requirements - Final Version dated 16 May 2022**

SoCG Ref. Number	Relevant examination document	Relevant Issue	United Utilities comment	National Highways response	Status
<b>1. Construction and Environmental Management Issues</b>					
<b>1.1 Matters listed under assessment of principles</b>					
<b>1.1.1 Soils, ground conditions, material assets and waste</b>					
1.1.1.1	Ground Investigation Report  [APP-187]	Ground Conditions	Soils / ground condition reports to be issued to UU when available (prior to completion of C4 design) to enable diversion design / pipe material to be confirmed. If data is not available in correct proximity to the planned diversion route further investigations may be required at NH cost.	EMP will be developed to comply and coordinate with the Project EMP once produced.  Ground investigation reports to be progressed and provided to United Utilities, along with EMP.	Agreed
<b>1.1.2 The water environment, drainage, flood risk assessment, water frameworks directive</b>					
1.1.2.1	Flood Risk Assessment  [APP-056]	Discharge to sewers	Flood risk assessments not required for design for diverting existing sewers.  Dewatering strategy – Option to request discharge into UU sewers. If allowed quality of discharge will need to be agreed during application to discharge.	Refer to EMP, this will be developed to comply and coordinate with the Project EWMP once produced  UU to advise what is acceptable in terms of discharge.	Agreed



1.1.2.2	Flood Risk Assessment  [APP-056]	Flood Risk Assessment	FRA to UU in terms of FRA, but location of flood alleviation to be agreed in terms of potable diversion route.	FRA will be undertaken during drainage design and design of flood alleviation at River Etherow. The updated FRA will be discussed further with United Utilities.	Agreed
1.1.2.3	Flood Risk Assessment  [APP-056]	Drainage Surveys	CCTV, flowrates and levels surveys required to progress detailed designs.	NH to undertake surveys of existing drainage to confirm location, condition and flow rate.	Agreed
<b>1.1.3 Biodiversity, ecological and geological conservation</b>					
1.1.3.1	Environmental Statement (ES)  Biodiversity  [APP-064]	Ecology surveys  Invasive / endangered	United Utilities queried whether there are areas adjacent to the DCO boundary that are impacted by invasive or endangered species. There are concerns from United Utilities that if it did complete early works, these could be hampered by environmental or ecological restrictions.	National Highways suggested that ecological invasive and non-invasive surveys commence. Also, trial holes required to provide accurate locations and depths of all potentially impacted assets. This should be for clean and wastewater assets.	Agreed
<b>1.1.4 Land use, social and economic, human health</b>					
1.1.4.1	Population and Human Health  [APP-068]	Human Health	All designs will be compliant to UU standards. Construction will be carried out by a United Utilities approved contractor .	Noted	Agreed
<b>1.2 Dust, odour, artificial light, smoke, and steam</b>					
1.2.1	Environmental Statement (ES)	Nuisance during construction works	UU to be advised of project standards and constrains relating to the EMP ahead of planning construction works.	EMP will be developed to comply and coordinate with the Project EWMP and CPP once produced.	Under discussion



	Noise and Vibration  [APP-067]			Issues arising in EMP affecting UU will be identified during the Utilities Presentation workshop (Jan 22).	
<b>1.3. Whether potential releases can be adequately regulated under the pollution control framework, consistent with the National Policy Statement for National Networks</b>					
1.3.1	Environmental Statement (ES)  Air Quality  [APP-061]	Pollution control	N/A to UU	N/A	N/A
<b>1.4. Whether contaminated land, land quality pollution control and waste management can be adequately regulated by Environmental Permits</b>					
1.4.1			N/A	BB and UU to agree responsibilities for environmental permits.	Agreed
<b>1.5 Climate change - greenhouse gas emissions and their control, compliance with obligations and targets; vulnerability and resilience of the Proposed Development; cumulative effects</b>					
			N/A	N/A	N/A
<b>1.6 The effects on human well-being</b>					
1.6.1		Continuity of supply/ service	Contingency plans to be put in place for any damage to mains that may affect supply to customers. UU to review options for maintaining supply to customers	NH agree to comply to UU's permitting system for works in proximity to potable mains and sewers to mitigate risks of losing supply/service to customers.	Agreed



**1.7 Whether processes are in place to meet all relevant Environmental Permit requirements (including with respect to waste management), timescales, and any comfort/impediments to them being granted**

1.7.1			N/A	N/A	N/A
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**1.8 The timing of applications for any required Environmental Permits from the Environment Agency**

1.8.1			UU to obtain discharge permits where required	BB and UU to agree responsibilities for environmental permits.	Agreed
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**1.9 Any other relevant matters included in the ExA's Initial Assessment of Principal Issues**

1.9.1			N/A	N/A	N/A
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**1.10 Any other matters on which agreement might aid the smooth running of the Examination and assist the ExA's recommendation to the Secretary of State**

1.10.1			N/A	N/A	N/A
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**Table 3.2: Statement of Common Ground (SoCG) Between National Highways and United Utilities Table of Issues/Matters regarding Category E requirements - Final Version dated 7 January 2022**

SoCG Ref. Number	Relevant examination document	Relevant Issue	United Utilities comment	National Highways response	Status
<b>2. Impacts on rights/apparatus and on the transmission/distribution systems that could be interfered with and their mitigation</b>					
2.1		Programme	United Utilities stated that lead in times for working on trunk mains, of which there are several and one will need to be diverted twice, can be 6 to 12 months.	Construction programme is being produced to coordinate and sequence works in line with notification periods for diversions.	Agreed
2.2	Work Plans [APP-008]	Design  C3 Data	Following review of the scheme design and C3 estimates provided previously by UU, there are a number of interfaces with existing UU assets that require either protection or diversion	<p>Detailed design to be produced by UU</p> <p>The project team have identified a potential of 26no interfaces on the scheme with existing UU sewers or water mains.</p> <p>The project team, design team and UU are working collaboratively to design and coordinate the require diversions and protections in order to minimise impact on the existing assets and the scheme.</p> <p>Site investigations such as trial holing, CCTV surveys, flow monitoring have been undertaken to further inform the design process ahead of construction works.</p>	Agreed



SoCG Ref. Number	Relevant examination document	Relevant Issue	United Utilities comment	National Highways response	Status
				National Highways have provided initial up-front funding to UU to engage in coordination with the project and design teams in order to ensure the diversion and protection designs are incorporated into the scheme design as soon as possible.	
2.3	Work Plans [APP-008]	Design  C3	United Utilities advised that surface water should be disposed of in a sustainable way and not get discharged into the public sewerage system.  <b>This forms a key requirement of the drainage strategy and design for the scheme</b>	Scheme drainage to be discharged into a water course (rather than UU sewers).  If temporary works discharge is required into UU sewers this is to be requested via discharge consents.	Agreed
2.4	Work Plans [APP-008]	Design  C3	United Utilities advised of its free pre-application service for applicants to discuss and agree drainage strategies.	Noted - Complete	Agreed
<b>3. The acquisition of any statutory undertakers' land or rights over such land and the detriment that may be caused to the carrying on of the undertaking in question. The adequacy and agreement of protective provisions in the draft Development Consent Order; any necessary side agreements; and compliance with s127 and s138 of the Planning Act 2008</b>					
3.1	Location Plan [APP-006]	DCO Boundary	United Utilities highlighted that it is reluctant to implement any utility diversions prior to National Highways having an agreed DCO boundary as	The project/design team are in the process of assessing all utility diversions against the DCO boundary, and the proposed land rights post scheme in order	Agreed



SoCG Ref. Number	Relevant examination document	Relevant Issue	United Utilities comment	National Highways response	Status
		Utilities Diversions	<p>they would want to work within that boundary. This resulted from a United Utilities query regarding the reason for the DCO boundary not encompassing the space to implement the diversionary work.</p> <p>United Utilities do not intend to use their statutory powers to deliver the diversion works</p>	to minimise any required changes to the application by locating (where possible) diversions within land which is to be retained by NH.	
3.2	4.3 Book of Reference [REP5-009]	Acquisition of existing land in the ownership of statutory undertaker (s127)	United Utilities confirms that there is no land identified in the Book of Reference as being land currently within the ownership of United Utilities which is to be subject of acquisition for this Scheme.		Agreed
3.3	4.3 Book of Reference [REP5-009]	Extinguishment of rights, and removal of apparatus, of statutory undertakers (s138)	United Utilities confirms that the acquisition of land identified in the Book of Reference as being land over which United Utilities has a relevant right, or there is on, under or over the land relevant apparatus is necessary for the purpose of carrying out the development to which the order relates and that, suitable arrangements for the replacement or grant of new rights for any diverted apparatus will be provided by National Highways	<p>NH are working towards documenting appropriate rights and these will be agreed with UU following the detailed diversion design process.</p> <p>Protection for UU's apparatus and rights is included within the protective provisions within the DCO at Schedule 9 Part 1 Paragraphs 6 and 7(2). National Highways and UU have agreed to include additional matters for operational clarity in a side agreement.</p>	Agreed



SoCG Ref. Number	Relevant examination document	Relevant Issue	United Utilities comment	National Highways response	Status
3.4		Existing Rights for Aqueduct and other apparatus of statutory undertaker	<p>United Utilities require clarification around continual access and maintenance of existing assets and apparatus within the red line boundary.</p> <p>Agreement by National Highways that any existing rights to the Aqueduct or other apparatus, whether water or wastewater, which are included within the boundary of the scheme but not affected by the new scheme are not extinguished or interfered with by National Highways.</p>	<p>Protection for UU's existing assets &amp; apparatus and the provision of access for maintenance of those assets &amp; apparatus is secured in the DCO at Schedule 9 Part 1 Paragraph 9.</p> <p>National Highways and UU have also agreed to include additional matters for operational clarity in a side agreement.</p>	
<b>4. The protection of the Mottram Longdendale Aqueduct</b>					
4.1	<p>Environmental Statement (ES)</p> <p>Biodiversity</p> <p>[APP-064]</p>	<p>Aqueduct works</p> <p>Aqueduct surveys</p>	<p>Further meetings required to discuss initial proposals, main crossings, confirm timescales and confirm outages for aqueduct works.</p> <p>United Utilities advised that Longdendale Aqueduct comes from the Armfield reservoir treatment works and is partially treated water, therefore full hygiene requirements will need to be adhered to for the survey. United</p>	<p>National Highways confirmed it is proposing LIDAR and tactile survey techniques to assess the aqueduct, which is unlined. Following extensive engagement with UU including a number of site visits, a survey has been completed.</p> <p>Balfour Beatty progressed the design on the basis of providing a conventional earthwork embankment rather than a</p>	Agreed



SoCG Ref. Number	Relevant examination document	Relevant Issue	United Utilities comment	National Highways response	Status
			<p>Utilities also confirmed no current plans to undertake surveys of the aqueduct.</p> <p>No existing information is available to definitively confirm the construction or condition of the aqueduct in the Mottram Moor crossing location. Further survey work is required to determine the existing ground conditions at the aqueduct crossing location on Mottram Moor.</p> <p>Ultimately, UU want to be assured that the aqueduct is not impacted by the proposed road scheme and will need to accept the design of the highway over the aqueduct</p>	<p>concrete protection slab in advance of the results of the survey and this position is under review following completion of the survey.</p> <p>BB are finalising the design of crossing north of Mottram Moor for submission to and acceptance by UU. The Protective Provisions included in the DCO require National Highways to undertake works in accordance with UU's reasonable requirements to protect UU's apparatus. National Highways and UU have also agreed to include additional matters for operational clarity in a side agreement.</p>	
4.2	Work Plans  [APP-008]	New Link road crossing of aqueduct north east of M67 Roundabout	UU have confirmed that due to the depth of the aqueduct in this crossing location (approx 40m, subject to confirmation) there are no requirements for survey of this section. UU are satisfied that the planned works have no impact on the Aqueduct in this area.	Noted	Agreed

## 5. The adequacy of the Protective Provisions set out in the draft Development Consent Order to safeguard relevant interests



SoCG Ref. Number	Relevant examination document	Relevant Issue	United Utilities comment	National Highways response	Status
5.1		Protective Provisions	<p>Upon signing the Statement of Common Ground, United Utilities wishes to note there are still outstanding issues within the Protective Provisions submitted by National Highways, and United Utilities wish to enter into discussions with National Highways to delete and amend some of the conditions within the Protective Provisions document at the earliest opportunity.</p> <p>United Utilities and National Highways are to agree a final version of the Protective Provisions</p>	<p>Protective provisions for the protection of UU and its apparatus are contained in Schedule 9 Part 1 of the DCO.</p> <p>Further to comments provided by UU on 6 May 2022 and a meeting held between UU and National Highways on 12 May, both parties have agreed to enter into a side agreement to include additional matters and provide operational clarity. National Highways has provided a draft side agreement for UU's approval. Due to the limited time remaining before the close of the examination it has not been possible to conclude the side agreement but both parties have confirmed a commitment to continue to engage and conclude the side agreement at the earliest opportunity. Notwithstanding the inclusion of PPs within the DCO, both parties will notify the Examining Authority upon completion of the side agreement.</p>	Agreed

## 6. The Outline Environmental Management Plan



SoCG Ref. Number	Relevant examination document	Relevant Issue	United Utilities comment	National Highways response	Status
6.1	7.2 Outline Environmental Management Plan  [APP-183]		United Utilities is aware that the EMP and other DCO commitments will need to be adhered to for any works it undertakes that form part of the Scheme.	This was discussed in the Utilities presentation held in Jan 2022 (and EMP issued to UU).	Agreed
<b>7. Any other relevant matters included in the ExA's Initial Assessment of Principal Issues</b>					
7.1			N/A		
<b>8. Any other matters on which agreement might aid the smooth running of the Examination and assist the ExA's recommendation to the Secretary of State</b>					
8.1			N/A		

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