

A47/A11 Thickthorn Junction

Scheme Number TR010037

Volume 8

8.8 Statement of Common Ground with Network Rail Infrastructure Limited

The Infrastructure Planning (Examination Procedure) Rules 2010
Rule 8(1)(c)

Planning Act 2008

March 2022

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Examination Procedure) Rules 2010****A47/A11 Thickthorn Junction
Development Consent Order 202[x]**

**STATEMENT OF COMMON GROUND -
NETWORK RAIL INFRASTRUCTURE LIMITED**

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Rev.0	November 2021	Deadline 3
Rev 1	March 2022	Deadline 10

A47/A11 Thickthorn Junction

Statement of Common Ground with Network Rail Infrastructure Limited

STATEMENT OF COMMON GROUND

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

[Redacted Signature]
Chris Griffin
Project Director
on behalf of Highways England
Date: 14th March 2022

Signed [Redacted Signature]
Stephen [Redacted]
Surveyor
on behalf of Network Rail Infrastructure
Limited
Date: 18th March 2022

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1. INTRODUCTION

Purpose of this document

This Statement of Common Ground ("SoCG") has been prepared in respect of the proposed A47/A11 Thickthorn Junction Scheme ("the Application") made by Highways England Company Limited (Highways England) 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").

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.

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. Parties to this Statement of Common Ground

This SoCG has been prepared by (1) Highways England as the Applicant and (2) Network Rail.

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 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.

Network Rail is a statutory undertaker and owns, operates and maintains the majority of the rail infrastructure of Great Britain, including the Breckland Line which crosses the A47 to the south east of Fishing Lake, Keswick and Intwood (Railway).

Network Rail is a Persons with an interest in Land in respect of the application under Section 57 of the Planning Act 2008.

1.2. Terminology

In the tables in the Issues chapter of this SoCG, "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, "Under discussion" indicates area(s) that will be the subject of on-going discussion wherever possible to resolve, or refine, the extent of disagreement between the parties and "Agreed" indicates where the issue has been resolved.

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 Network Rail, 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 Network Rail.

2. RECORD OF ENGAGEMENT

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

Table 0-1 - Record of Engagement

Date	Form of correspondence	Key topics discussed and key outcomes
28 May 2019	Section 48 Notice, USB drive, scheme plan/S42 Letter sent	n/a
21 July 2020	Scheme update leaflet posted	n/a
19 November 2020	Meeting	Meeting to discuss the scheme and any possible interaction with NRIL assets
5 March 2021	Meeting	Through the flood modelling the Applicant identified a very slight detrimental increase, which affects Railway Crossing Cottage. There was originally no permanent or temporary land take from Network Rail's land, so it was agreed no land documents would be needed and all Network Rail required was its protective provisions to be included in the order and for a separate framework agreement to be entered into (all costs to be met by Highways England).
17 July 2021		Asset protection questionnaire form completed and returned to Network Rail
26 August 2021	Meeting	Legal representatives discussed impacts on NRIL assets and affected land interests.

It is agreed that this is an accurate record of the key meetings, correspondence and consultation undertaken between (1) Highways England and (2) Network Rail in relation to the issues addressed in this SoCG.

3. ISSUES

3.1. Introduction and general matters

This chapter sets out the 'issues' which are agreed, not agreed, or are under discussion between Network Rail and Highways England. On 20 August 2021, the Examining Authority issued a letter under Section 88 of the Planning Act 2008 and Rules 4, 6 and 9 of the Infrastructure Planning (Examination Procedure) Rules 2010 (known as the 'Rule 6 Letter'). Annex D to that letter sets out the requests for Statements of Common Ground (SoCG) between Highways England and various parties, including Network Rail. As set out in Annex D the SoCG will cover:

- The effects on existing services, apparatus and infrastructure
- Protective Provisions contained within the draft DCO.

3.1.2. Table 3-1 has been discussed with Network Rail and this Interim Statement is version '0' as at 23 November 2021

Table 3.1 Table of issues and matters to be agreed – Version as at 16 November 2021

SoCG reference number	Document references	Relevant Issue	Position as regards agreement Highways England and Network Rail and reasons for any difference in views	Matters to be addressed/agreed
1.4	RR-008	Highways England is seeking to acquire temporary rights to use Network Rail owned land for the purposes of carrying out works.	Under Discussion	<p>The relevant plots listed in the Book of Reference (7/5g, 7/5h, 7/5i, 7/5j and 7/6c) are owned by Highways England and Network Rail have the benefit of rights reserved over the land by a transfer dated 28 August 2013.</p> <p>NR must retain any existing rights and any acquisition of temporary rights to use Network Rail-owned land must be subject to Network Rail's clearance process, obtaining any required regulatory consents and if necessary the entering into of asset protection agreements by Highways England in respect of the relevant works (such process being governed by the Framework Agreement to be entered into between the parties and the agreement of Network Rail's Protective Provisions applying to such works).</p>
1.5	RR-008	Whether or not the Scheme will have a detrimental impact on the operation of the Railway and that the safety of the Railway is maintained during the construction, operation and	Under Discussion	<p>This will be determined by the process of seeking Network Rail's approval of any relevant works which impact or may impact the railway (such process to be governed by the Framework Agreement to be entered into between the parties and the agreement of</p>

SoCG reference number	Document references	Relevant Issue	Position as regards agreement Highways England and Network Rail and reasons for any difference in views	Matters to be addressed/agreed
		ongoing maintenance requirements of the Scheme.		Network Rail's Protective Provisions applying to the Scheme)
1.6	RR-008	The proposed works might interfere with the safe and efficient operation of the Railway.	Under Discussion	As above this will be determined by the process of seeking Network Rail's approval of any relevant works which impact or may impact the railway (such process to be governed by the Framework Agreement to be entered into between the parties and the agreement of Network Rail's Protective Provisions applying to the Scheme)
1.7	RR-008	Adequate protective provisions and/or requirements are included within the Order, or a side agreement is in place to ensure that the works for the Scheme are carried out in regulated manner to prevent adverse impacts to the Railway and which regulate the following: a) the protection of the Railway from adverse impacts during construction of the Scheme;	Under Discussion Draft protective provisions were provided to Highways England on 16 November 2021 for consideration. Revised draft protective provisions were provided to Network Rail on the 12 Jan 2022. The Framework Agreement was provided to Highways England on the 8 February 2022 and comments on the Framework Agreement	The drafting of the protective provisions and the Framework Agreement are still to be agreed.

SoCG reference number	Document references	Relevant Issue	Position as regards agreement Highways England and Network Rail and reasons for any difference in views	Matters to be addressed/agreed
		<p>b) the liability of Highways England for any necessary repairs and upgrades to the Railway and any ancillary works in the vicinity of the Railway as a result of its use by construction and operational traffic associated with the Scheme, including terms which protect Network Rail's statutory undertaking; and</p> <p>c) a safe system of work for large vehicles working adjacent to the Railway.</p>	were provided to Network Rail on the 9 March 2022 for consideration.	

3.1.3 The list below states the relevant examination documents used in Table 3.2.

Table 3.2 Examination Documents

Examination reference	Document title
APP-006	Land Plans
APP-017	Draft Development Consent Order
APP-022	Book Of Reference
RR-008	Relevant Representation Submitted to the Planning Inspectorate by Addleshaw Goddard LLP on behalf of Network Rail Infrastructure Limited.