East Anglia ONE North Offshore Windfarm

ExQ1.3.5: Statutory undertakers: extinguishment of rights and removal of apparatus

Applicant: East Anglia ONE North Limited
Document Reference: ExA1.3.5
SPR Reference: EA1N-DWF-ENV-REP-IBR-000508

Date: 2nd November 2020
Revision: Version 1
Author: Dalcour Maclaren Limited

Applicable to
East Anglia ONE North

Revision Summary				
Rev	**Date**	**Prepared by**	**Checked by**	**Approved by**
1	20/10/2020	Harry Hyde	Alianis Sloan	Kieran Mirner

Description of Revisions			
Rev	**Page**	**Section**	**Description**
1	n/a	n/a	Response to ExA Q1.3.5 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations

Table of Contents

1 Introduction 1

2 ExQ1.3.5: PA2008 s138 Statutory Undertakers Apparatus EA1N 2

1 Introduction

1.1 At the request of the ExA, the Applicant will continually review its proposals relating to the Compulsory Acquisition or Temporary Possession of land and/or rights and provide a table identifying if these proposals affect the relevant rights or relevant apparatus of any statutory undertakers to which section 138 Planning Act 2008 applies. This table will be submitted at each successive deadline.

1.2 Regarding the onshore cable route, it is not envisaged that the Applicant's proposals relating to the Compulsory Acquisition or Temporary Possession of land and/or rights will require statutory undertakers' relevant rights to be extinguished and/or relevant apparatus removed. Furthermore, it is the view of Applicant that protective provisions safeguard the undertaker's interest and thus the test set out section 138 of the PA 2008 would be satisfied.

1.3 The Applicant does acknowledge that at the onshore substation site, there may be the potential for statutory undertakers' relevant rights to be extinguished or relevant apparatus removed and these are detailed in the table below. It should be noted that the extent to which the rights and apparatus are affected will be determined at the detailed design stage. Again, it is the view of Applicant that protective provisions safeguard the undertaker's interest and thus the test set out section 138 of the PA 2008 is satisfied.

2 ExQ1.3.5: PA2008 s138 Statutory Undertakers Apparatus EA1N

Version 1	ExQ1.3.5: PA2008 s138 Statutory Undertakers Apparatus EA1N									
Name/ Organisation (Name of Statutory Undertaker)	**Nature of Undertaking**	**Plot Nos**	**Work Nos**	**Relevant rights to be extinguished**	**Relevant apparatus to be removed**	**PA2008 s.138(4) can be met -** **The order may include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus, only if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the order relates**	**Protective Provisions and/or Commercial Agreement**	**Agreement reached**	**Representation withdrawn**	**Documenting Agreement Provided**
AWG Group Limited	Water supply and wastewater treatment	100, 104, 104A	33	There is the potential that rights may be required to be extinguished.	There is the potential that apparatus may be removed.	It is the view of Applicant that the bespoke protective provisions agreed with AWG Group Limited safeguard the undertaker's interest and therefore the test set out section 138 of the PA 2008 is satisfied.	Protective Provisions	Yes	No	No
British Telecommunications PLC	Telecommunications	99, 100, 101, 104, 112, 127, 135	33, 34, 43	There is the potential that rights may be required to be extinguished.	There is the potential that apparatus may be removed.	It is the view of Applicant that protective provisions safeguard the undertaker's interest and thus the test set out section 138 of the PA 2008 is satisfied.	Protective Provisions	No	Currently, no representation has been made.	No
Eastern Power Networks PLC	Electricity Distribution owner and operator	112, 113	30, 31, 32, 33, 34, 38, 39,	There is the potential that rights may be required to be extinguished.	There is the potential that apparatus may be removed.	It is the view of Applicant that protective provisions and the Compromise Agreement and Asset Protection Agreement currently being negotiated with Eastern Power Networks PLC safeguard the undertaker's interest and thus the test set out section 138 of the PA 2008 is satisfied.	Protective Provisions and Commercial Agreement	No	Currently, no representation has been made.	No

			40, 41, 42, 43							
Essex and Suffolk Water Limited	Water supply and wastewater treatment	98, 100, 108, 111, 112, 113, 127, 134, 135	31, 33, 43	There is the potential that rights may be required to be extinguished.	There is the potential that apparatus may be removed.	It is the view of Applicant that protective provisions safeguard the undertaker's interest and thus the test set out section 138 of the PA 2008 is satisfied.	Protective Provisions	No	Currently, no representation has been made.	No
National Grid Electricity Transmission PLC	Electricity Transmission owner and operator	113, 114, 115, 134	33, 34, 38, 39, 40, 43	There is the potential that rights may be required to be extinguished.	There is the potential that apparatus may be removed.	It is the view of Applicant that the bespoke protective provisions being agreed with National Grid Electricity Transmission PLC and the crossing agreement being negotiated will safeguard the undertaker's interest and thus the test set out section 138 of the PA 2008 is satisfied.	Protective Provisions and Crossing Agreement	No	No	No
UK Power Networks (Operations) Limited	Electricity Transmission owner and operator	98, 99, 100, 101, 104, 113, 127, 128, 130, 135	32, 33, 34, 38, 39, 40, 41, 42, 43	There is the potential that rights may be required to be extinguished.	There is the potential that apparatus may be removed.	It is the view of Applicant that protective provisions and the Compromise Agreement and Asset Protection Agreement currently being negotiated with UK Power Networks (Operations) Limited safeguard the undertaker's interest and thus the test set out section 138 of the PA 2008 is satisfied.	Protective Provisions and Commercial Agreement	No	Currently, no representation has been made.	No