

# Medworth Energy from Waste Combined Heat and Power Facility

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## Status of Negotiations with Statutory Undertakers

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# 1. Introduction

## 1.1 Background

1.1.1 Medworth CHP Limited (the Applicant) submitted an application for development consent to the Secretary of State on 7 July 2022 (the Application). The Application was accepted for Examination on 2 August 2022. The Examination of the Application commenced on 21 February 2023.

1.1.2 This document should be read in conjunction with the **Book of Reference (Volume 4.1) [REP7-030]**, **Land Plan (Volume 2.2) [REP7-002]** the **Statement of Reasons (Volume 4.3) [REP7-008]** and the **Draft DCO (Volume 3.1)** (submitted at Deadline 8).

1.1.3 The **Book of Reference (Volume 4.1) [REP7-030]** includes details of the interests belonging to the statutory undertakers listed in this document that are within the Order limits or affected by the Proposed Development. Further information on how the Proposed Development will impact on interests belonging to statutory undertakers is set out in Section 8.3 of the **Statement of Reasons (Volume 4.3) [REP7-008]**.

1.1.4 This document provides an update on the status of negotiations with statutory undertakers as at Deadline 8 and updates Appendix B to the **Statement of Reasons (Volume 4.3)**.

1.1.5 An update on the status of negotiations with other landowners who are participating in the Examination was provided at Deadline 7 (see the **Compulsory Acquisition Schedule (Volume 9.17) [REP7-039]**).

1.1.6 Section 8.3 of the **Statement of Reasons (Volume 4.3)** set out the tests in section 127 of the Planning Act 2008. In summary, where a representation has been made by a statutory undertaker objecting to the acquisition of statutory undertakers' land (or rights over land), the Secretary of State must be satisfied that the land or right can be replaced or rights can be acquired without any serious detriment to the carrying on of the undertaking.

1.1.7 The Applicant's position is that the protective provisions contained in Part 11 of the **Draft DCO (Volume 3.1)** (submitted at Deadline 8) are adequate to protect each statutory undertaker's undertaking and to ensure that it suffers no serious detriment. Therefore, in the event that any representations made by statutory undertakers remain outstanding at the end of the Examination, the Secretary of State can be satisfied that the tests set out in section 127 of the Planning Act 2008 have been met.



The table below includes each statutory undertaker or other utility and includes details of the affected plots together with the status of negotiations.

Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
11/1a(ii) 11/1a(iii) 11/1b(i) 11/1b(ii) 11/1c, 11/4a, 11/4b, 11/5a, 11/5b, 13/1a, 15/1a, 15/2a, 15/2b, 16/1a, 16/1b, 16/3a, 16/4a	Network Rail Infrastructure Limited	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of Network Rail's undertaking.</p> <p>The Protective Provisions in the Draft DCO ensure that Network Rail's land and apparatus will be protected and access maintained during construction.</p> <p>The Applicant is not intending to extinguish any rights belonging to Network Rail. However, the Applicant cannot agree to not utilise the compulsory acquisition powers in the Draft DCO until a voluntary agreement for the necessary property rights has been entered into.</p>	<p>Network Rail owns land and has decommissioned apparatus within the Order Land. The Proposed Development has been designed to accommodate the potential reopening of the March to Wisbech Railway in the future.</p> <p>To introduce the Proposed Development and commence the Business and Technical Clearance process, the Applicant first contacted Network Rail in December 2019.</p> <p>Post statutory consultation, in September 2021 the Applicant and Network Rail established a monthly progress meeting to recommence the Business and Technical Clearance process and commence discussions relating to protective provisions.</p> <p>To date, the Applicant has secured Business Clearance with Network Rail and is currently in discussions about the Technical Clearance.</p> <p>Draft Heads of Terms are being discussed relating to a potential bridge or other form of crossing in the event that the March to Wisbech Railway</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
			<p>is brought back into use in the future.</p>
			<p>The Applicant’s solicitors are also negotiating protective provisions and a Framework Agreement with Network Rail’s solicitors.</p>
			<p>The Applicant has included Protective Provisions for the benefit of Network Rail in Part 8 of Schedule 11 to the Draft DCO.</p>
			<p><b>Deadline 2 Update:</b></p>
			<p>An agreed draft Statement of Common Ground between the Applicant and Network Rail has been submitted into Examination [PDA-002].</p>
			<p>The Applicant and Network Rail discussed the technical requirements for construction of the CHP connection, the access via New Bridge Lane, including any bridge or level crossing to be brought forward in the event the March to Wisbech Railway is brought back into use, and the terms of an agreement at a meeting on 17 March 2023.</p>
			<p>The Applicant’s solicitors are continuing to negotiate the protective provisions and a Framework Agreement with Network Rail’s solicitors.</p>
			<p>The Applicant is confident that agreement will be reached</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
			<p>prior to the end of the Examination.</p>
			<p><b>Deadline 4 Update:</b></p>
			<p>The Applicant's solicitors continue to have productive negotiations with Network Rail in respect of the protective provisions, Framework Agreement and associated property documents.</p>
			<p>The Applicant will be facilitating discussions between Network Rail, CCC and FDC in respect of the rights of access the land where the disused March to Wisbech Railway crosses New Bridge Lane.</p>
			<p><b>Deadline 6 Update:</b></p>
			<p>Negotiations are ongoing. Since the update provided at CAH3, the Applicant has had further meetings with Network Rail to discuss the property documents and the clearance process.</p>
			<p>The Applicant is confident that agreement can be reached prior to the end of Examination.</p>
			<p><b>Deadline 7 Update:</b></p>
			<p>A meeting between the Applicant, Network Rail and their respective solicitors took place on 4 August 2023 to discuss the outstanding</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
			<p>points. The Framework Agreement is in the process of being finalised and the Applicant and Network Rail remain confident that it will be completed prior to the end of the Examination. An agreed SoCG will be submitted at Deadline 8.</p>
			<p>The protective provisions contained in Part 8 of Schedule 11 to the <b>Draft DCO (Volume 3.1)</b> (submitted at Deadline 7) provide adequate protection to ensure there is no serious detriment to Network Rail's undertaking.</p>
			<p><b>Deadline 8 Update:</b></p>
			<p>The Applicant and Network Rail have agreed a form of private agreement to regulate the ongoing relationship between the parties and to make provision for entry into a voluntary agreement to grant the Applicant the land and rights necessary to deliver the Proposed Development. Engrossments of the private agreement are being prepared, subject to final formal approvals and sign off from Network Rail. Once the private agreement has been completed, Network Rail will be able to withdraw its objection to the Proposed Development and will update the ExA accordingly. Please see the Statement of Common Ground between the</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
			Applicant and Network Rail submitted at Deadline 8.
1/1a, 1/1e, 1/2a, 1/2b, 2/1b, 5/1b, 5/1c, 6/1b, 6/1d, 6/1e, 6/1f, 6/1g, 6/1h, 6/1i, 6/1j, 8/1b, 8/1c, 9/1c, 11/1b(i), 11/1b(ii), 11/2e, 11/2m, 11/3a, 11/3b, 11/4a, 11/4b, 12/1a, 12/1b, 12/1c, 12/1d, 12/1f, 12/1g, 12/1h, 12/1j, 12/1k, 12/1l, 12/3a, 12/4a, 12/5a, 12/5b, 13/1a, 13/2a, 13/3a, 13/4c(i), 13/4c(ii), 13/4d, 14/1a, 16/1a, 16/1b, 16/3a,	Eastern Power Networks plc (EPN)	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of EPN's undertaking.</p> <p>The Protective Provisions in the Draft DCO ensure that EPN's apparatus will be protected and access maintained during construction.</p> <p>The Protective Provisions also ensure that (if necessary) no rights will be extinguished without EPN's agreement and no apparatus removed until alternative apparatus has been constructed. The Applicant is not intending to extinguish any rights belonging to EPN.</p>	<p>EPN owns land and has apparatus within the Order Land. EPN is part of UK Power Networks (UKPN).</p> <p>Initial approaches were made to UKPN with a request for a Point of Connection (POC) in July 2019.</p> <p>Discussions took place between August 2019 and June 2021 regarding a POC at both Walpole DNO Substation and Walsoken DNO Substation.</p> <p>Following the close of the statutory consultation in August 2021, discussions continued with UKPN and it was confirmed with UKPN that the preferred POC would be at Walsoken DNO Substation.</p> <p>The Applicant entered into discussions with UKPN in May 2022 with respect to a lease for the land required, at the Walsoken DNO Substation, for the Applicant's substation and POC works. UKPN issued draft Heads of Terms (HOTs) and a draft lease to the Applicant on 17 May 2022.</p> <p>Following a review of the draft HOTs the Applicant proposed some amendments, the majority of which have been accepted by UKPN.</p>





Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
16/4a, 16/5a, 17/1a			<p>Discussions are ongoing and the Applicant hopes to be in a position to agree a draft Option to Lease and Draft Lease with UKPN soon.</p> <p>The Applicant has included Protective Provisions for the benefit of EPN in Part 4 of Schedule 11 of the Draft DCO.</p> <p><b>Deadline 2 Update:</b></p> <p>Discussions are ongoing with comments on the draft Option and Lease recently received from EPN's solicitors.</p> <p>The Applicant is confident that agreement will be reached prior to the end of the Examination.</p> <p><b>Deadline 4 Update:</b></p> <p>Discussions are ongoing on the draft Option and Lease and there is only one point outstanding. The Applicant is confident that agreement will be reached prior to the end of Examination.</p> <p><b>Deadline 6 Update:</b></p> <p>The Option is now in agreed form and there is only one point outstanding in the draft Lease to be annexed to the Option, which is expected to be resolved in the next few days. The Applicant remains confident that agreement will</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
			<p>be reached prior to the end of Examination.</p> <p><b>Deadline 7 Update:</b> The Option and Lease are now in an agreed form and engrossments are being prepared for signature. The Applicant is confident that the Option will be complete before the close of Examination. The protective provisions included Part 4 of Schedule 11 to the <b>Draft DCO (Volume 3.1)</b> (submitted at Deadline 7) provide adequate protection to ensure there is no serious detriment to EPN's undertaking.</p> <p><b>Deadline 8 Update:</b> The situation remains as per the Deadline 7 update. There are no outstanding issues.</p>
<p>1/1a, 1/1b, 1/1c, 1/2a, 1/2b, 2/1b, 5/1c, 6/1b, 6/1c, 6/1d, 6/1e, 6/1f, 6/1j, 6/1k, 6/2a, 6/2b, 10/1a, 10/2e, 10/2f, 10/2g, 10/3a, 10/5a, 11/1a(i), 11/1a(ii), 11/1a(iii), 11/1b(i),</p>	<p>Anglian Water Services Limited (Anglian Water)</p>	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of Anglian Water's undertaking.</p> <p>The Protective Provisions in the Draft DCO ensure that Anglian Water's apparatus will be protected and access maintained during construction.</p> <p>The Protective Provisions also ensure that (if necessary) no rights will be extinguished without</p>	<p>Anglian Water Limited has apparatus located within the Order Land. The Applicant commenced discussions relating to protective provisions in April 2020.</p> <p>The Applicant and Anglian Water have agreed the foul and potable water connection points for the Proposed Development into Anglian Water's infrastructure. The Applicant and Anglian Water have also agreed to include powers within the DCO to install the Water Connections</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
11/1b(ii), 11/1c, 11/1d, 11/2a, 11/2e, 11/2k, 11/2l, 11/2m, 11/2n, 11/2o, 12/1a, 12/1b, 12/1d, 12/1g, 12/1h, 12/1l, 12/4a, 13/1a, 13/3a, 13/4a, 13/4c(i), 13/4c(ii), 13/4d, 13/5a, 14/1a,15/1 a, 16/1a, 16/2a, 16/3a, 16/4a	Anglian Water's agreement and no apparatus removed until alternative apparatus has been constructed. The Applicant is not intending to extinguish any rights belonging to Anglian Water.	for the benefit of both the Applicant and Anglian Water.	The Applicant has included Protective Provisions for the benefit of Anglian Water in Part 7 of Schedule 11 to the Draft DCO which incorporate comments made by Anglian Water.
			<p><b>Deadline 2 Update:</b></p> <p>Negotiations on the Protective Provisions are ongoing between the Applicant's and Anglian Water's solicitors. An updated version of the Protective Provisions has been included within Part 7 of Schedule 11 to the <b>Draft DCO (Volume 3.1) [REP1-007]</b>, reflecting progress on these negotiations.</p>
			<p>The Applicant is confident that agreement on the form of protective provisions will be reached prior to the end of the Examination.</p>
			<p><b>Deadline 4 Update:</b></p> <p>The Applicant continues to have productive discussions with Anglian Water with a view to resolving additional concerns around water use. A technical note on the water use of the EfW CHP Facility has been submitted to Anglian Water for consideration. The Applicant believes that it has identified a solution to</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
			<p>adequately address Anglian Water’s concerns.</p>
			<p>The Applicant is confident that an agreement on the water connection and protective provisions will be reached prior to the end of the Examination.</p>
			<p><b>Deadline 6 Update:</b></p>
			<p>The protective provisions included in the draft DCO submitted at Deadline 6 are in an agreed form as confirmed in the signed Statement of Common Ground between the Applicant and Anglian Water submitted at Deadline 6.</p>
			<p><b>Deadline 7 Update:</b></p>
			<p>The protective provisions included Part 7 of Schedule 11 to the <b>Draft DCO (Volume 3.1)</b> (submitted at Deadline 7) are in an agreed form as confirmed in the signed Statement of Common Ground between the Applicant and Anglian Water <b>[REP6-021]</b> and provide adequate protection to ensure there is no serious detriment to Anglian Water’s undertaking.</p>
			<p><b>Deadline 8 Update:</b></p>
			<p>The situation remains as per the Deadline 7 update. There are no outstanding issues and the Applicant is confident that the Option will complete soon.</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
1/1a, 1/1b, 1/1c, 6/1b, 6/1c, 6/1d, 6/1i, 6/1j, 6/2a, 10/2e, 10/2f, 10/3a, 12/1a, 12/1h, 12/1j, 12/1k, 12/1l, 13/4c(i), 13/14c(ii), 13/4d, 14/1a, 16/1a, 16/1b, 16/2a, 16/4a, 17/1a	Cadent Gas Limited	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of Cadent Gas Limited's undertaking.</p> <p>The Protective Provisions in the Draft DCO ensure that Cadent Gas Limited's apparatus will be protected and access maintained during construction.</p> <p>The Protective Provisions also ensure that (if necessary) no rights will be extinguished without Cadent Gas Limited's agreement and no apparatus removed until alternative apparatus has been constructed. The Applicant is not intending to extinguish any rights belonging to Cadent Gas Limited.</p>	<p>Cadent Gas Limited has apparatus located within the Order Land. The Applicant commenced discussions with Cadent Gas Limited relating to protective provisions and a side agreement in February 2022.</p> <p>The Applicant and Cadent Gas Limited are currently negotiating the protective provisions and terms of the side agreement.</p> <p>The Applicant has included Protective Provisions for the benefit of Cadent Gas Limited in Part 3 of Schedule 11 to the Draft DCO.</p> <p><b>Deadline 2 Update:</b></p> <p>The form of Side Agreement and protective provisions has been agreed between the Applicant and Cadent Gas Limited.</p> <p>The Applicant awaits engrossment versions of the side agreement for signature from Cadent Gas' solicitors. The agreed form of Protective Provisions has been included within Part 3 of Schedule 11 to the <b>Draft DCO (Volume 3.1) [REP1-007]</b>.</p> <p>The Applicant is confident that the side agreement will complete prior to the end of the Examination.</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
			<p><b>Deadline 4 Update:</b></p> <p>The Applicant completed the side agreement with Cadent Gas on 23 May 2023 and Cadent Gas will be withdrawing its objection in due course.</p> <p><b>Deadline 6 Update:</b></p> <p>The Applicant notes that Cadent Gas did not submit a relevant representation and therefore there is no objection to be withdrawn following completion of the side agreement.</p> <p><b>Deadline 7 Update:</b></p> <p>The protective provisions contained in Part 3 of Schedule 11 to the <b>Draft DCO (Volume 3.1)</b> (submitted at Deadline 7) have been agreed with Cadent Gas and provide adequate protection to ensure there is no serious detriment to Cadent Gas Limited’s undertaking. A Side Agreement dated 23 May 2023 has also been entered into between the Applicant and Cadent Gas Limited.</p> <p><b>Deadline 8 Update:</b></p> <p>The situation remains as per the Deadline 7 update. There are no outstanding issues.</p>
11/2e, 11/2k, 11/2l,	Fulcrum Pipelines Limited	The Applicant considers that the land and rights can be acquired without serious	Fulcrum Pipelines Limited has gas apparatus located within



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
11/2m, 11/2n, 11/2o		<p>detriment to the carrying on of Fulcrum Pipelines Limited's undertaking.</p> <p>The Protective Provisions in the Draft DCO ensure that Fulcrum Pipelines Limited's apparatus will be protected and access maintained during construction.</p> <p>The Protective Provisions also ensure that (if necessary) no rights will be extinguished without Fulcrum Pipelines Limited's agreement and no apparatus removed until alternative apparatus has been constructed. The Applicant is not intending to extinguish any rights belonging to Fulcrum Pipelines Limited.</p>	<p>the Order Land (in New Bridge Lane).</p> <p>The Applicant has included Protective Provisions for the benefit of gas transporters in Part 1 of Schedule 11 to the Draft DCO.</p> <p><b>Deadline 2 Update:</b></p> <p>Fulcrum Pipelines Limited has not requested any amendments to the protective provisions contained in Part 1 of Schedule 11 to the <b>Draft DCO (Volume 3.1) [REP1-007]</b>.</p> <p><b>Deadline 4 Update:</b></p> <p>The position remains as at Deadline 2.</p> <p><b>Deadline 6 Update:</b></p> <p>The position remains as at Deadline 2. The Applicant considers the protective provisions contained in Part 1 of Schedule 11 to the <b>Draft DCO (Volume 3.1)</b> (submitted at Deadline 6) provide adequate protection to ensure there is no serious detriment to Fulcrum Pipelines Limited's undertaking.</p> <p><b>Deadline 7 Update:</b></p> <p>Fulcrum Pipelines Limited has not requested any amendments to the protective provisions contained in Part 1</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
1/1a, 1/1b, 1/1c, 1/2a, 1/2b, 4/1c, 5/1b, 6/1b, 6/1c, 6/1d, 6/1e, 6/1f, 6/1g, 6/1h, 6/1k, 6/2a, 6/2b, 8/1c, 10/1a, 10/2b, 10/2e, 10/2g, 10/3a, 10/5a, 11/1a(i), 11/1d, 11/1e, 11/2a, 11/3a, 11/4a, 11/4b, 11/5b, 11/6a,	Openreach Limited	The Applicant is not proposing to extinguish any rights or remove any apparatus belonging to Openreach Limited.	<p>of Schedule 11 to the <b>Draft DCO (Volume 3.1)</b>. The Applicant considers the protective provisions contained in Part 1 of Schedule 11 to the <b>Draft DCO (Volume 3.1)</b> (submitted at Deadline 7) provide adequate protection to ensure there is no serious detriment to Fulcrum Pipelines Limited's undertaking.</p> <p><b>Deadline 8 Update:</b></p> <p>The situation remains as per the Deadline 7 update. There are no outstanding issues.</p> <p>Openreach Limited has apparatus located within the Order Land. The Applicant first contacted Openreach in January 2022 and met Openreach to discuss protective provisions in March 2022. The Applicant has provided Openreach with a copy of the draft Protective Provisions.</p> <p>The Applicant has included Protective Provisions for the benefit of electronic communications code network operators in Part 2 of Schedule 11 to the Draft DCO.</p> <p><b>Deadline 2 Update:</b></p> <p>Openreach Limited has not requested any amendments to the protective provisions</p>





Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
12/1a, 12/1b, 12/1c, 12/1d, 12/1f, 12/1g, 12/1j, 12/1k, 12/1l, 12/2a, 12/3a, 12/3b, 12/5a, 13/2a, 13/3a, 13/4c(i), 13/4c(ii), 13/4d, 13/5a, 14/1a, 16/1a, 16/3a, 16/4a, 17/1a			<p data-bbox="1000 461 1430 568">contained in Part 2 of Schedule 11 to the <b>Draft DCO (Volume 3.1) [REP1-007]</b>.</p> <p data-bbox="1000 640 1289 674"><b>Deadline 4 Update:</b></p> <p data-bbox="1000 719 1430 786">The position remains as at Deadline 2.</p> <p data-bbox="1000 824 1289 857"><b>Deadline 6 Update:</b></p> <p data-bbox="1000 902 1430 1301">The position remains as at Deadline 2. The Applicant considers the protective provisions contained in Part 2 of Schedule 11 to the <b>Draft DCO (Volume 3.1)</b> (submitted at Deadline 6) provide adequate protection to ensure there is no serious detriment to Openreach Limited's undertaking.</p> <p data-bbox="1000 1339 1289 1373"><b>Deadline 7 Update:</b></p> <p data-bbox="1000 1379 1430 1921">Openreach Limited has not requested any amendments to the protective provisions contained in Part 2 of Schedule 11 to the <b>Draft DCO (Volume 3.1)</b>. The Applicant considers the protective provisions contained in Part 2 of Schedule 11 to the <b>Draft DCO (Volume 3.1)</b> (submitted at Deadline 7) provide adequate protection to ensure there is no serious detriment to Openreach Limited's undertaking.</p> <p data-bbox="1000 1960 1289 1993"><b>Deadline 8 Update:</b></p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
			The situation remains as per the Deadline 7 update. There are no outstanding issues.
1/1a, 1/1b, 1/1c, 1/1d, 1/1e, 1/2a, 1/2b, 2/1a, 2/1b, 3/1a, 3/1b, 4/1a, 4/1b, 5/1a, 5/1b, 5/1c, 6/1a, 6/1b, 6/1c, 6/1d, 6/1e, 6/1f, 6/1g, 6/1h, 6/1i, 6/1j, 6/1k, 7/1a, 8/1a, 8/1b, 8/2a, 9/1a, 9/1b, 9/1c, 10/1a, 12/1a, 12/1h, 12/1k, 12/1l, 13/4c(ii), 13/4d, 14/1a, 16/1a, 16/3a, 16/4a	Sky Telecommuni cations Services Limited	The Applicant is not proposing to extinguish any rights or remove any apparatus belonging to Sky Telecommunications Services Limited.	<p data-bbox="1000 636 1430 779">Sky Telecommunications Services Limited has apparatus located within the Order Land.</p> <p data-bbox="1000 819 1430 1037">The Applicant has included Protective Provisions for the benefit of electronic communications code network operators in Part 2 of Schedule 11 to the Draft DCO.</p> <p data-bbox="1000 1077 1289 1111"><b>Deadline 2 Update:</b></p> <p data-bbox="1000 1151 1430 1406">Sky Telecommunications Services Limited has not requested any amendments to the protective provisions contained in Part 2 of Schedule 11 to the <b>Draft DCO (Volume 3.1) [REP1-007]</b>.</p> <p data-bbox="1000 1480 1289 1514"><b>Deadline 4 Update:</b></p> <p data-bbox="1000 1554 1430 1626">The position remains as at Deadline 2.</p> <p data-bbox="1000 1666 1289 1700"><b>Deadline 6 Update:</b></p> <p data-bbox="1000 1740 1430 2067">The position remains as at Deadline 2. The Applicant considers the protective provisions contained in Part 2 of Schedule 11 to the <b>Draft DCO (Volume 3.1)</b> (submitted at Deadline 6) provide adequate protection to ensure there is no serious detriment</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
			<p>to Sky Telecommunications Services Limited's undertaking.</p> <p><b>Deadline 7 Update:</b>                      Sky Telecommunications Services Limited has not requested any amendments to the protective provisions contained in Part 2 of Schedule 11 to the <b>Draft DCO (Volume 3.1)</b>. The Applicant considers the protective provisions contained in Part 2 of Schedule 11 to the <b>Draft DCO (Volume 3.1)</b> (submitted at Deadline 7) provide adequate protection to ensure there is no serious detriment to Sky Telecommunications Services Limited's undertaking.</p> <p><b>Deadline 8 Update:</b>                      The situation remains as per the Deadline 7 update. There are no outstanding issues.</p>
1/1a, 1/1b, 1/1c, 1/1d, 1/1e, 1/2a, 1/2b, 2/1a, 2/1b, 3/1a, 3/1b, 4/1a, 4/1b, 5/1a, 5/1b, 5/1c, 6/1a, 6/1b, 6/1c, 6/1d, 6/1e, 6/1f, 6/1g, 6/1h, 6/1i, 6/1j, 6/1k, 7/1a, 8/1a, 8/1b,	Virgin Media Limited	The Applicant is not proposing to extinguish any rights or remove any apparatus belonging to Virgin Media Limited.	Virgin Media Limited has apparatus located within the Order Land.  The Applicant has included Protective Provisions for the benefit of electronic communications code network operators in Part 2 of Schedule 11 to the Draft DCO.  <p><b>Deadline 2 Update:</b>                      Virgin Media Limited has not requested any amendments</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
<p>8/2a, 9/1a, 9/1b, 9/1c, 10/1a, 12/1a, 12/1h, 12/1k, 12/1l, 13/4c(ii), 13/4d, 14/1a, 16/1a, 16/3a, 16/4a</p>			<p>to the protective provisions contained in Part 2 of Schedule 11 to the <b>Draft DCO (Volume 3.1)</b> [REP1-007].</p> <p><b>Deadline 4 Update:</b></p> <p>The position remains as at Deadline 2.</p> <p><b>Deadline 6 Update:</b></p> <p>The position remains as at Deadline 2. The Applicant considers the protective provisions contained in Part 2 of Schedule 11 to the <b>Draft DCO (Volume 3.1)</b> (submitted at Deadline 6) provide adequate protection to ensure there is no serious detriment to Virgin Media Limited’s undertaking.</p> <p><b>Deadline 7 Update:</b></p> <p>Virgin Media Limited has not requested any amendments to the protective provisions contained in Part 2 of Schedule 11 to the <b>Draft DCO (Volume 3.1)</b>. The Applicant considers the protective provisions contained in Part 2 of Schedule 11 to the <b>Draft DCO (Volume 3.1)</b> (submitted at Deadline 7) provide adequate protection to ensure there is no serious detriment to Virgin Media Limited’s undertaking.</p> <p><b>Deadline 8 Update:</b></p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
			The situation remains as per the Deadline 7 update. There are no outstanding issues.
1/1a, 1/1b, 1/1c, 1/1d, 1/1e, 1/2a, 1/2b, 2/1a, 2/1b, 3/1a, 3/1b, 4/1a, 4/1b, 5/1a, 5/1b, 5/1c, 6/1a, 6/1b, 6/1c, 6/1d, 6/1e, 6/1f, 6/1g, 6/1h, 6/1i, 6/1j, 6/1k, 7/1a, 8/1a, 8/1b, 8/2a, 9/1a, 9/1b, 9/1c, 10/1a, 12/1a, 12/1h, 12/1k, 12/1l, 13/4c(ii), 13/4d, 14/1a, 16/1a, 16/3a, 16/4a	Vodafone Limited	The Applicant is not proposing to extinguish any rights or remove any apparatus belonging Vodafone Limited.	<p>Vodafone Limited has apparatus located within the Order Land.</p> <p>The Applicant has included Protective Provisions for the benefit of electronic communications code network operators in Part 2 of Schedule 11 to the Draft DCO.</p> <p><b>Deadline 2 Update:</b></p> <p>Vodafone Limited has not requested any amendments to the protective provisions contained in Part 2 of Schedule 11 to the <b>Draft DCO (Volume 3.1) [REP1-007]</b>.</p> <p><b>Deadline 4 Update:</b></p> <p>The position remains as at Deadline 2.</p> <p><b>Deadline 6 Update:</b></p> <p>The position remains as at Deadline 2. The Applicant considers the protective provisions contained in Part 2 of Schedule 11 to the <b>Draft DCO (Volume 3.1)</b> (submitted at Deadline 6) provide adequate protection to ensure there is no serious detriment to Vodafone Limited's undertaking.</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
1/1a,1/1b, 1/1c, 1/1d, 1/1e, 2/1a, 2/1b, 3/1a, 3/1b, 4/1a, 4/1b, 4/1c, 4/1d, 5/1a, 5/1b, 5/1c, 6/1a, 6/1b, 6/1c, 6/1d, 6/1e, 6/1f, 6/1g, 6/1h, 6/1i, 6/1j, 6/1k, 6/2a, 6/2b, 7/1a, 8/1a, 8/1b, 8/1c, 8/2a, 9/1a, 9/1b, 9/1c, 10/1a,	National Highways Limited	The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of National Highway's undertaking.	<p><b>Deadline 7 Update:</b>            Vodafone Limited has not requested any amendments to the protective provisions contained in Part 2 of Schedule 11 to the <b>Draft DCO (Volume 3.1)</b>. The Applicant considers the protective provisions contained in Part 2 of Schedule 11 to the <b>Draft DCO (Volume 3.1)</b> (submitted at Deadline 7) provide adequate protection to ensure there is no serious detriment to Vodafone Limited's undertaking.</p> <p><b>Deadline 8 Update:</b>            The situation remains as per the Deadline 7 update. There are no outstanding issues.</p> <p>National Highways owns land and has apparatus within the Order Limits. To introduce the project and discuss matters relating to the Strategic Highway Network, the Applicant first contacted National Highways (previously Highways England) in December 2019. In October 2021 National Highways and the Applicant reached agreement to install the Grid Connection under the verge of the A47 between New Bridge Lane and Broadend Road.</p> <p>In November 2021 the Applicant and National Highways commenced discussions on the method of</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
10/1b, 10/1c, 10/2a, 10/2b, 10/2c, 10/2d			<p>construction to install the potable Water Connections across the A47; either open cut or horizontal directional drilling (HDD).</p> <p>These negotiations are ongoing, therefore both options are included in the DCO Application.</p> <p>In February 2022 the Applicant, National Highways, and the Water Management Alliance (King's Lynn Internal Drainage Board) met to discuss and agree an approach to install the Grid Connection within the verge of the A47 at points where it crosses IDB drains. The parties have reached an agreement and will prepare a statement of common ground for submission into Examination.</p> <p>The Applicant has included Protective Provisions for the benefit of National Highways in Schedule 11 of the draft Order.</p> <p><b>Deadline 2 Update:</b></p> <p>Negotiations between the Applicant and National Highways are continuing. The protective provisions in Part 5 of Schedule 11 to the <b>Draft DCO (Volume 3.1) [REP1-007]</b> will be updated in version of the DCO submitted at Deadline 3 to reflect the latest</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
			<p>position. The Applicant and National Highways will also enter into a separate side agreement.</p> <p>The Applicant is confident that agreement will be reached prior to the end of the Examination.</p> <p><b>Deadline 4 Update:</b></p> <p>The Applicant continues to have productive conversations with National Highways in respect of a side agreement and agreed protective provisions.</p> <p><b>Deadline 6 Update:</b></p> <p>Negotiations are ongoing. A meeting took place between the Applicant's and National Highways' solicitors on 10 July 2023. The Applicant is awaiting comments from National Highways on the draft protective provisions and a side agreement but understands that there are no significant points outstanding.</p> <p>The Applicant is confident that agreement will be reached prior to the end of the Examination.</p> <p><b>Deadline 7 Update:</b></p> <p>The agreed form of protective provisions has been included within Part 5 of Schedule 11 to the draft DCO submitted at</p>





Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
			<p>Deadline 7. A signed SoCG with National Highways has also been submitted at Deadline 7.</p> <p>The Applicant and National Highways have agreed the terms of a side agreement and engrossments are being prepared for signature. The Applicant is confident that the side agreement will be completed prior to the end of the Examination.</p> <p><b>Deadline 8 Update:</b></p> <p>The side agreement between the Applicant and National Highways completed on 18 August 2023.</p>
<p>8/2a, 10/1a, 10/1b, 10/2c, 10/2d, 10/2e, 10/2g, 10/3a, 10/4a, 11/1d, 11/1e, 11/2a 11/2d, 11/2e, 11/2f, 11/2g, 11/6a, 11/6b, 11/7a, 11/7b, 11/7c, 12/1a,</p>	<p>Hundred of Wisbech Internal Drainage Board</p>	<p>The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of the IDB's undertaking. The Protective Provisions in the Draft DCO ensure that IDB watercourses will be protected and access maintained during construction. The Applicant is not intending to extinguish any rights belonging to the IDB.</p>	<p>The Hundred of Wisbech Internal Drainage Board has apparatus within and adjacent to the Order limits. To introduce the project, the Applicant first contacted the Hundred of Wisbech Internal Drainage Board, via their agents the Middle Level Commissioners, in January 2020 and met representatives onsite in August 2020. To protect the Hundred of Wisbech Internal Drainage Board's interests, the Applicant has incorporated amendments into the layout of the EfW CHP Facility Site, Access Improvements and Water Connections.</p> <p>The Applicant has included Protective Provisions for the</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
12/5a, 12/5b, 13/3a, 13/4a, 16/1a			<p>benefit of the IDB in Part 6 of Schedule 11 to the Draft DCO.</p> <p><b>Deadline 2 Update:</b></p> <p>Discussions are ongoing between the Applicant and the Hundred of Wisbech Internal Drainage Board (HWIDB). The agreement reached to date is set out in the draft Statement of Common Ground with the HWIDB (<b>Volume 9.13</b>) [REP1-047]).</p> <p>The Applicant is waiting to receive comments on the protective provisions in Part 6 of Schedule 11 to the Draft DCO from HWIDB.</p> <p>The Applicant is confident that agreement can be reached prior to the close of the Examination.</p> <p><b>Deadline 4 Update:</b></p> <p>The Applicant is in ongoing discussions with HWIDB and is still waiting to receive comments on the draft protective provisions.</p> <p><b>Deadline 6 Update:</b></p> <p>Negotiations are ongoing. The Applicant has held a number of meetings with the HWIDB to agree the draft protective provisions and an updated version was sent to HWIDB on</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
			<p>7 July 2023 to address the outstanding points.</p> <p>The Applicant is confident that agreement can be reached prior to the close of the Examination.</p> <p><b>Deadline 7 Update:</b> The Applicant has reached an agreement with the HWIDB and engrossments are with each party for signing. The agreed form of protective provisions has been included within Part 6 of Schedule 11 to the draft DCO submitted at Deadline 7. A signed SoCG with HWIDB has also been submitted at Deadline 7.</p> <p><b>Deadline 8 Update:</b> The agreement between the Applicant and HWIDB completed on 17 August 2023.</p>
2/1a, 5/1b	King's Lynn Internal Drainage Board	The Applicant considers that the land and rights can be acquired without serious detriment to the carrying on of the IDB's undertaking. The Protective Provisions in the Draft DCO ensure that IDB watercourses will be protected and access maintained during construction. The Applicant is not intending to extinguish any rights belonging to the IDB.	King's Lynn Internal Drainage Board has apparatus within and adjacent to the Order limits. To introduce the project, the Applicant first contacted King's Lynn Internal Drainage Board, via their agents the Water Management Alliance, in July 2020. In April 2021, the Applicant was provided with King's Lynn Internal Drainage Board's standard Protective Provisions.



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
			<p>In February 2022 the Applicant, National Highways, and the Water Management Alliance (King's Lynn Internal Drainage Board) met to discuss and agree an approach to install the Grid Connection within the verge of the A47 at points where it crosses IDB drains. The parties have reached an agreement and will prepare a statement of common ground for submission into Examination.</p> <p>The Applicant has included Protective Provisions for the benefit of the IDB in Part 6 of Schedule 11 to the Draft DCO.</p> <p><b>Deadline 2 Update:</b></p> <p>Discussions are ongoing between the Applicant and the King's Lynn Internal Drainage Board (KLIDB). The agreement reached to date is set out in the draft Statement of Common Ground with the HWIDB (<b>Volume 9.14 [REP1-048]</b>).</p> <p>The Applicant is waiting to receive comments on the protective provisions in Part 6 of Schedule 11 to the Draft DCO from KLIDB.</p> <p>The Applicant is confident that agreement can be reached prior to the close of the Examination.</p>



Plot Nos.	Statutory undertaker or other apparatus owner	Engagement of Section 127 and/or Section 138 of the Planning Act 2008	Status of negotiations
			<p><b>Deadline 4 Update:</b></p> <p>The Applicant has had productive negotiations with KLIDB and is close to reaching agreement on the protective provisions.</p> <p><b>Deadline 6 Update:</b></p> <p>Negotiations are ongoing. The Applicant has held a number of meetings with the KLIDB to agree the draft protective provisions. Comments were received from KLIDB on 11 July 2023 and an updated version was sent back to KLIDB on 12 July 2023 to address the outstanding points.</p> <p>The Applicant is confident that agreement can be reached prior to the close of the Examination.</p> <p><b>Deadline 7 Update:</b></p> <p>The agreed form of protective provisions has been included within Part 6 of Schedule 11 to the draft DCO submitted at Deadline 7. A signed SoCG with the KLIDB has also been submitted at Deadline 7.</p> <p><b>Deadline 8 Update:</b></p> <p>The situation remains as per the Deadline 7 update. There are no outstanding issues.</p>

