



NORTH LINCOLNSHIRE GREEN ENERGY PARK

Planning Act 2008
Infrastructure Planning
(Applications: Prescribed
Forms and Procedure)
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North Lincolnshire Green Energy Park

Volume 9

9.10 Status of Negotiations with Statutory
Undertakers

PINS reference: EN010116

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STATUS OF NEGOTIATIONS WITH STATUTORY UNDERTAKERS - DEADLINE [34](#)

Planning Inspectorate Scheme Reference:	EN010116
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Author:	The Applicant

Version	Date	Status of Version
Rev 0	December 2022	Deadline 2
Rev 1	January 2023	Deadline 3
Rev 2	February 2023	Deadline 4

1. INTRODUCTION

- 1.1 The Development Consent Order (**DCO**) application for the Scheme was submitted on 31 May 2022 and accepted for examination on 27 June 2022.
- 1.2 This document identifies the status of negotiations with statutory undertakers in relation to protected provisions.
- 1.3 Table 1.1.2 below details discussions that are ongoing with all statutory undertakers. The Applicant has grouped these interested parties into categories depending on the current status of negotiations; the categories are listed in Table 1.1.1 below.

Table 1.1.1: Allocation of Category 1 interested parties based on status of land negotiations.

Agreements Category	Total Number
SECTION 1 – No Agreement Required	12
SECTION 2 – Agreement Completed/Protective Provisions agreed and PINS notified	0
SECTION 3 – Engagement/Negotiation underway in respect of protected provisions and/or agreement	7
SECTION 4 – Parties contacted and invited to commence negotiation of protected provisions and/or agreement	4

- 1.5 The status descriptions are further clarified below:

- SECTION 1: No agreement required.
- SECTION 2: Protected provisions/Agreement agreed
- SECTION 3: Protected provisions/Agreement in Negotiation – a detailed update is given regarding negotiations underway in order to reach an agreement. No agreement/protective provisions yet in place.
- ~~SECTION 4: This relates to statutory undertakers that the Applicant has contacted in order to commence negotiations of protected provisions and to seek to reach agreement prior to the end of the Examination.~~

- 1.6 In Table 1.1.2:

- Column A identifies the name of the statutory undertaker.
- Column B identifies the category of interest of the Landowner.
- Column C identifies whether the Applicant is proposing the acquisition of permanent, temporary or new rights in the land.
- Column D identifies the plot as referenced in the Book of Reference where the interest is listed.
- Column E identifies the latest position in the negotiations.
- Column F identifies the status of the voluntary agreement in accordance with Table 1.1.1.

Table 1.1.2: Statutory Undertakers Schedule [of Negotiations](#)

A	B	C	D	E	F
Land Interest	Type of Interest	Permanent, Temporary and/or New Rights	Plot No(s).	Progress in negotiation of Protective Provisions	Status of agreement
SECTION 1 – No Agreement Required					
Openreach Limited	Category 2 (and in relation to easements)	a) Permanent b) Temporary c) Rights and Temporary	(a) 4-69, 5-2, 5-10, 5-13, 5-14, 5-15, 5-16, 5-17, 5-20, 5-21, 5-22, 5-34, 5-35, 5-38, 5-39, 5-40, 5-43, 5-44, 5-45, 5-46, 5-47, 5-48, 5-49, 5-50, 5-51, 5-52, 5-78, 5-84, 5-85, 5-86, 7-2, 7-3, (b) 5-54, 9-3, 9-6, 9-36, 9-40, 9-41, 9-44, 9-45, 10-8, 10-9, 10-41, 10-45, 10-52, 10-58, 10-63, 10-65, 10-66, 10-67, 10-71, 10-72, 10-74, (c) 4-38, 4-39, 5-24, 5-25, 5-26, 5-33, 5-36, 5-55, 5-56, 5-57, 5-64, 8-8, 9-22, 9-29, 9-31, 9-37, 10-2, 10-4, 10-5, 10-6, 10-7, 10-10, 10-12, 10-13, 10-18, 10-23, 10-24, 10-25, 10-27, 10-32, 10-34, 10-37, 10-38, 10-50, 10-54, 10-56, 10-62, 10-64, 10-73, 10-75, 10-76, 10-79, 10-80, 10-81, 10-82,	Openreach Limited confirmed on 28 November 2022 that the protective provisions contained in Schedule 14 of the draft DCO is acceptable and specific protective provisions are not required.	No agreement required.
Associated British Ports Limited	Category 1 (Occupiers or Reputed Occupiers)	(a) Permanent b) Temporary	(a) - (b) -	ABP confirmed by email on 13 January 23 that protective provisions would not be required.	No agreement/protective provisions required.

		c) Rights and Temporary	(c) -		
SECTION 2 – Protected provisions agreed					
SECTION 3 – Engagement/Negotiation underway of protected provisions/agreement					
Network Rail Infrastructure Limited	Category 1 (Freehold or Reputed Freehold Owners, Occupiers or Reputed Occupiers)	a) Permanent b) Temporary c) Rights and Temporary	(a) - (b) - (c) 2-6, 8-3	Discussions have been ongoing between the parties. The Applicant has reviewed the draft protective provisions and these were sent to NR on 17 November 2022 for comment. The Applicant has received further comments and provided a further response to NR on 15 December 2022 on the protective provisions on 23 January 2023 and responded to NR on 3 February 2023. A response from NR is awaited. The Applicant has received further comments and will be responding to NR shortly after Deadline 3. will continue to liaise with NR's solicitor's until agreement is reached.	Engagement/Negotiation underway leading to development of protected provisions.

Anglian Water Services Limited	Category 2 (and in relation to easements)	<p>a) Permanent</p> <p>b) Temporary</p> <p>c) Rights and Temporary</p>	<p>(a) 4-9, 4-11, 4-12, 4-20, 4-24, 4-28, 4-31, 4-32, 4-47, 4-49, 4-50, 4-53, 4-58, 4-60, 4-61, 4-62, 4-65, 4-66, 4-68, 4-69, 4-70, 4-73, 4-77, 4-78, 4-83, 4-84, 4-85, 4-86, 4-101, 4-102, 4-107, 4-108, 4-109, 5-3, 5-4, 5-5, 5-6, 5-9, 5-14, 5-15, 5-16, 5-17, 5-20, 5-21, 5-34, 5-35, 5-48, 5-52, 5-70, 5-84, 5-85, 5-86, 5-87, 5-88, 6-22, 6-24, 7-2, 8-16</p> <p>(b) 4-72, 6-25, 10-41, 10-45, 10-72</p> <p>(c) 4-2, 4-5, 4-6, 4-8, 4-17, 4-19, 4-22, 4-23, 4-25, 4-26, 4-27, 4-33, 4-34, 4-41, 4-81, 4-87, 4-88, 4-98, 5-23, 5-24, 5-33, 5-36, 5-55, 5-56, 5-58, 5-60, 5-61, 5-62, 5-65, 5-66, 5-67, 5-68, 5-69, 6-1, 6-2, 6-3, 8-2, 8-3, 8-4, 8-5, 8-6, 8-7, 10-4, 10-5, 10-6, 10-7, 10-10, 10-13, 10-18, 10-37, 10-38, 10-73, 10-75, 10-76, 10-79, 10-80</p>	<p>Discussions with Anglian Water Services Limited are ongoing.</p> <p>Anglian Water provided its draft proposed protective provisions on 31 October 2022. The Applicant reviewed these and provided comments to Anglian Water on 11 November 2022. Anglian Water has since requested further amendments on 28 November 2022, on which the Applicant provided further comments on 14 December 2022. The Applicant is awaiting comments back in response from Anglian Water and is continuing to chase.</p> <p>The Applicant and AW are in the process of arranging a meeting to discuss the protective provisions with this currently due to be held during w/c 20 February.</p> <p>The Applicant will continue to liaise with AW until agreement is reached.</p>	Engagement/Negotiation underway leading to development of protected provisions.

Northern Powergrid (Yorkshire) Plc	<p>Category 1</p> <p>(Lessees or Tenants or Reputed Lessees or Tenants or Occupiers or Reputed Occupiers)</p>	<p>a) Permanent</p> <p>b) Temporary</p> <p>c) Rights and Temporary</p>	<p>(a) 5-17, 5-39, 5-85, 6-47</p> <p>(b) 9-6, 9-9, 9-10, 9-13, 9-15, 9-17, 9-33, 9-34, 9-40, 9-41, 9-42, 9-43, 9-44, 10-9, 10-15, 10-46, 10-47, 10-52, 10-58, 10-63, 10-67</p> <p>(c) 5-26, 5-36, 5-37, 9-5, 9-8, 9-14, 9-18, 9-19, 9-22, 9-29, 9-31, 9-32, 9-35, 10-12, 10-22, 10-24, 10-50, 10-53, 10-56, 10-62, 10-64</p>	<p>The Applicant is in discussions with Northern Power Grid (Yorkshire) Plc.</p> <p>The Applicant has reviewed the draft protective provisions and a draft side deed and reverted to NPG's solicitors on 15 November 2022.</p>	<p>Engagement/Negotiation underway leading to development of protected provisions.</p>
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	<p>Category 2 (and in relation to easements)</p>	<p>a) Permanent b) Temporary c) Rights and Temporary</p>	<p>(a) 4-11, 4-20, 4-28, 4-29, 4-32, 4-51, 4-53, 4-58, 4-60, 4-73, 4-75, 4-77, 4-78, 4-80, 4-85, 4-86, 4-89, 4-93, 4-106, 5-3, 5-4, 5-5, 5-6, 5-11, 5-14, 5-15, 5-16, 5-17, 5-18, 5-20, 5-21, 5-22, 5-35, 5-40, 5-43, 5-46, 5-51, 5-52, 5-63, 5-70, 5-71, 5-72, 5-73, 5-74, 5-75, 5-78, 5-83, 5-84, 5-85, 5-86, 5-88, 6-4, 6-41, 6-47, 6-49, 6-63, 7-1, 8-10, 8-16</p> <p>(b) 6-26, 6-27, 6-44, 6-46, 6-48, 9-3, 9-6, 9-7, 9-9, 9-10, 9-13, 9-15, 9-17, 9-33, 9-34, 9-36, 9-40, 9-41, 9-42, 9-43, 9-44, 9-45, 10-9, 10-15, 10-41, 10-45, 10-46, 10-47, 10-51, 10-52, 10-58, 10-59, 10-63, 10-65, 10-66, 10-67, 10-71, 10-72</p> <p>(c) 4-1, 4-2, 4-3, 4-4, 4-5, 4-6, 4-8, 4-13, 4-16, 4-17, 4-18, 4-19, 4-22, 4-23, 4-25, 4-27, 4-33, 4-34, 4-38, 4-87, 4-88, 4-98, 5-7, 5-8, 5-19, 5-23, 5-24, 5-25, 5-27, 5-28, 5-29, 5-30, 5-31, 5-32, 5-33, 5-36, 5-37, 5-55, 5-56, 5-58, 5-59, 5-60, 5-62, 5-64, 5-65, 5-66, 5-67, 5-68, 5-76, 5-82, 6-1, 6-2, 6-3, 8-1, 8-2, 8-3, 8-8, 9-1, 9-4, 9-5, 9-8, 9-14, 9-18, 9-19, 9-22, 9-26, 9-27, 9-29, 9-31, 9-32, 9-35, 9-37, 10-1, 10-2, 10-3, 10-4, 10-5, 10-6, 10-7, 10-10, 10-12, 10-13, 10-18, 10-22, 10-23, 10-24, 10-26, 10-27, 10-28, 10-30, 10-31, 10-32, 10-34, 10-37, 10-38, 10-50, 10-53, 10-54, 10-56, 10-57, 10-61, 10-62, 10-73, 10-75, 10-76, 10-79, 10-80, 10-81, 10-82</p>	<p>The Applicant received comments on the draft protective provisions from NPG's solicitors on 12 January 2023, which the Applicant is reviewing and will revert shortly after deadline 3further comments from NPG's solicitor on 30 January and the Applicant responded to these on 7 February.</p> <p>The Applicant will continue to liaise with NPG's solicitor's until agreement is reached.</p>	
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Severn Trent Water Limited	Category 1 (Freehold or Reputed Freehold Owners, Occupiers or Reputed Occupiers)	a) Permanent b) Temporary c) Rights and Temporary	(a) 5-63 (b) - (c) 4-105	The Applicant is in discussions with the undertaker. Severn Water advised the Applicant that they have instructed their legal team in relation to the protective provisions.	Engagement/Negotiation underway leading to development of protected provisions.
	Category 2 (and in relation to easements)	a) Permanent b) Temporary c) Rights and Temporary	(a) 4-78, 4-85, 4-86, 4-89, 5-63, 5-84, 5-85, 5-88, 6-17, 6-20, 6-23, 6-35 (b) 6-25, 6-26, 6-27, 10-46, 10-47, 10-67 (c) 4-34, 4-87, 4-88, 5-19, 5-23, 5-24, 5-33, 5-36, 5-55, 5-56, 5-58, 5-59, 5-62, 5-64, 5-65, 5-82, 5-89, 5-90, 6-1, 6-2, 6-3, 6-11, 6-34, 10-3, 10-6, 10-10, 10-50	The Applicant has sent various emails to the party chasing a response. The last email the Applicant sent was dated 9 January 2023 2 February 2023 and the Applicant is awaiting a response . The Applicant is currently awaiting a response. The Applicant will continue to liaise with Severn Water.	
Scunthorpe & Gainsborough Water Management Board	Category 1 (Freehold or Reputed Freehold Owners, Lessees or Tenants or Reputed Lessees or Tenants)	a) Permanent b) Temporary c) Rights and Temporary	(a) 4-67, 4-71, (b) - (c) -	The Applicant received a response from the undertaker on 7 December 2022 to confirm that specific provisions are required. The Following discussions the Applicant is considering believes it has addressed the comments received from the Water Management Board and will respond shortly after deadline 3 responded through correspondence on 25 January 2023 . The	Engagement/Negotiation underway leading to development of protected provisions.
	Category 1 (Occupiers or Reputed Occupiers)	a) Permanent b) Temporary c) Rights and Temporary	(a) 4-11, 4-28, 4-53, 4-54, 4-73, 4-74, 4-75, 4-83, 4-84, 4-85, 4-89, 5-77 (b) (c) 2-14, 3-11, 3-13, 4-34		

	Category 2 (and in relation to easements)	a) Permanent b) Temporary c) Rights and Temporary	(a) 4-60, 4-64, 4-65, 4-66, 5-20 (b) - (c) -	Applicant is seeking confirmation from SGWMB that protective provisions are no longer required and the last chaser was sent on 7 February 2023.	
Cadent Gas Limited	Category 1 (Occupiers or Reputed Occupiers)	a) Permanent b) Temporary c) Rights and Temporary	(a) 4-28, 4-45, 4-73, 4-75, 4-78, 4-79, 4-80, 5-5, 5-11, 5-35, 5-85, 5-86, 5-88 (b) 10-52, 10-55, 10-66, 10-67 (c) 4-27, 4-76, 5-36, 5-37, 5-55, 5-56, 5-58, 5-60, 5-62, 5-64, 5-89, 10-50, 10-53, 10-54	Cadent Gas confirmed on 4 December 2022 that solicitors have been instructed to act for them in relation to protective provisions. The Applicant has received draft protective provisions from and Cadent Gas' solicitors which the Applicant is reviewing and aims to respond shortly after deadline 3 solicitors have been liaising over the form of protective provisions. The Applicant responded to Cadent on the third turn of the draft on 6 February and a response is awaited from Cadent.	Engagement/Negotiation underway leading to development of protected provisions.
	Category 2 (and in relation to easements)	a) Permanent b) Temporary c) Rights and Temporary	(a) 4-28, 4-31, 4-45, 4-73, 4-75, 4-78, 4-79, 4-80, 5-5, 5-11, 5-35, 5-49, 5-50, 5-51, 5-52, 5-63, 5-70, 5-71, 5-72, 5-84, 5-85, 5-86, 5-88, 6-8, 6-22, 6-24 (b) 6-26, 6-27, 9-10, 9-17, 9-34, 9-42, 9-43, 10-41, 10-45, 10-46, 10-52, 10-55, 10-66, 10-67, 10-72 (c) 3-19, 3-26, 4-17, 4-26, 4-27, 4-38, 4-39, 4-76, 5-8, 5-19, 5-23, 5-24, 5-25, 5-33, 5-36, 5-37, 5-55, 5-56, 5-57, 5-58, 5-59, 5-60, 5-62, 5-64, 5-65, 5-66, 5-67, 5-76, 5-77, 5-82, 5-89, 9-11, 9-12, 9-19, 9-20, 9-22, 9-28, 9-29, 9-35, 10-3, 10-4, 10-6, 10-7, 10-30, 10-31, 10-32, 10-34, 10-50, 10-53, 10-54, 10-56, 10-73, 10-81, 10-82	 The Applicant will continue to liaise with Cadent Gas to reach agreement.	

National Highways Limited	Category 1 (Occupiers or Reputed Occupiers)	(a) Permanent b) Temporary c) Rights and Temporary	(a) - (b) 2-11, 3-2, 3-10 (c) 2-9, 3-3, 3-9, 3-21, 3-22, 3-25	The Applicant and NH's technical teams met on 21 November to discuss the scheme further. The Applicant received confirmation that the Scheme does not impact on the strategic road network (SRN) from NH during that meeting. The Applicant and NHs legal advisers have since corresponded and are in discussions in relation to the extent of the protection required for NH. <u>NH has confirmed that protective provisions are not required.</u> <u>However, NH has confirmed a Side Agreement is required. The Applicant provided a draft agreement to NH for review on 7 February 23.</u>	Engagement/Negotiation underway leading to development of protected provisions <u>side agreement.</u>
	Category 2 (and in relation to easements)	(a) Permanent b) Temporary c) Rights and Temporary	(a) - (b) 2-11, 3-2, 3-10, (c) 2-9, 3-3, 3-9, 3-21, 3-22. 3-25		

SECTION 4 – Parties contacted and invited to commence negotiation of protected provisions

Associated British Ports Limited	Category 1 (Occupiers or Reputed Occupiers)	(a) Permanent b) Temporary c) Rights and Temporary	(a)- (b)- (c)-	The Applicant has written to ABP on a number of occasions following ISH1 to discuss the possibility of providing protective provisions for the benefit of ABP. The Applicant last wrote to ABP on 12 January 2023 and a response is awaited.	Parties contacted and invited to commence negotiation of protected provisions and/or agreement
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