



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

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STATUS OF NEGOTIATIONS WITH STATUTORY UNDERTAKERS - DEADLINE [78](#)

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
Rev 3	February 2023	Deadline 5
Rev 4	March 2023	Deadline 6
Rev 5	April 2023	Deadline 7
Rev 6	April 2023	Deadline 8

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	3 4
SECTION 2 – Agreement Completed/Protective Provisions agreed and PINS notified	4 3
SECTION 3 – Engagement/Negotiation underway in respect of protected provisions and/or agreement	5 2

- 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.
- 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) -		
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)	SGWMB confirmed by an email dated 13 February 2023 that protective provisions are not required.	No agreement/protective provisions required.
	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)		
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. The Applicant has sent various emails to the party chasing a response. The last email the Applicant sent was dated 20 February 2023 and the Applicant received a holding response on 21 February. The Applicant is currently	Severn Trent Water may rely upon the protective provisions contained in Part 1 of Schedule 14 of the draft DCO.
	Category 2 (and in relation to easements)	a) Permanent b) 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		

		c) Rights and Temporary	(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	awaiting a substantive response and will continue to liaise with Severn Water. As advised by the Examining Authority at CAH1, the Applicant has written to Severn Water's Company Secretary on 17 March 2023 inviting any comments on the protective provisions. The Applicant has not received any comments from Severn Trent in response.	
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SECTION 2 – Protected provisions /[Agreement](#) agreed

Anglian Water Services Limited	Category 2 (and in relation to easements)	a) Permanent b) Temporary c) Rights and Temporary	(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 (b) 4-72, 6-25, 10-41, 10-45, 10-72 (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	The protective provisions with AW were agreed on 28 February 2023.	Protective Provisions agreed.
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SECTION 3 – Engagement/Negotiation underway of protected provisions/agreement

<p>Network Rail Infrastructure Limited</p>	<p>Category 1 (Freehold or Reputed Freehold Owners, Occupiers or Reputed Occupiers)</p>	<p>a) Permanent b) Temporary c) Rights and Temporary</p>	<p>(a)- (b)- (c) 2-6, 8-3</p>	<p>Discussions have been ongoing between the parties. The Applicant received further comments on the protective provisions on 23 January 2023 and responded to NR on 3 February 2023. A response from NR is awaited. The Applicant's received comments back from NR on 14 March 2023 on the Framework Agreement and the protective provisions. The protective provisions are largely agreed save for one outstanding point which the Applicant is considering.</p> <p>The Applicant hopes to revert to NR as soon as possible after Deadline 7.</p> <p>The Applicant will continue to liaise with NR's solicitor's until agreement is reached.</p>	<p>Engagement/Negotiation underway leading to development of protected provisions.</p>
<p>Northern Powergrid (Yorkshire) Plc</p>	<p>Category 1 (Lessees or Tenants or Reputed Lessees or Tenants or Occupiers or Reputed Occupiers)</p>	<p>a) Permanent b) Temporary c) Rights and Temporary</p>	<p>(a) 5-17, 5-39, 5-85, 6-47 (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 (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 received further comments from NPG's solicitor on 30 January and the Applicant provided a substantive response to these on 7 February.</p> <p>The Applicant is considering one outstanding point and hopes to revert to NPG as soon as possible after Deadline 7.</p>	<p>Engagement/Negotiation underway leading to development of protected <u>Protective</u> provisions <u>agreed</u>.</p>

				<p>The Applicant will continue to liaise with NPG's solicitor's until agreement is reached.</p> <p>The parties have reached agreement in relation to the protective provisions, and the agreed form have been included in the draft DCO submitted at Deadline 8.</p>	
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	<p>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 NH has confirmed that protective provisions are not required.</p> <p>However, NH has confirmed a Side Agreement is required. The parties have agreed the form of the side agreement and signatures are awaited.</p>	Agreement agreed and signatures awaited.
	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 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	<p>Discussions have been ongoing between the parties. The Applicant received further comments on the protective provisions on 23 January 2023 and responded to NR on 3 February 2023. A response from NR is awaited. The Applicant's received comments back from NR on 14 March 2023 on the Framework Agreement and the protective provisions. The protective provisions are largely agreed save for</p>	Engagement/Negotiation underway leading to development of protected provisions.

				<p><u>one outstanding point which the Applicant is considering.</u></p> <p><u>The Applicant is awaiting a response from NR in relation to one outstanding point in the protective provisions. The Applicant has submitted its preferred form of protective provisions in the DCO submitted at Deadline 8. The Applicant will continue to liaise with NR's solicitor's.</u></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>		
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<p>Severn Trent Water Limited</p>	<p>Category 1 (Freehold or Reputed Freehold Owners, Occupiers or Reputed Occupiers)</p>	<p>a) Permanent b) Temporary c) Rights and Temporary</p>	<p>(a) 5-63 (b)- (c) 4-105</p>	<p>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. The Applicant has sent various emails to the party chasing a response. The last email the Applicant sent was dated 20 February 2023 and the Applicant received a holding response on 21 February. The Applicant is currently awaiting a substantive response and will continue to liaise with Severn Water. As advised by the Examining Authority at CAH1, the Applicant has written to Severn Water's Company Secretary on 17 March 2023 inviting any comments on the protective provisions. The Applicant has not received any comments from Severn Trent in response.</p>	<p>Engagement/Negotiation underway leading to development of protected provisions.</p>
	<p>Category 2 (and in relation to easements)</p>	<p>a) Permanent b) Temporary c) Rights and Temporary</p>	<p>(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</p>		

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	The Applicant and Cadent Gas' 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 was received from Cadent on 21 February. The Applicant is considering two outstanding points and hopes to revert to Cadent as soon as possible after Deadline 7. <u>The Applicant has put its position to Cadent on the protective provisions and has submitted its preferred form of protective provisions in the DCO submitted at Deadline 8.</u>	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 to <u>attempt to</u> 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 NH's legal advisers have since corresponded and NH has	Engagement/Negotiation underway leading to development of side agreement.

				<p>confirmed that protective provisions are not required.</p> <p>However, NH has confirmed a Side Agreement is required. The Applicant provided a draft agreement to NH for review on 7 February 2023 and received comments on 20 February 2023.</p> <p>The Applicant provided further comments to NH on 13 April 2023 and a response is awaited.</p>	
	Category 2 (and in relation to easements)	<p>(a) Permanent</p> <p>b) Temporary</p> <p>c) Rights and Temporary</p>	<p>(a)-</p> <p>(b) 2-11, 3-2, 3-10,</p> <p>(c) 2-9, 3-3, 3-9, 3-21, 3-22, 3-25</p>		