



NORTH LINCOLNSHIRE GREEN ENERGY PARK

Planning Act 2008

Infrastructure Planning
(Applications Prescribed
Forms and Procedure)

Regulations 2009

Regulation 5(2)(q)

North Lincolnshire Green Energy Park

9.34 The Applicant's Case under Section
127 and 138 Planning Act 2008 –
Statutory Undertakers' Land

PINS reference: EN010116

April 2023

Revision number: 0



THE PLANNING ACT 2008

NORTH LINCOLNSHIRE GREEN ENERGY PARK

**THE APPLICANT'S CASE UNDER SECTION 127 AND 138 PLANNING ACT 2008 – STATUTORY
UNDERTAKERS' LAND**

THE APPLICANT'S CASE UNDER SECTION 127 AND 138 PLANNING ACT 2008 – STATUTORY UNDERTAKERS' LAND

1. INTRODUCTION

1.1 The Development Consent Order (**DCO**) application for the Scheme was submitted on 31 May 2022 by North Lincolnshire Green Energy Park Limited (the **Applicant**) and accepted for examination on 27 June 2022.

1.2 The DCO includes provision for the compulsory acquisition of rights in land, including the acquisition of interests and rights in “statutory undertakers’ land”, as defined in section 127 of the Planning Act 2008 as amended (the **Act**). As the DCO will affect statutory undertakers’ land, the Applicant acknowledges that section 127 of the Act is engaged by the DCO. Section 138 of the Act is also engaged as there are relevant rights benefitting statutory undertakers and relevant apparatus belonging to those undertakers.

1.3 This is the Applicant's case to demonstrate that there is no serious detriment arising from the acquisition of any land owned by a statutory undertaker and that the extinguishment of the relevant right removal is necessary for the purpose of carrying out the development.

1.4 Section 127 of the Planning Act

1.4.1 Section 127 applies to land (statutory undertakers’ land) if:

- (a) the land has been acquired by a statutory undertaker for the purposes of its undertaking;
- (b) a representation has been made, and not withdrawn about an application for development consent; and
- (c) the Secretary of State is satisfied that
 - (i) the land is used for the purposes of carrying on the statutory undertakers’ undertaking; or
 - (ii) an interest in land is held for those purposes.

1.4.2 If the representations have not been withdrawn and the Secretary of State is satisfied that the land or an interest in the land is used for the purposes of carrying on a statutory undertaking, then the DCO may include provision authorising the compulsory acquisition of a right over statutory undertakers’ land by the creation of a new right over land only to the extent that the Secretary of State is satisfied that the requirements of section 127 have been met.

1.4.3 In these circumstances the DCO may only include a provision authorising the compulsory acquisition of statutory undertakers’ land or of a right over statutory undertakers’ land by the creation of a new right over land where the Secretary of State is satisfied that:

- (a) the land or right may be purchased and not replaced without serious detriment to the carrying on of the undertaking; or
- (b) it can be replaced with other land belonging to, or available for acquisition by, the undertaker without serious detriment to the carrying on of the undertaking.

1.5 Section 138 of the Planning Act 2008

1.5.1 Section 138 applies to land if:

- (a) there subsists over the land a relevant right; or

- (b) there is on, under or over the land relevant apparatus.
- 1.5.2 Section 138 also provides that a DCO 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 DCO relates.
- 1.5.3 The DCO also includes the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers, and as such the Applicant believes that section 138 of the Act is also engaged by the DCO.

1.6 Position with Statutory Undertakers

- 1.6.1 Since the inception of the Scheme the Applicant has been working with various statutory undertakers whose interests are affected to seek to agree protection for their interests.
- 1.6.2 The current position with the affected statutory undertakers is as follows:
 - (a) Openreach Limited, Associated British Ports Limited and Scunthorpe & Gainsborough Water Management Board have confirmed that specific protective provisions are not required and the generic protective provisions contained with Part 1 of Schedule 14 of the DCO (REP6-004) are sufficient to protect their undertakings.
 - (b) The Applicant has agreed protective provisions with Anglian Water Services Limited and Northern Powergrid (Yorkshire) Plc. This will be contained in the draft DCO (Document 3.1) that is to be submitted at Deadline 8.
 - (c) National Highways Limited has confirmed that the strategic road network is not affected and protective provisions are not required. The Applicant has also reached agreement with National Highways in respect of its land interests.
 - (d) The Applicant has not received any comments from Severn Trent Water Limited in response to whether the protective provisions contained within the DCO are sufficient to protect their undertaking. As advised by the Examining Authority at CAH1, the Applicant wrote to the Company Secretary Severn Trent Water on 17 March 2023 inviting any comments on the protective provisions. The Applicant has not received any comments to date. Severn Trent Water will be able to rely on the generic protective provisions contained within Part 1 of Schedule 14 of the DCO (REP6-004).
 - (e) Network Rail Infrastructure Limited (**NRIL**) has interests affected by Scheme. NRIL submitted a relevant representation and the Applicant has been in discussions with NRIL since before the submission of the Application. All points in the proposed protective provisions are agreed between the parties, save for one point. Further detail is contained at paragraph 3.19 of this statement; and
 - (f) Cadent Gas Limited (**Cadent**) also has interests affected by the Scheme. Cadent submitted a relevant representation and the Applicant has been discussions with Cadent with a view to agreeing protective provisions. All points in the proposed protective provisions have been agreed between the parties, save for two points that remain outstanding. Further details are contained at paragraph 3.9 of this statement.
- 1.6.3 For the purposes of section 127, the Applicant's position is that whilst this is engaged, adequate protection for the benefit of the affected statutory undertakers is provided for as set out above. As such, the Applicant's position is that section 127(3)(a) is engaged in that the statutory undertaker land subject to compulsory acquisition can be purchased and not replaced without serious detriment to the carrying on of the undertaking. As such under section 127(2) the development consent order may include provision authorising the compulsory acquisition of that statutory undertakers' land.

- 1.6.4 The Applicant's position in relation to NRIL and Cadent is set out in further detail in this statement.
- 1.7 The following documents were submitted as part of the DCO application and are relied upon to support the Applicant's position in respect of sections 127 and 138 of the Act:
- 1.7.1 Statement of Reasons (REP5-011);
 - 1.7.2 Draft Development Consent Order (REP6-004);
 - 1.7.3 Land Plans (REP2-014);
 - 1.7.4 Indicative Utility Diversions Drawings (REP3-010);
 - 1.7.5 Works Plans (REP5-013, REP5-014 and REP5-015); and
 - 1.7.6 Book of Reference (REP5-009).
- 1.8 The DCO, if made, would grant compulsory acquisition powers (Part 4 of the DCO). The Statement of Reasons sets out the justification for seeking compulsory purchase powers within the DCO.

2. PROPOSED WORKS

2.1 Cadent Gas

- 2.1.1 The works which are proposed over Cadent's Land in connection with the proposed development include the following as shown on the Indicative Utility Diversion Drawings:
- (a) Power Diversion 1 - a proposed 11kv underground line diversion;
 - (b) Power Diversion 2 – 11kv overhead cable to be diverted, proposed diversion and undergrounding of 11kv cable and section of 11kv overhead cable to be removed;
 - (c) Power Diversion 3 - existing 11kv overhead cable to be removed which runs through the Visitor Centre. Diversion and undergrounding of 11kv cable, and exiting 11kv overhead cable to be removed;
 - (d) Power Diversion 4 by the Switchyard – Proposed diversion and undergrounding of existing 11kv and existing 11KV overhead cable to be removed as impacts new substation;
 - (e) Other works and decommissioning of gas mains as shown on the Indicative Utility Diversion Drawings and at Appendix 1.

2.2 NRIL

- 2.2.1 The works which are proposed over NRIL's Land in connection with the proposed development include:
- (a) Work No 10 (Private Wire Network) and Work No 11 (District Heating) - the DHPWN route crosses the railway line between Scunthorpe and Althorp (Plot 2-6). At Plot 2-6 rights are sought to install, retain, maintain, repair and replace the pipes, cables, fibre optic cables and potential ducts for the DHPWN.
 - (b) Works No 3 (Railway Reinstatement Works) - The Railway Reinstatement works will be carried out on a linear route between the main Network Rail line at Dragonby and the Wharf at Flixborough

3. SECTION 127 APPLICATION

3.1 Section 127 applies where a statutory undertaker makes a representation (which is not withdrawn). In these circumstances the DCO may only include a provision authorising the compulsory acquisition of statutory undertakers' land¹ where the Secretary of State is satisfied that the land may be purchased and not replaced without serious detriment to the carrying on of the undertaking or it can be replaced with other land belonging to or available for acquisition by the undertaking without serious detriment to the carrying on of the undertaking. Section 127(2) and (3) are set out below:

(2) An order granting development consent may include provision authorising the compulsory acquisition of statutory undertakers' land only to the extent that the Secretary of State is satisfied of the matters set out in subsection (3).

(3) The matters are that the nature and situation of the land are such that—

*(a) it can be purchased and not replaced **without serious detriment** to the carrying on of the undertaking, or*

*(b) if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers **without serious detriment** to the carrying on of the undertaking.*

3.2 Section 127(5) and (6) of the Act contain equivalent wording in respect of acquiring rights over statutory undertaker's land.

(5) An order granting development consent may include provision authorising the compulsory acquisition of a right over statutory undertakers' land by the creation of a new right over land only to the extent that the Secretary of State is satisfied of the matters set out in subsection (6).

(6) The matters are that the nature and situation of the land are such that—

*(a) the right can be purchased **without serious detriment** to the carrying on of the undertaking, or*

(b) any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them.

3.3 There is no statutory definition of "serious detriment." The test for "serious detriment" is wide and holistic and is more than a mere disadvantage. In the Examiner's Recommendation Report in the Lake Lothing (Lowestoft) Third Crossing Development Consent Order 2020, the Inspector recognised at paragraph 8.5.138 "that serious detriment is a matter of judgement on the scale of impact on the undertaking and that the decision maker should take a holistic approach."

3.4 Cadent

3.5 Cadent is not the freehold owner of any land affected by the Scheme. Cadent does, however, have category 2 rights and access rights over some of the Plots contained within the Book of Reference and Land Plans, and over which compulsory acquisition and temporary possession powers are being sought by the Applicant. In addition, section 127 is engaged as Cadent's apparatus is to be decommissioned as part of the proposed development as shown on the Indicative Utility Diversion Drawings.

3.6 The Applicant has been negotiating with landowners to acquire their land, or rights in land by agreement. In relation to Cadent's interests the Applicant does not consider it necessary to replace

¹ For the purposes of sections 127 and 138 of the Planning Act 2008 "land" includes any interest or right in land – see section 159 Planning Act 2008

the land over which rights are required for the Project and submits that the interest sought in land can be purchased and not replaced without serious detriment to the carrying on of Cadent's undertaking.

3.7 Please see Appendix 1 which lists those plots in which the Applicant is seeking:

3.7.1 permanent acquisition of land;

3.7.2 acquisition of new rights; and

3.7.3 temporary possession of land.

3.8 The new rights which are being sought over land in which Cadent has an interest in respect of each plot is detailed in Appendix 1 and in the DCO. These are:

3.8.1 full cable rights & cable rights in highways;

3.8.2 utility works;

3.8.3 highway works;

3.8.4 drainage rights;

3.8.5 access tracks (public rights of way); and

3.8.6 landscaping access rights.

3.9 The Applicant is of the view that the land in which Cadent has an interest can be purchased or rights acquired over the land without serious detriment to the carrying out of Cadent's undertaking for the following reasons:

3.9.1 Protective Provisions have been substantially agreed with Cadent save for the inclusion of a cap on an indemnity by the undertaker and Cadent's preference for a form of security in the sum of £50 million to be provided by the undertaker to Cadent in addition to the provision of insurance. The Applicant has submitted its preferred Protective Provisions in the DCO submitted at deadline 8. The Applicant has agreed to provide Cadent with third party liability insurance at £50 million (and for which Cadent would be a co-insured party), and has included an indemnity in favour of Cadent capped at £50 million but Cadent's preference for the provision of security for £50 million has not been agreed on the basis of the following:

- (a) The Applicant is of the view that it is not achievable, could hinder the ability to carry out works and can lead to delays if the Applicant is unable to deliver the security in time as it is a pre-condition on commencement of the development. Given the number of Cadent's interests in the Order limits this could be quite far-reaching and could lead to practical problems in delivering the Scheme. The Applicant has attempted to limit this pre-commencement condition to only the land in which Cadent has an interest but this was not accepted;
- (b) The Applicant is unable to obtain security in the form of a bond or letter of credit in the current market from a creditor in the sum of £50 million and as such Cadent's request is unachievable.
- (c) The Applicant is to provide a form of security under Article 22 of the Order before it can exercise any compulsory acquisition powers. Article 22(3) states that the guarantee or security is to be treated as enforceable against the guarantor or person providing the alternative form of security by any person to whom compensation is payable. Cadent would be able to rely on such security or guarantee should there be any claim arising out of the acquisition of their interests. The requirement to provide additional security is unnecessary.

- (d) Any works required for the interface with Cadent's assets would be carried out by Cadent or their approved contractors. This is envisaged within the protective provisions (which have been agreed saved as discussed above) contained within the DCO for the benefit of Cadent.
- 3.9.2 Cadent's request for an uncapped indemnity is onerous as Cadent has a significant number of plots in which it has an interest in respect of apparatus and access rights. However, there are no diversions of Cadent's apparatus and only plots 5-49 – 5-52 (inclusive) have gas mains which are to be decommissioned as part of the Scheme. In relation to apparatus to be decommissioned, the protective provisions with the Cadent, which have been substantively agreed (save as discussed above), contain provisions relating to the decommissioning of apparatus and any decommissioning works are to be carried out by Cadent.
- 3.9.3 In so far as the Applicant is able to agree to Cadent's amendments, the Applicant has sought to do so.
- 3.9.4 On the basis of the above, ***the Applicant's view is that there would be no serious detriment to Cadent, and any interference can be minimised through the protective provisions to be included in the DCO.*** The points which are not agreed with Cadent in the protective provisions relate to commercial points. A level of protection and indemnity is being provided to Cadent, however, the Applicant seeks that this is capped at £50 million, which is a significant level.
- 3.9.5 The Applicant considers that there would be no serious detriment to Cadent's undertaking if it were to acquire these rights and interests in the land and that the criteria in section 127 is satisfied.
- 3.9.6 The Applicant's acquisition of rights are limited in nature and are only to taken in so far as necessary for the development. For example, any right of entry is granted only for the purposes of construction, installation, operation, maintenance and decommissioning of the authorised development.
- 3.9.7 In addition, the Applicant will work with Cadent regarding its operational requirements and has included protective provisions at Schedule 14 of the draft DCO with a view to protecting Cadent's interests. As a result, it is the Applicant's view that any interference caused (if at all) will not be a serious detriment to Cadent carrying on its undertaking.
- 3.9.8 As the rights to be acquired will co-exist with those of Cadent's and, for the most part, cause minimal interference with Cadent's undertaking, the Applicant does not consider it necessary to replace the land over which interests are required for the proposed development.
- 3.10 The procedure and test under section 127(5) only applies to the compulsory acquisition of a right, so is not engaged by plots subject to Articles 31 and 32 of the DCO (temporary use). Therefore, any plots in which Cadent has an interest and which are to be temporarily possessed do not need to meet the test in section 127(5) and section 127(6) and accordingly there is no need for the Secretary of State to be satisfied that there is no serious detriment.
- 3.11 The Applicant will continue to engage with Cadent to seek to reach agreement on the protective provisions but this statement sets out the final position.
- 3.12 Network Rail Infrastructure Limited**
- 3.13 No compulsory acquisition of NRIL's freehold land is required or sought, but the Applicant is seeking rights in land owned by NRIL.
- 3.14 There are two interactions with land held by NRIL as part of the Scheme:

- 3.14.1 the Railway Reinstatement Works at Dragonby Sidings (Work No 3) which involves the acquisition of new rights in Plot 8-3. New rights are required for the purpose of connecting into the existing railway sidings and carrying out any signalling upgrades to the railway; and
- 3.14.2 the crossing of the Crowle to Scunthorpe railway line by the Southern DHPWN (Plot 2-6) (Work Nos. 10 and 11). It is necessary to install the relevant apparatus under the existing railway line owned by NRIL as part of these works. The new rights proposed to be acquired are for major crossings for the purposes of construction, installation, operation, maintenance and decommissioning of the authorised development.
- 3.15 In respect of the rights required over Plot 8-3, no physical works are proposed to be carried out on this land. The rights are required in order to allow NLGEP to carry out any updates to the signalling required for the railway. It is likely that in practice these works would be carried out by NRIL but the Applicant requires the power to go onto the land and carry these out in order to be able to operate the Scheme pursuant to the DCO. The Applicant does not consider that such works would cause any serious detriment to NRIL carrying out their undertaking.
- 3.16 In respect of Plot 2-6, rights are required to allow for the horizontal directional drilling (HDD) under the existing railway for the installation of the Southern DHPWN (Work Nos. 10 and 11). No works are proposed to the railway line itself that would cause an interruption to the use of the railway line. NRIL will not consent to any works in or around the railway without the parties having first entered into the relevant asset protection agreement. This type of agreement would be required regardless of whether the Applicant were applying for a DCO and/or compulsory acquisition powers.
- 3.17 The Applicant considers that there would be no serious detriment to NRIL's undertaking if it were to acquire these rights and interests because the rights would co-exist within the plots affected alongside those of NRIL's and, for the most part, the rights would cause minimal interference to NRIL's undertaking.
- 3.18 The Applicant's acquisition of rights are limited in nature and are only taken in so far as necessary for the development. For example, any right of entry is granted only for the purposes of construction, installation, operation, maintenance and decommissioning of the authorised development.
- 3.19 The Applicant has largely agreed the protective provisions save for the level of indemnity which the Applicant is seeking to cap at £50 million rather than an uncapped indemnity. NRIL's request for uncapped indemnity may be seen as disproportionate given that only two plots (Plot 2-6 and 8-3) are affected and would require the Applicant to self-insure against liability in excess of the insurance cover available to the Applicant.
- 3.20 In addition, the Applicant will work with NRIL regarding its operational requirements and has included protective provisions at Schedule 14 of the draft DCO with a view to protecting NRIL's interests. As a result, it is the Applicant's view that any interference caused (if at all) will not be a serious detriment to Cadent carrying on its undertaking.
- 3.21 As the rights to be acquired will co-exist with those of NRIL's, there is protection in the form of protective provisions contained in Schedule 14 of the Order and, for the most part, cause minimal interference with NRIL's undertaking, the Applicant does not consider it necessary to replace the land over which interests are required for the proposed development.
- 3.22 Therefore, the Applicant's view is that there would be no serious detriment to NRIL carrying out its undertaking.

4. SECTION 138 APPLICATION

- 4.1 Section 138 is relevant as the DCO authorises the acquisition of land and there is: (a) relevant rights over the land; or (b) relevant apparatus is on, under or over the land.

4.2 Section 138 (4) provides that a DCO 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 DCO relates.

4.3 Cadent

4.4 In the Applicant's view, extinguishing Cadent's rights or removal of Cadent's apparatus is necessary and the proposed development and works could not be completed without the extinguishment of the rights and/or removal or repositioning of apparatus.

4.5 However, that being said, the inclusion of Protective Provisions (which have largely been agreed with Cadent) in the DCO means that Cadent's rights are protected and the undertaker is required to agree with Cadent before any rights are interfered with. As such Cadent's rights will not be affected to the detriment of its ability to carry out its undertaking.

4.6 The Applicant's view is that the extinguishing of the rights is necessary in order for NLGEP to carry out the development.

4.7 In the absence of a private agreement, it is still necessary to seek compulsory acquisition powers in the DCO to ensure that the Applicant is able to deliver the proposed development.

4.8 NRIL

4.9 The Applicant is not seeking to extinguish any of NRIL rights or remove its apparatus, therefore, the Applicant is of the view that section 138 does not apply in relation to NRIL.

5. CONCLUSION

5.1 Given the need for the proposed development (please see the case as set out in the Statement of Reasons), it is considered that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO.

5.2 For the reasons set out in this application, it is the Applicant's position that:

5.2.1 pursuant to section 127 of the Act, the Secretary of State can be satisfied that the prescribed tests of section 127 have been met and that the land in which Cadent and NRIL have interests may be included for compulsory acquisition in the DCO.

5.2.2 pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to Cadent is necessary for the purpose of carrying out the proposed development but for which Cadent has protection in the form of protective provisions so that the test of section 138 has therefore been met.

Appendix 1 – Plots in which Cadent has an interest

Plots	CA Type	Cadent's interest	Utility Diversion Sheet	How affects the development
3-19	New rights – Full cable rights	Category 2 – apparatus & restrictive covenant	n/a	No effect
3-26	New rights - Full cable rights	Category 2 – apparatus & restrictive covenant	n/a	No effect
4-17	New rights- Cable rights in highways & utility works	Category 2 – apparatus	Sheet 4	A proposed 11kv underground line diversion near the new roundabout by Neap House
4-26	New rights - utility works	Category 2 – apparatus	Sheet 4	Existing Cadent IP Gas main & proposed 11kv underground line diversion near the new roundabout by Neap House
4-27	New rights - Cable rights in highways and highway works	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 4	Power Diversion 1 - a proposed 11kv underground line diversion near the new roundabout by Neap House
4-28	Freehold acquisition	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 4	Existing 132kv Overhead cable line near Battery Storage
4-31	Freehold acquisition	Category 2 – apparatus	Sheet 4	Existing 132kv Overhead cable line & a proposed 11kv underground line diversion

Plots	CA Type	Cadent's interest	Utility Diversion Sheet	How affects the development
4-38	New rights - Cable rights in highways & utility works	Category 2 – apparatus	Sheet 4	Existing Cadent MP Gas main & Existing 132kv Overhead cable line
4-39	New rights - Cable rights in highways & utility works	Category 2 – apparatus	Sheet 4	Existing Cadent MP Gas main & Existing 132kv Overhead cable line
4-45	Freehold acquisition	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 4	Existing 11kv Overhead cable line through the parcel
4-73	Freehold acquisition	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 4	Power Diversion 2 – 11kv overhead cable to be diverted, proposed diversion and undergrounding of 11kv cable and section of 11kv overhead cable to be removed.
4-75	Freehold acquisition	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 4	No apparatus
4-76	New rights – drainage rights	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 4	Existing Cadent IP Gas main runs through parcel.
4-78	Freehold acquisition	Category 1 – occupier (access)	Sheet 4	No apparatus.

Plots	CA Type	Cadent's interest	Utility Diversion Sheet	How affects the development
		Category 2 – apparatus & restrictive covenant		
4-79	Freehold acquisition	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 4	Existing Cadent IP Gas main runs through parcel.
4-80	Freehold acquisition	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 4	Proposed comms network may potentially affect this.
5-5	Freehold acquisition	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 5	Power Diversion 3 - Existing 11kv Overhead cable to be removed which runs through the Visitor Centre. Diversion and undergrounding of 11kv cable, and exiting 11kv overhead cable to be removed.
5-8	New rights - drainage rights	Category 2 – apparatus & restrictive covenant	Sheet 5	Existing 33kv Overhead cable line runs through – far enough from the Plastics Recycling centre
5-11	Freehold acquisition	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 5	Existing 33kv Overhead cable line runs through – far enough from the Plastics Recycling centre
5-19	New rights - drainage rights	Category 2 – apparatus	Sheet 5	Existing 11kv Overhead cable runs through

Plots	CA Type	Cadent's interest	Utility Diversion Sheet	How affects the development
5-23	New rights - Cable rights in highways, highway works and utility works	Category 2 – apparatus	Sheet 5	Existing 11kv underground cable and Existing Cadent MP Gas main
5-24	New rights - Cable rights in highways, highway works and utility works	Category 2 – apparatus	Sheet 5	Existing Cadent MP Gas main – near to the substation and all existing electrical and comms services to be decommissioned – Existing 11kv underground cable
5-25	New rights - Cable rights in highways, highway works and utility works	Category 2 – apparatus	Sheet 5	Existing Cadent MP Gas main
5-33	New rights - Cable rights in highways and utility works	Category 2 – apparatus	Sheet 5	Existing Cadent IP Gas main runs through parcel to the gas governor on Stather Road.
5-35	Freehold acquisition	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 5	Cadent access rights
5-36	New rights - highway works and utility works	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 5	Cadent access rights
5-37	New rights - highway works and utility works	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 5	No apparatus
5-49	Freehold acquisition	Category 2 – apparatus	Sheet 5	Existing Cadent MP Gas main by Bellwin House to be decommissioned

Plots	CA Type	Cadent's interest	Utility Diversion Sheet	How affects the development
5-50	Freehold acquisition	Category 2 – apparatus	Sheet 5	Existing Cadent MP Gas main by Bellwin House to be decommissioned
5-51	Freehold acquisition	Category 2 – apparatus	Sheet 5	Existing Cadent MP Gas main by Bellwin House to be decommissioned
5-52	Freehold acquisition	Category 2 – apparatus	Sheet 5	Existing Cadent MP Gas main by Bellwin House to be decommissioned
5-55	New rights - highway works and utility works	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 5	Cadent access rights
5-56	New rights - utility works	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 5	Existing Cadent MP Gas main by pumping station on Sixth Avenue
5-57	New rights – Full cable rights and utility works	Category 2 – apparatus	Sheet 5	Existing Cadent MP Gas main and Existing Cadent IP Gas main by the gas governor on Stather Road.
5-58	New rights - Full cable rights and utility works	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 5	Cadent access rights
5-59	New rights - cable rights in highways and utility works	Category 2 – apparatus & restrictive covenant	Sheet 5	Existing Cadent IP Gas main on Stather Road.
5-60	New rights - cable rights in highways and utility works	Category 1 – occupier (access)	Sheet 5	Cadent access rights

Plots	CA Type	Cadent's interest	Utility Diversion Sheet	How affects the development
		Category 2 – apparatus & restrictive covenant		
5-62	New rights - cable rights in highways, highway works and utility works	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 5	Cadent access rights
5-63	Freehold acquisition	Category 2 – apparatus	Sheet 5	Power Diversion 4 by the Switchyard – Proposed diversion and undergrounding of existing 11kv and existing 11KV overhead cable to be removed as impacts new substation
5-64	New rights – utility works	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 5	Existing Cadent MP Gas main and Existing Cadent IP Gas main opposite the road by the Switchyard
5-65	New rights - utility works	Category 2 – apparatus	Sheet 5	Existing Cadent MP Gas main and Existing Cadent IP Gas main on First Avenue.
5-66	New rights - Access tracks (public rights of way)	Category 2 – apparatus	Sheet 5	Existing 11kv underground cable
5-67	New rights - Access tracks (public rights of way)	Category 2 – apparatus	Sheet 5	Existing Cadent IP Gas main on First Avenue
5-70	Freehold acquisition	Category 2 – apparatus	Sheet 5	Existing 11kv Overhead cable runs through
5-71	Freehold acquisition	Category 2 – apparatus	Sheet 5	Existing 11kv Overhead cable runs through

Plots	CA Type	Cadent's interest	Utility Diversion Sheet	How affects the development
5-72	Freehold acquisition	Category 2 – apparatus	Sheet 5	Existing 11kv Overhead cable runs through and existing 11kv underground cable
5-76	New rights – landscaping access rights	Category 2 – apparatus	Sheet 5	Existing 11kv underground cable runs through
5-77	Freehold acquisition	Category 2 – apparatus	Sheet 5	Existing Cadent IP Gas main
5-82	New rights – utility works	Category 2 – apparatus	Sheet 5	Existing Cadent MP Gas main and Existing Cadent IP Gas main and existing 11kv underground cable
5-84	Freehold acquisition	Category 2 – apparatus	Sheet 5	No apparatus
5-85	Freehold acquisition	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 5	Existing Cadent MP Gas main and existing LV cable to be decommissioned
5-86	Freehold acquisition	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 5	Existing Cadent MP Gas main and existing LV cable to be decommissioned by the proposed EFW plant
5-88	Freehold acquisition	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 5	Existing Cadent MP Gas main near the Switchyard and proposed 11kv underground line diversion by the Switchyard
5-89	New rights – cable rights in highways and	Category 1 – occupier (access)	Sheet 5	Existing Cadent MP Gas main

Plots	CA Type	Cadent's interest	Utility Diversion Sheet	How affects the development
	landscaping access rights	Category 2 – apparatus & restrictive covenant		
6-7	Special category – No acquisition	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 6	Existing Cadent MP Gas main, existing 132kv overhead cable by Park Ings Farm and is special category land and existing 11kv overhead cable
6-8	Special category – No acquisition	Category 2 – apparatus	Sheet 6	Existing Cadent MP Gas main
6-22	Freehold acquisition	Category 2 – apparatus	Sheet 6	Existing Cadent MP Gas main
6-24	Freehold acquisition	Category 2 – apparatus	Sheet 6	Existing Cadent MP Gas main
6-26	Temporary use	Category 2 – apparatus	Sheet 6	Existing Cadent MP Gas main
6-27	Temporary use	Category 2 – apparatus	Sheet 6	Existing Cadent MP Gas main and existing LV cable by Stather Road
6-84	Freehold acquisition	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	Sheet 6	Existing 11kv Overhead cable and existing 132kv overhead cable
9-10	Temporary Use	Category 2 – easement	n/a	Grid Connection Route runs through
9-11	New rights – full cable rights	Category 2 – easement	n/a	Grid Connection Route runs through
9-12	New rights – full cable rights	Category 2 – easement	n/a	Grid Connection Route runs through

Plots	CA Type	Cadent's interest	Utility Diversion Sheet	How affects the development
9-17	Temporary use	Category 2 – easement	n/a	No effect
9-19	New rights - full cable rights	Category 2 – easement	n/a	No effect
9-20	New rights - full cable rights	Category 2 – easement	n/a	No effect
9-22	New rights - full cable rights	Category 2 – easement	n/a	Grid Connection Route runs through
9-28	New rights - full cable rights	Category 2 – easement	n/a	Grid Connection Route runs through
9-29	New rights – cable rights in highways	Category 2 – easement	n/a	No effect
9-34	Temporary use	Category 2 – easement	n/a	No effect
9-35	New rights - full cable rights	Category 2 – easement	n/a	No effect
9-38	Special Category Land – no acquisition	Category 2 – apparatus	n/a	Atkinsons Wharf - no effect
9-39	Special Category Land – no acquisition	Category 1 – occupier (access) Category 2 – apparatus & restrictive covenant	n/a	Atkinsons Wharf - no effect
9-42	Temporary use	Category 2 – easement	n/a	No effect
9-43	Temporary Use	Category 2 – easement	n/a	No effect

Plots	CA Type	Cadent's interest	Utility Diversion Sheet	How affects the development
10-3	New rights - cable rights in highways	Category 2 – apparatus	n/a	No effect
10-4	New rights - cable rights in highways	Category 2 – apparatus	n/a	No effect
10-6	New rights - cable rights in highways	Category 2 – apparatus	n/a	No effect
10-7	New rights - cable rights in highways	Category 2 – apparatus	n/a	No effect
10-30	New rights - cable rights in highways	Category 2 – apparatus	n/a	No effect
10-31	New rights- cable rights in highways	Category 2 – apparatus	n/a	No effect
10-32	New rights - cable rights in highways	Category 2 – apparatus	n/a	No effect
10-34	New rights - cable rights in highways	Category 2 – apparatus	n/a	No effect
10-41	Temporary use	Category 2 – apparatus	n/a	No effect
10-45	Temporary use	Category 2 – apparatus	n/a	No effect
10-46	Temporary use	Category 2 – apparatus	n/a	No effect
10-50	New rights - cable rights in highways	Category 1 – occupier (access) Category 2 – apparatus	n/a	Grid Connection Route runs through

Plots	CA Type	Cadent's interest	Utility Diversion Sheet	How affects the development
10-52	Temporary use	Category 1 – occupier (access) Category 2 – apparatus	n/a	Cadent access rights
10-53	New rights – full cable rights	Category 1 – occupier (access) Category 2 – apparatus	n/a	Grid Connection Route runs through
10-54	New rights - cable rights in highways	Category 1 – occupier (access) Category 2 – easement	n/a	Grid Connection Route runs through
10-55	Temporary use	Category 1 – occupier (access) Category 2 – easement	n/a	Grid Connection Route runs through
10-56	New rights – full cable rights	Category 2 – apparatus	n/a	Grid Connection Route runs through
10-66	Temporary use	Category 1 – occupier (access) Category 2 – easement	n/a	Grid Connection Route runs through
10-67	Temporary use	Category 1 – occupier (access) Category 2 – apparatus	n/a	Cadent access rights
10-72	Temporary use	Category 2 – apparatus	n/a	No effect

Plots	CA Type	Cadent's interest	Utility Diversion Sheet	How affects the development
10-73	New rights - cable rights in highways	Category 2 – apparatus	n/a	No effect
10-81	New rights	Category 2 – apparatus	n/a	No effect
10-82	New rights	Category 2 – apparatus	n/a	No effect