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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 9

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<b>Author:</b>	<b>The Applicant</b>

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Rev 4	March 2023	Deadline 6
Rev 5	April 2023	Deadline 7
Rev 6	April 2023	Deadline 8
Rev 7	May 2023	Deadline 9

## 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	4
SECTION 2 – Agreement Completed/Protective Provisions agreed and PINS notified	3
SECTION 3 – Engagement/Negotiation underway in respect of protected provisions and/or agreement	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
<b>SECTION 1 – No Agreement Required</b>					
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 and included in the dDCO at Part 3 of Schedule 14.
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Northern Powergrid (Yorkshire) Plc	Category 1 (Lessees or Tenants or Reputed Lessees or Tenants or Occupiers or Reputed Occupiers)	a) Permanent b) Temporary c) Rights and Temporary	(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	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.	Protective provisions agreed and included in the dDCO at Part 4 of Schedule 14.
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 NH has confirmed that protective provisions are not required.  However, NH has confirmed a Side Agreement is required. The parties completed on the Side Agreement on 10 May 2023.	Agreement completed 10 May 2023.
	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		
<b>SECTION 3 – Engagement/Negotiation underway of protected provisions/agreement</b>					
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 protective provisions are substantively agreed between the parties save for the cap on the indemnity clause.  The Applicant has submitted its preferred form of protective provisions in the DCO submitted at Deadline 8 and	Engagement/Negotiation underway leading to development of protected provisions.

				<p>explained in the Applicant's Case under Section 127 and Section 138 of the Planning Act 2008 (<b>REP8-024</b>) that the Applicant's position is that there would be no serious detriment to NRs undertaking.</p> <p>The Applicant will continue to liaise with NR's solicitor's to reach agreement on this point.</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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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	<p>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.</p> <p>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 and the Applicant's Case under Section 127 and Section 138 of the Planning Act 2008 (<b>REP8-024</b>).</p> <p>The Applicant has reached agreement with Cadent and both parties have agreed to request that the Secretary of State decides on the two outstanding points between the parties.</p>	Protective Provisions substantively agreed save for two outstanding points as explained in the Applicant's Case under Section 127 and Section 138 of the Planning Act 2008 ( <b>REP8-024</b> ).
	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		