

Annex A: Land and Rights Matters, Protective Provisions

All responses to be received by **23:59 on Deadline 5, 13 February 2024**

- A1 The Schedule of Negotiations with Statutory Undertakers and Landowners [REP4-018] indicates that limited progress has been made since the previous version(s), with many entries indicating a lack of response from the relevant Affected Person(s) despite efforts from the Applicant. The ExA is concerned about the limited progress made during the Examination.
- A2 **The Applicant** is to include in their final Schedule full reasons for the delay in obtaining the necessary agreements during the Examination period.
- A3 Correspondingly, the ExA asks **all Affected Persons** for a similar explanation of lack of progress on the relevant agreements, together with an answer to ExQ2 CA 2.1 [PD-013], if not already answered.
- A4 Notwithstanding the update supplied at Deadline 4, **the Applicant** is also asked to ensure that the Book of Reference is up to date, free from inaccuracies and accurately reflects any further changes to ownership of affected land that may have arisen during the course of the Examination. Any response to notification of the new land interests summarised in Appendix 1 of the Cover Letter [REP4-001] should also be supplied.
- A5 **Environment Agency:**
- The ExA understands that Protective Provisions are agreed [REP3-051]. Notwithstanding the Environment Agency's submission at Deadline 4 [REP4-060], with reference to pages 20-21 of the Schedule of Negotiations with Statutory Undertakers and Landowners [REP4-018], provide an update on the draft Option Agreement and Deed.
- A6 **Network Rail:**
- Network Rail is invited to refer to pages 45-47 and 121-125 of the Schedule of Negotiations with Statutory Undertakers and Landowners [REP4-018]. Provide an update on both the progress of the Option Agreement and the agreement of Protective Provisions, with an explanation for the lack of progress and engagement so far. If agreement has not been reached by Deadline 5, a set of preferred Protective Provisions should be supplied.
- A7 **Bicker Fen Windfarm Limited, National Gas Transmission plc, National Grid Electricity Transmission plc, National Grid Viking Link Ltd and Triton Knoll OFTO Ltd:**
- With reference to the relevant sections of the Schedule of Negotiations with Statutory Undertakers and Landowners [REP4-018], provide an update on both the progress of the relevant Agreements and the agreement of Protective Provisions. If agreement has not been reached by Deadline 5, a set of preferred Protective Provisions should be supplied if necessary.

Annex B: Crown Land

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- B1 Section 135(1) of the Planning Act 2008 precludes the CA of interests in Crown Land unless the land is held 'otherwise than by or on behalf of the Crown', and the appropriate Crown authority consents to the acquisition. Section 135(2) precludes a DCO from including any provision applying to Crown Land or Crown rights without consent from the appropriate Crown authority.
- B2 The Crown Estate Commissioners and the Duchy of Lancaster should note that the most recent version of the Book of Reference [REP4-020] now includes the wording '*Excluding those interests held by the Crown Estate Commissioners*' and '*Excluding those interests held by His Majesty the Duchy of Lancaster*' in the Description of Land for the relevant Crown plots 69, 184, 283, 293A, 293B. The Applicant has made it clear that no interests of the Crown will be subject to compulsory acquisition powers. Article 44 of the draft Development Consent Order [REP4-014] remains unchanged.
- B3 **Crown Estate Commissioners:**
- Provide an answer to the ExQ2 CA 2.7 [PD-013].
 - With reference to the Applicants response to the same question CA 2.7 [REP4-047], and pages 62-65 and 146-147 of the Schedule of Negotiations with Statutory Undertakers and Landowners, provide a written response.
 - Confirm in writing whether under section 135(2) of the Planning Act 2008 the Crown does or does not consent to any rights affecting the Crown Estate being included in any DCO that may be made by the Secretary of State.
- B4 **Duchy of Lancaster:**
- Provide an answer to ExQ2 CA 2.8 [PD-013].
 - With reference to the Applicants response to the same question CA 2.8 [REP4-047], and pages 65-68 and 148-150 of the Schedule of Negotiations with Statutory Undertakers and Landowners, provide a written response.
 - Confirm in writing whether under section 135(2) of the Planning Act 2008 the Crown does or does not consent to any rights affecting the Crown Estate being included in any DCO that may be made by the Secretary of State.
- B5 **The Applicant:**
- Together with the final version of the Schedule of Negotiations with Statutory Undertakers and Landowners the ExA expects an explanation of if and how the Proposed Development could proceed without the benefit consent from the Crown authorities under section 135(2) of the PA2008.

Annex C: Other Matters

All responses to be received by **23:59 on Deadline 5, 13 February 2024**

C1 Natural England:

Provide a response to ExQ2 LUS 2.1 [PD-013] and/or indicate agreement to matters relating to the outline Soil Management Plan [REP3-017] in the Statement of Common Ground.

Provide an update on the Letter of No Impediment as referred to in ExQ2 BIO 2.3 [PD-013].

C2 North Kesteven District Council:

Provide comments on the skylark mitigation strategy as set out at paragraphs 5.5.9 to 5.5.13 of the outline Landscape and Ecological Management Plan [REP4-039].

C3 Applicant:

Provide a Heads of Terms document and/or draft Section 106 Agreement in relation to off-site contributions as noted at Deadline 4, together with a timetable for agreement by the Relevant Planning Authorities.