

Gate Burton Energy Park EN010131

S.172 Statutory Undertakers Tracker (Revision [32](#))

Document Reference: 8.8

~~September-October~~ 2023



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1. Statutory Undertakers Objection Schedule

| Statutory undertaker | Nature of the undertaking. | Land and/ or rights affected, identified with reference to the most recent version of the Book of Reference (BoR) and Land Plan available at that time; | in relation to land, whether and if so how the tests in PA2008 s127(3)(a) or (b) can be met; | in relation to rights, whether and if so how the tests in s127(6)(a) or (b) can be met; and | in relation to these matters, whether any protective provisions and /or commercial agreements are anticipated, and if so whether these are already available to the ExA in draft or final form; whether a new document describing them is attached to the response to this question: or whether further work is required before they can be documented; and | in relation to a statutory undertaker named in an earlier version of the table but in respect of which a settlement has been reached: whether the settlement has resulted in that statutory undertaker's representation(s) being withdrawn in whole or part; and identifying any documents providing evidence of agreement and withdrawal. |
|--------------------------------|---|---|--|--|---|--|
| Canal & River Trust | Navigation Authority for the River Trent. | Plot 13/4 Leaseholder of the River Trent | N/A | Agreed protective provisions for the benefit of Canal & River Trust are included within Part 11 of Schedule 15 of the draft DCO at Deadline 3. | Agreed protective provisions for the benefit of Canal & River Trust are included within Part 11 of Schedule 15 of the draft DCO at Deadline 3. | |



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| EDF Energy | Electricity Generation and Transmission. | 1/2, 2/4, 17/5, 17/6, 17/7, 17/8 | N/A | The Applicant will monitor the situation and, mindful of the Examination timetable, make representations pursuant to s127 of the Planning Act 2008 in sufficient time to allow those to be examined, if necessary. The Applicant is confident that it can satisfy s127 if it is necessary to do so, in light of the protective protections offered by the draft DCO. | <p>The Applicant is awaiting a proposed set of bespoke protective provisions to be issued by EDF. Meantime, the standard protective provisions at Part 1 of Schedule 15 draft DCO apply to protect EDF's interests.</p> <p><u>The Applicant has continued to engage with EDF to reach technical and commercial solutions to coexistence. A bespoke set of protective provisions were provided by EDF on 29th September 2023 and are currently under review. The Applicant is confident these can be agreed by Deadline 5 or earlier.</u></p> | |
| Anglican Water Services | Water and Sewage Services. | 1/2, 1/3, 1/4, 1/6, 2/2, 2/5, 2/6, 3/3, 4/3, 5/1, 5/4, 7/6, 7/7, 8/7, 9/1, 11/1, 11/2, 11/3, 11/4, 11/6, 11/7, 12/24, 14/11, 14/20, 14/9, 15/10, 16/1, 16/2, 16/3 | N/A | The Applicant will monitor the situation and, mindful of the Examination timetable, make representations pursuant to s127 of the Planning Act | <p><u>Agreed p</u>Protective provisions for the benefit of Anglian Water Limited are included at Part 6 of the draft DCO. The Applicant has continued to seek agreement on the form of protective provisions with Anglian Water, the provisions are in almost final form and the</p> | |



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| | | | | 2008 in sufficient time to allow those to be examined, if necessary. The Applicant is confident that it can satisfy s127 if it is necessary to do so, in light of the protective protections offered by the draft DCO. | Applicant expects agreement to be reached imminently | |
| Exolum Pipeline Systems | Fuel distributor | 10/7, 11/8, 12/25 | N/A | The Applicant will monitor the situation and, mindful of the Examination timetable, make representations pursuant to s127 of the Planning Act 2008 in sufficient time to allow those to be examined, if necessary. The Applicant is confident that it can satisfy s127 if it is necessary to do so, in light of the protective protections offered by the draft DCO. | The Applicant has been engaging with Exolum Pipeline Systems Limited (Exolum) regarding protective provisions. The protective provisions at Part 1 of Schedule 15 draft DCO provide protection to Exolum however the Applicant has added a placeholder for provisions for the benefit of Exolum in the draft DCO at Deadline 1, to confirm its intention that bespoke protections will be provided once further negotiated. | |



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| <p>Upper Witham Internal Drainage Board</p> | <p>Supervision of all matters relating to drainage of land in this area.</p> | <p>6/15, 7/2, 8/2</p> | <p>N/A</p> | <p>The Applicant will monitor the situation and, mindful of the Examination timetable, make representations pursuant to s127 of the Planning Act 2008 in sufficient time to allow those to be examined, if necessary. The Applicant is confident that it can satisfy s127 if it is necessary to do so, in light of the protective protections offered by the draft DCO.</p> | <p>The protective provisions for the benefit of drainage authorities at Part 3 of Schedule 15 of the draft DCO operate to protect Upper Witham Internal Drainage Board's interests.</p> | |
| <p>Network Rail Limited</p> | <p>Ownership, operation and maintenance of existing and former railway lines.</p> | <p>3/2, 5/11, 6/3, 6/6, 6/8</p> | <p>N/A</p> | <p>The Applicant will monitor the situation and, mindful of the Examination timetable, make representations pursuant to s127 of the Planning Act</p> | <p>The protective provisions are in an agreed form and have been included at Part 10 of Schedule 15 of the draft DCO at Deadline 1, save for one outstanding point which has been included as a placeholder to confirm the</p> | |



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| | | | | 2008 in sufficient time to allow those to be examined, if necessary. The Applicant is confident that it can satisfy s127 if it is necessary to do so, in light of the protective protections offered by the draft DCO. | Applicant's intention to include once discussions are finalised. | |
| Environment Agency | Conservation of River Trent. | 13/4 | N/A | The Applicant will monitor the situation and, mindful of the Examination timetable, make representations pursuant to s127 of the Planning Act 2008 in sufficient time to allow those to be examined, if necessary. The Applicant is confident that it can satisfy s127 if it is necessary to do so, in light of the protective protections offered by the draft DCO. | Protective provisions for the benefit of the Environment Agency are included in Part 8 of Schedule 15 of the draft DCO and will be updated to reflect the agreed protective provisions once finalised. The Applicant and Environment Agency are advanced in protective provisions negotiations, with few commercial points remaining between them. <u>The Applicant has followed up with the Environment Agency in advance of Deadline 4 but is awaiting a response.</u> The parties are in regular contact and are confident that protective provisions can be agreed for Deadline 4 (3 October 2023), and in any event before the end of Examination. This statement has been agreed by both parties. | |



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| National Grid Electricity Distribution (East Midlands) Plc | Electricity Distributor | 4/3, 5/1, 9/1, 12/7, 12/9, 12/17, 12/18, 12/19/12/21, 13/4, 14/2, 14/4, 14/5, 14/6, 14/9, 14/11, 14/12, 14/20, 15/6, 15/7, 15/10, 17/4, 17/7 | N/A | The Applicant will monitor the situation and, mindful of the Examination timetable, make representations pursuant to s127 of the Planning Act 2008 in sufficient time to allow those to be examined, if necessary. The Applicant is confident that it can satisfy s127 if it is necessary to do so, in light of the protective protections offered by the draft DCO. | The Applicant has submitted an agreed set of protective provisions in Part 7 of Schedule 15 of the draft DCO at Deadline 2. | |
| Northern Powergrid (Yorkshire) Plc | Electricity Distributor | 1/1, 1/2, 1/3, 1/4, 1/5, 1/6, 2/2, 2/4, 2/5, 2/6, 2/7, 2/8, 3/1, 3/2, 3/3, 3/4, 3/5, 3/6, 3/7, 4/3, 5/1, 5/3, 5/4, 5/5, 5/6, 5/7, 5/9, 5/10, 5/11, 5/12, 6/1, 6/2, 6/3, 6/6, 6/8, 6/9, 6/11, 6/12, 6/13, 6/15, 6/16, 7/1, 7/2, 7/3, 7/5, 7/6, 8/1, 8/2, 8/3, 8/4, 8/7, 9/1, 9/2, 9/3, 10/1, 10/2, 10/3, 10/4, 10/5, 10/6, 10/7, 10/10, | N/A | The Applicant will monitor the situation and, mindful of the Examination timetable, make representations pursuant to s127 of the Planning Act 2008 in sufficient time to allow those to be examined, if necessary. The Applicant is confident that it can satisfy s127 if it is necessary to do so, | The protective provisions at Part 1 of Schedule 15 apply to protect NPG's interests however negotiations on a bespoke set of provisions are underway. The provisions have been negotiated, are well progressed and agreement on them is expected soon. | |



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| | | 10/15, 10/16, 11/1, 11/2, 11/3, 11/4, 11/5, 11/6, 11/7, 11/8, 12/2, 12/3, 12/4, 12/5, 12/6, 12/7, 12/9, 12/16, 12/17, 12/18, 12/19, 12/20, 12/21, 12/22, 12,23, 12/24, 12/25 | | in light of the protective protections offered by the draft DCO. | | |
| National Grid Electricity Transmission Plc. | Electricity Distributor | 12/1, 12/2, 12/3, 12/4, 12/5, 12/16, 13/7, 13/8, 14/5, 14/9, 14/11, 14/20, 15/2, 15/6, 15/7, 15/8, 15/10, 15/14, 16/3, 17/5, 17/6, 17/7, 17/8 | N/A | The Applicant will monitor the situation and, mindful of the Examination timetable, make representations pursuant to s127 of the Planning Act 2008 in sufficient time to allow those to be examined, if necessary. The Applicant is confident that it can satisfy s127 if it is necessary to do so, in light of the protective protections offered by the draft DCO. | The Applicant has been provided with National Grid Electricity Transmission plc's (NGET) protective provisions; engagement is ongoing. The parties are in regular contact and are confident protective provisions can be agreed before the end of Examination. | |
| | | | | | <u>Subject to certain provisions relating to powers of compulsory acquisition (which remain subject to relevant voluntary agreements with EDF as freeholder being in place), the protective provisions at Part 9 of Schedule 15 are in agreed form.</u> | |