



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol
BS1 6PN

Your Ref EN010132

Our Ref IPP-146

Friday 24th November 2023

Dear Sir or Madam,

RE: Deadline 1 Response

Update of Development Consent Order and Protective Provisions

The Trust wish to provide the Examining Authority (ExA) with an update on progress made with the applicant regarding the inclusion of Protective Provisions for us within the draft Development Consent Order (DCO).

Detailed design in respect of cable under the River Trent and Dredging Tip

At the time we made our Relevant Representation not all of the Crossing Schedule document was available, and the Applicant has since submitted Crossing Schedule Revision A (AS-001). We continue to work with the Applicant to understand how the proposal will affect the Trust's dredging tip within Works package 5A. The Crossing Schedule suggests that the entry/exit pit for the Horizontal Directional Drill (HDD) will be located south of the dredging tip and the open cut method used as the cable route continues towards West Burton from the River Trent. The proximity of the works to the hedgerow (H146 on the Important Hedgerows Plan (**WB2.9**)) along the southern boundary of the dredging tip site and its L shape bund to the north side of this hedgerow will need to be included within the Crossing Schedule if the cable route or its associated ground works are to intersect with these Trust assets.

Whilst HDD methods are proposed, we can find no reference to the proposed depth of the drilling beneath the riverbed as was provided with the Cottam and Gate Burton projects. We would encourage the Applicant to maintain the same minimum and maximum drill depths beneath the River Trent as the other projects as parameter documents are drafted.

Protective Provisions and Land Agreement

The Trust is working with the Applicant on Protective Provisions for the Trust using those agreed with the Gate Burton and Cottam projects as the basis, whilst expanding them to cover specific matters relating to the dredging tip. We are also working with the Applicant to reach agreement for the land rights they require in respect of the dredging tip, but in case sufficient progress is not made, the Trust would wish to appear at the Compulsory Acquisition Hearing in the week commencing 22nd January 2024. If an agreement has been reached, we would not need to attend unless the Examining Authority needs us to.

Disapplication of legislation listed in Schedule 3 of the dDCO

The applicant seeks to disapply certain local legislation by way of article 6(1)(i) of the draft DCO. That legislation, which is listed in Schedule 3 of the draft DCO includes the Trent (Burton-upon-Trent and Humber) Navigation Act

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1887 and Great Northern Railway (Doncaster to Gainsborough) Act 1864. The 1887 Act contains powers to dredge the River Trent at the location that the applicant proposes the grid connection cable will cross under the river. The 1864 Act contains protections for navigation of the river, relating to the railway crossing the river. The applicant agrees the principle that the West Burton project does not need to prevent dredging of the river and has no intention to preclude those powers. Similarly, the project does not need to interfere with existing protections for navigation of the river. The applicant has confirmed to the Trust that it will amend the wording of article 6(1)(i) in the version of the draft DCO submitted at DL1 to read: *the legislation listed in Schedule 3 (legislation to be disapplied) in so far as the provisions still in force are incompatible with the powers contained within this Order and do not impact on the operation or maintenance of the River Trent as a navigable river.*

Yours faithfully,

Hazel Smith MRTPI
Area Planner – Midlands

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