

# A303 Amesbury to Berwick Down

TR010025

**Deadline 3**  
**8.28 Note on Protective Provisions**

Volume 8

APFP Regulation 5(2)(q)

Planning Act 2008

The Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009

May 2019



Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Applications: Prescribed Forms and  
Procedure) Regulations 2009**

**A303 Amesbury to Berwick Down**

Development Consent Order 20[\*\*]

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**Note on Protective Provisions**

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# 1 Introduction

## 1.1 Purpose of document

1.1.1 In answering the Examining Authorities Written Questions DCO.1.108 and 109 Highways England committed to providing an update on the progress of negotiation of protective provisions. This summary is provided in the table below in section 2.

## 1.2 Purpose of Protective Provisions

1.2.1 Protective provisions are usually contained in a DCO to protect the interests of statutory bodies whose assets and facilities might be affected by the construction or operation of the project. These provisions will be worked up in detail in consultation with the relevant statutory bodies.

## 2 Protective Provisions Summary Table

2.1.1 The following table provides a summary of the current position for each of the statutory bodies with which we have engaged regarding Protective Provisions.

BT Group plc (Openreach)	A letter requesting comments on the draft protective provisions was issued on 15 February. A letter in response was received on 20 February stating that Openreach is satisfied in principle with the content and wording of the protective provisions and that it has no amendments to the text. Highways England has been asked to inform Openreach in the event that the relevant draft protective provisions are amended to allow for further consideration.
CenturyLink Limited (managed by Instalcom Limited)	<p>A letter requesting comments on the draft protective provisions was issued to Instalcom Limited on 14 February. Instalcom Limited sent the letter to CenturyLink Limited (as asset owner) on the same day. Follow-up calls and emails (with Instalcom Limited) to the original letter requesting an update on when any comments will be received took place on 22 February, 2 April, 16 April, 22 May and 29 May.</p> <p>Discussions between Highways England and CenturyLink Limited in respect of the form of the protective provisions are ongoing.</p>
Virgin Media Limited	<p>A letter requesting comments on the draft protective provisions was issued to Virgin Media Limited on 15 February. The letter has been acknowledged by Virgin Media Limited but no comments have been received yet.</p> <p>Follow-up calls and emails to the original letter requesting an update on when any comments will be received took place on 2 April, 16 April and 22 May.</p>
Sky UK Limited	<p>A letter requesting comments on the draft protective provisions was issued to Sky on 14 February. The letter has been acknowledged by Sky and Sky provided some initial comments to Highways England by email on 5 March.</p> <p>Currently Highways England is seeking to discuss those initial comments with Sky. Follow-up calls and emails were made to Sky on 16 April, 22 May and 29 May.</p>
SSE plc	Negotiations are ongoing. A letter requesting comments on the draft PPs was issued to SSE plc on 14 February. The letter was acknowledged by SSE's solicitors and Highways England received SSE plc's proposed protective provisions on 29 May. Highways England is in the process of considering those protective provisions.

<p>SSE Telecommunications Ltd (SSE Enterprise Telecoms)</p>	<p>A letter requesting comments on the draft protective provisions was issued to SSE Telecommunications Ltd on 6 March. The letter has been acknowledged by SSE Telecommunications Ltd but no comments have been received yet.</p> <p>Follow-up calls and emails to the original letter requesting an update on when any comments will be received took place on 26 March, 2 April, 22 May and 29 May.</p>
<p>Wessex Water Services Limited</p>	<p>A letter requesting comments on the draft protective provisions was issued to Wessex Water Services Limited on 14 February. No comments have been received yet.</p> <p>Follow-up emails and calls to the original letter requesting an update on when any comments will be received took place on 22 February, 4 April and 29 May.</p>
<p>Southern Gas Networks plc</p>	<p>A letter requesting comments on the draft protective provisions was issued to Southern Gas Networks plc on 15 February. Acknowledgement of this letter was received on the same day but no comments have been received yet.</p> <p>Follow-up emails to the original letter requesting an update on when any comments will be received were sent on 2 April, 22 May and 29 May.</p>
<p>Esso Petroleum Company Limited</p>	<p>Negotiations are ongoing. Highways England issued a revised version of the protective provisions to Esso's legal advisors on 2 May.</p> <p>There is only a limited number of outstanding items between Highways England and Esso in relation to the protective provisions and it is Highways England's view that the parties will reach an agreement on those protective provisions.</p>
<p>Environment Agency</p>	<p>Negotiations are ongoing. Highways England has reviewed the Environment Agency's updated standard form of protective provisions (received by Highways England on 18 April 2019). A revised version of those protective provisions was issued by Highways England to the Environment Agency on 30 May and is included in the updated draft DCO submitted at Deadline 3.</p>
<p>Wiltshire Council</p>	<p>Highways England discussed the drainage authorities protective provisions in general terms at a meeting with Wiltshire Council on 13 May. Subsequently, Highways England has revised the drainage authority protective provisions to remove the Environment Agency from the scope of those provisions on the basis that the Environment Agency will have its own bespoke form of protective provisions for this scheme. The revised drainage authority protective provisions were sent by Highways England to Wiltshire Council for comment on 31 May.</p>

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