

Dear Sirs,

We have tried to telephone to discuss this but customer support was unable to put us through to anyone in the M42 Team.

We act for National Grid in respect of the above DCO. National Grid require adequate protective provisions/protective provisions for their benefit on the face of the DCO. National Grid are not happy with the current version of the Protective Provisions for the benefit of utilities within the dDCO and accordingly would have made representations to PINS providing their required wording by the 11th October. However we are trying to work in conjunction with the promoter and reach an agreed position. The promoter has today indicated that they intend to provide updated protective provisions/an updated position as to what they will include on the face of the order by 16th October.

Without seeing their proposed approach on the 16th October, it is obviously difficult to know whether this will be acceptable to NG or not. Accordingly it seems sensible to delay National Grid's submission until after we have had the opportunity to review the position HE are taking on this particular scheme. As you will see from the e-mail below the Promoter has suggested we submit a written response by the 21st October in response to their 16th October submission.

Accordingly we would like PINS approval to the timescale proposed by the Promoter. This is in effect to ask for an extension to the deadline of the 11th October until 21st October since the promoters deadline 5 dDCO is likely to be superseded in respect of the Protective Provisions by the Promoter on 16th October. We understand that the promoter agrees with this approach and will confirm the same by return.

Please can you also just confirm the time and venue for the ISH on the 23rd October?

Kind regards

Abigail



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From: EVANS Nicholas [<mailto:NicholasEvans@bdbpitmans.com>]

Sent: 11 October 2019 12:46

To: Abigail Walters; NELSON Aaron

Cc: 'Parmar, Jagdeep - UK Legal'

Subject: RE: Highways England/National Grid M42 J6 - Without Prejudice [BCLP-Legal.2026502.000297] [BDB-BDB1.FID10542416]

Abigail

Thanks for the call. As discussed, we are almost there, but I don't have final instructions on the outstanding points.

So far as our proposed approach is concerned, as discussed there is an overlap between the changes sought by NGET to the PPs and the changes sought by other utilities. HE would like, where appropriate, to obtain consistency, both between different HE projects and between different utilities. Now that we have a relatively settled position with regards to a number of utility undertakers, we are in a position to review:

- which if any of the agreed changes could appropriately be added to Schedule 10 to the dDCO, so that they apply to all undertakers,
- which if any should form the basis of specific protective provisions for individual undertakers, and
- which would more appropriately form part of a protective provisions agreement or asset protection agreement.

We would propose to update the ExA on any changes needed to the dDCO by Wednesday, 16 October. If NGET disagree with our assessment, they would be in a position to respond by Monday, 21 October and, if necessary, make representations at the ISH on the DCO on Wednesday, 23 October.

We would be happy to agree a joint statement to PINS covering that proposed timescale.

Regards

Nick



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