

**Lower Thames Crossing
9.79 ExQ1 15.1.3 PA2008 s127
Statutory Undertakers'
Land/Rights - LTC
(Clean version)**

Infrastructure Planning (Examination
Procedure) Rules 2010

Volume 9

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1 Introduction

1.1 Purpose of this document

- 1.1.1 This document relates to the A122 Lower Thames Crossing (the Project) and has been submitted by National Highways (the Applicant) to the Planning Inspectorate acting on behalf of the Secretary of State for Transport. It relates to an application for a Development Consent Order (DCO) to permit and enable implementation of the Project made under section 37 of the Planning Act 2008 (as amended) (the 2008 Act).
- 1.1.2 A detailed description of the Project can be found in the Environmental Statement Chapter 2: Project Description [[APP-140](#)].
- 1.1.3 This document presents a Schedule identifying those Statutory Undertakers that have made a representation as part of the Examination process (on any matters) and provides a response with regard to those parties and their land or rights to which s127 of the Planning Act 2008 applies. It includes the status of their objection to the Order as at Deadline 4.
- 1.1.4 The Schedule does not include those Statutory Undertakers that have not made a representation, nor those where the land is to only be acquired exercising the temporary possession powers within the Application.
- 1.1.5 This document has been prepared and submitted in accordance with the Examining Authority's written questions and requests for information [[PD-029](#)] dated 15 August 2023, question Q(1)15.1.3.:

"The Applicant is requested to review RRs and WRs made as the examination progresses alongside its land and rights information systems and to prepare and at each successive deadline update as required a tabulated Schedule identifying and responding to any representations made by statutory undertakers with land or rights to which PA2008 s 127 applies.

In relation to any such representations, the applicant is requested to identify:

- a) the name of the statutory undertaker;*
- b) the nature of the undertaking;*
- c) the 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) (the 'relevant land' and/or the 'relevant rights');*
- d) in relation to the relevant land, whether and if so how the tests in PA2008 s127(3)(a) or (b) can be met;*
- e) in relation to the relevant rights, whether and if so how the tests in s127(6)(a) or (b) can be met; and*
- f) in relation to these matters, whether any protective provisions and /or commercial agreements are anticipated, and if so:
 - i. whether these are already available to the ExA in draft or final form,*
 - ii. whether a new document describing them is attached to the response to this question or**

- iii. whether further work is required before they can be documented; and*
- g) in relation to a statutory undertaker named in an earlier version of the table but in respect of which a settlement has been reached:*
 - i. whether the settlement has resulted in that statutory undertaker's representation(s) being withdrawn in whole or part; and*
 - ii. identifying any documents providing evidence of agreement and withdrawal.*

- 1.1.6 This Schedule should be read in conjunction with the following documents:
- a. Land Plans being submitted at Deadline 5 [Document Reference [2.1]]
 - b. Statement of Reasons being submitted at Deadline 5 [Document Reference [4.1]] including the following:
 - i. Appendix 1 explaining the land requirement for that land to which statutory undertakers own or have an interest
 - ii. Annex A explaining the purpose for which plots are required
 - iii. Annex B summarising engagement and negotiations
 - c. Book of Reference being submitted at Deadline 5 [Document Reference [4.2]]
 - d. Applicant's comments on WRs Appendix B – Statutory Undertakers [\[REP2-047\]](#)
 - e. Application Document 9.77 ExQ1.15.1.1: Schedule of CA and TP Objections [\[REP4-171\]](#)
 - f. Applicable Statements of Common Ground where referenced in the Status of Objection column
 - g. Other DCO documents which are specifically referenced in the Status of Objection column.

- 1.1.7 The Schedule should be considered a live document which will be reviewed and updated during the examination period when the Applicant becomes aware that data and assumptions on which the previous deadline schedule submission was made have changed.

1.2 Section 127 of the Planning Act 2008

- 1.2.1 The request as per Q(1)15.1.3(d) is that “*in relation to the relevant land, whether and if so how the tests in PA2008 s127(3)(a) or (b) can be met*” and Q(1)15.1.3(e) is that “*in relation to the relevant rights, whether and if so how the tests in s127(6)(a) or (b) can be met*”.

1.2.2 Section 127 of the Planning Act 2008 states:

127 Statutory undertakers' land

- (1) *This section applies in relation to land (“statutory undertakers' land”) if—*
- (a) *the land has been acquired by statutory undertakers for the purposes of their undertaking,*
 - (b) *a representation has been made about an application for an order granting development consent before the completion of the examination of the application, and the representation has not been withdrawn, and*
 - (c) *as a result of the representation the [F1 Secretary of State] is satisfied that—*
 - (i) *the land is used for the purposes of carrying on the statutory undertakers' undertaking, or*
 - (ii) *an interest in the land is held for those purposes.*
- (2) *An order granting development consent may include provision authorising the compulsory acquisition of statutory undertakers' land only to the extent that the [F2 Secretary of State is satisfied of the matters set out in subsection (3).]*
- (3) *The matters are that the nature and situation of the land are such that—*
- (a) *it can be purchased and not replaced without serious detriment to the carrying on of the undertaking, or*
 - (b) *if purchased it can be replaced by other land belonging to, or available for acquisition by, the undertakers without serious detriment to the carrying on of the undertaking.*
- (4) *Subsections (2) and (3) do not apply in a case within subsection (5).*
- (5) *An order granting development consent may include provision authorising the compulsory acquisition of a right over statutory undertakers' land by the creation of a new right over land only to the extent that the [F3 Secretary of State is satisfied of the matters set out in subsection (6).]*
- (6) *The matters are that the nature and situation of the land are such that—*
- (a) *the right can be purchased without serious detriment to the carrying on of the undertaking, or*
 - (b) *any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them.*

F4 (7)

(8) *In this section—*

“statutory undertakers” has the meaning given by section 8 of the Acquisition of Land Act 1981 (c. 67) and also includes the undertakers—

- (a) *which are deemed to be statutory undertakers for the purposes of that Act, by virtue of another enactment;*

- (b) which are statutory undertakers for the purposes of section 16(1) and (2) of that Act (see section 16(3) of that Act).
- (9) In the application of this section to a statutory undertaker which is a health service body (as defined in section 60(7) of the National Health Service and Community Care Act 1990 (c. 19)), references to land acquired or available for acquisition by the statutory undertakers are to be construed as references to land acquired or available for acquisition by the Secretary of State for use or occupation by the body.

Textual Amendments

F1 Words in s. 127(1)(c) substituted (1.4.2012) by [Localism Act 2011 \(c. 20\), s. 240\(2\)](#), [Sch. 13 para. 64\(2\)](#); [S.I. 2012/628, art. 7\(a\)](#)

F2 Words in s. 127(2) substituted (25.6.2013) by [Growth and Infrastructure Act 2013 \(c. 27\), ss. 23\(2\)\(a\), 35\(1\)](#); [S.I. 2013/1124, art. 4\(b\)](#) (with [art. 6](#))

F3 Words in s. 127(5) substituted (25.6.2013) by [Growth and Infrastructure Act 2013 \(c. 27\), ss. 23\(2\)\(b\), 35\(1\)](#); [S.I. 2013/1124, art. 4\(b\)](#) (with [art. 6](#))

F4 S. 127(7) omitted (25.6.2013) by virtue of [Growth and Infrastructure Act 2013 \(c. 27\), ss. 23\(2\)\(c\), 35\(1\)](#); [S.I. 2013/1124, art. 4\(b\)](#) (with [art. 6](#))

Table 1.1 ExQ1. 15.1.3: the Planning Act 2008 s127 Statutory Undertakers' Land/Rights - LTC

No.	Statutory undertaker	Nature of undertaking	Accordance with tests in s127(3)(a) or (b)	Accordance with tests in s127(6)(a) or (b)	Agreement type	Status of objection	Land plots affected	Land requirement ¹
1	Anglian Water Services Limited	Water and sewerage undertaker as per the Water Industry Act 1991	<p>The Applicant is satisfied that the tests in s127(3)(a) or (b) are met.</p> <p>The tests in s127(3)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 1 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and Anglian Water Services.</p> <p>Furthermore, the test in s127(3)(b) can be met as the application contains provisions for land to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of Anglian Water Services' new and relocated assets, and contains provisions that would enable Anglian Water Services to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.</p>	<p>The Applicant is satisfied that the tests in s127(6)(a) or (b) are met.</p> <p>The tests in s127(6)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 1 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and Anglian Water Services.</p> <p>Furthermore, the test in s127(6)(b) can be met as the application contains provisions for rights to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of Anglian Water Services' new and relocated assets, and contains provisions that would enable Anglian Water Services to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.</p>	<p>Protective Provisions, Schedule 14, Part 1 of the draft Development Consent Order [REP3-077] contains Protective Provisions for the Protection of Electricity, Gas, Water and Sewerage Undertakers, which are agreed.</p> <p>Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP3-077].</p> <p>Separate agreement(s) (confidential) between the Applicant and Anglian Water Services, which have concluded.</p>	<p>Withdrawn</p> <p>Anglian Water Services notified the Planning Inspectorate on 18 July 2023 [REP1-218] that "Anglian Water will only need to participate in the examination on any new issues or subsequent material changes to the draft DCO, should these prove to be more prejudicial to our interests".</p>	<p>19-45, 20-01, 20-13, 20-14, 21-14, 21-15, 21-16, 21-17, 21-23, 21-25, 21-26, 21-28, 21-29, 22-45, 22-77, 22-92, 22-93, 23-26, 23-28, 23-29, 23-30, 23-32, 23-41, 23-63, 23-64, 23-65, 23-70, 23-76, 23-77, 23-78, 23-91, 23-92, 23-94, 23-95, 23-97, 23-125, 23-132, 23-135, 23-139, 23-177, 23-181, 23-182, 23-183, 24-08, 24-25, 24-30, 24-34, 24-40, 24-45, 24-51, 24-53, 24-55, 24-62, 24-65, 24-73, 24-75, 24-76, 24-78, 24-79, 24-104, 24-107, 24-118, 24-130, 24-132, 24-135, 24-136, 24-140, 24-141, 24-149, 24-182, 24-191, 25-01, 25-02, 25-03, 25-04, 25-05, 25-06, 25-08, 25-10, 25-11, 25-12, 25-13, 25-14, 25-15, 25-16, 25-17, 25-18, 25-20, 25-21, 25-26, 25-27, 25-30, 25-32, 25-34, 25-35, 25-39, 25-40, 25-43, 25-46, 25-48, 25-59, 25-84, 25-93, 25-94, 25-95, 25-96, 25-101, 25-102, 25-103, 25-105, 25-106, 25-107, 25-108, 25-109, 26-01, 26-08, 26-09, 27-01, 27-76, 27-80, 27-83, 27-100, 27-101, 27-102, 28-50, 28-51, 28-106, 28-108, 28-139, 28-140, 28-141, 29-03, 29-06, 29-08, 29-09, 29-10, 29-11, 29-14, 29-15, 29-16, 29-27, 29-42, 29-43, 29-54, 29-123, 29-124, 29-142, 29-161, 29-179, 29-180, 29-181, 29-188, 29-200, 29-207, 29-222, 29-224, 29-225, 29-227, 29-228, 29-229, 29-232, 29-233, 29-235, 29-236, 29-237, 29-238, 29-247, 29-249, 29-250, 29-283, 30-10, 30-79, 32-178, 33-15, 33-29, 33-31, 33-32, 33-36, 33-52, 33-57, 33-58, 33-78, 33-88, 33-89, 33-91, 33-94, 33-99, 33-100, 33-101, 33-104, 33-106, 33-108, 33-109, 33-110, 33-112, 33-113, 33-117, 33-120, 33-121, 33-122, 33-123, 33-124, 33-125, 33-126, 33-127, 33-128, 33-130, 33-131, 33-132, 33-133, 33-135, 33-136, 33-137, 33-138, 33-139, 33-140, 33-141, 33-142, 33-143, 33-144, 33-145, 33-147, 33-148, 33-149, 33-150, 33-151, 33-175, 33-194, 33-219, 33-221, 33-222, 33-225, 33-227, 33-228, 33-230, 33-236, 33-238, 33-239, 33-240, 33-270, 42-05, 43-89, 43-91, 43-92, 43-99, 44-100, 44-09, 44-10, 44-17, 44-20, 44-21, 44-41, 44-80, 44-81, 44-86, 44-91, 44-94, 44-95, 44-96, 44-97, 44-98, 44-99 and 44-100</p>	CA and CAR
2	Cadent Gas Limited	Gas transporter as per the Gas Act 1986	<p>The Applicant is satisfied that the tests in s127(3)(a) or (b) are met.</p> <p>The tests in s127(3)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as</p>	<p>The Applicant is satisfied that the tests in s127(6)(a) or (b) are met.</p> <p>The tests in s127(6)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective</p>	<p>Protective Provisions, Schedule 14, Part 1 of the draft Development Consent Order [REP3-077] contains Protective Provisions for the Protection of Electricity, Gas, Water and Sewerage Undertakers, which are agreed..</p>	<p>Withdrawn</p> <p>Cadent Gas notified the Planning Inspectorate on 20 July 2023 [AS-148] that "On the basis that the agreed protective provisions are included on the face of the Order (save for any grammatical, formatting or cross-referencing changes which may be required), Cadent hereby withdraws its objection to the Order".</p>	<p>19-09, 19-18, 19-49, 19-53, 22-46, 22-77, 22-105, 24-02, 24-06, 24-13, 24-14, 24-15, 24-16, 24-17, 24-18, 24-19, 24-23, 24-33, 24-35, 24-36, 24-37, 24-38, 24-39, 24-41, 25-10, 25-11, 25-12, 25-15, 25-16, 25-18, 25-20, 25-22, 25-23, 25-24, 25-25, 25-26, 25-27, 25-28, 25-29, 25-30, 25-31, 25-32, 25-33, 25-34, 25-36, 25-37, 25-38, 25-39, 25-40, 25-42, 25-43, 25-45, 25-48, 25-55, 25-64, 25-84, 25-93, 25-95, 25-96, 25-97, 25-103, 25-105, 25-106, 25-107, 25-108, 25-111, 25-112, 26-02, 26-08, 26-17, 26-21, 26-29, 26-33, 26-35, 26-36, 26-50, 27-67, 27-68, 27-69, 27-70, 27-71, 27-74, 28-</p>	CA and CAR

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	<p>Cadent Gas Limited Cont'd</p>		<p>contained at Schedule 14 Part 1 and Part 5 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and Cadent Gas.</p> <p>Furthermore, the test in s127(3)(b) can be met as the application contains provisions for land to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of Cadent Gas' new and relocated assets, and contains provisions that would enable Cadent Gas to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.</p>	<p>Provisions as contained at Schedule 14 Part 1 and Part 5 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and Cadent Gas.</p> <p>Furthermore, the test in s127(6)(b) can be met as the application contains provisions for rights to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of Cadent Gas' new and relocated assets, and contains provisions that would enable Cadent Gas to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.</p>	<p>Protective Provisions, Schedule 14, Part 5 of the draft Development Consent Order [REP3-077] contains Protective Provisions for the Protection of Specified Gas Undertakers which are agreed..</p> <p>Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP3-077].</p> <p>Separate agreement(s) (confidential) between the Applicant and Cadent Gas, which have concluded.</p>		<p>03, 28-50, 28-51, 28-69, 28-71, 28-72, 28-74, 28-75, 28-76, 28-80, 28-81, 28-85, 28-86, 28-88, 28-90, 28-93, 28-94, 28-95, 28-96, 28-102, 28-115, 28-116, 28-117, 28-124, 28-125, 28-127, 28-128, 28-137, 28-138, 29-02, 29-03, 29-04, 29-07, 29-08, 29-14, 29-16, 29-18, 29-23, 29-24, 29-28, 29-34, 29-35, 29-38, 29-40, 29-42, 29-43, 29-44, 29-54, 29-61, 29-62, 29-63, 29-64, 29-65, 29-68, 29-70, 29-71, 29-73, 29-77, 29-79, 29-80, 29-81, 29-82, 29-83, 29-84, 29-87, 29-88, 29-93, 29-97, 29-98, 29-99, 29-100, 29-106, 29-107, 29-108, 29-110, 29-111, 29-112, 29-113, 29-114, 29-115, 29-116, 29-117, 29-118, 29-119, 29-120, 29-121, 29-125, 29-126, 29-129, 29-133, 29-136, 29-137, 29-141, 29-145, 29-147, 29-153, 29-155, 29-157, 29-159, 29-160, 29-167, 29-169, 29-170, 29-172, 29-173, 29-177, 29-195, 29-197, 29-198, 29-200, 29-201, 29-204, 29-207, 29-214, 29-216, 29-219, 29-220, 29-222, 29-224, 29-225, 29-227, 29-228, 29-229, 29-232, 29-233, 29-235, 29-236, 29-237, 29-238, 29-247, 29-250, 29-263, 29-267, 29-270, 29-274, 29-275, 29-276, 29-278, 29-282, 29-283, 30-03, 30-07, 30-77, 30-79, 31-10, 31-12, 31-14, 31-31, 31-35, 31-36, 32-01, 32-02, 32-04, 32-10, 32-26, 32-28, 32-29, 32-37, 32-40, 32-41, 32-52, 32-71, 32-72, 32-73, 32-74, 32-75, 32-96, 32-97, 32-98, 32-99, 32-101, 32-105, 32-106, 32-107, 32-118, 32-121, 32-123, 32-126, 32-127, 32-129, 32-133, 32-154, 32-155, 32-156, 32-160, 32-163, 32-164, 32-167, 32-168, 32-169, 32-171, 32-172, 32-173, 32-174, 32-177, 33-04, 33-13, 33-14, 33-18, 33-35, 33-62, 33-78, 33-79, 33-88, 33-90, 33-91, 33-106, 33-108, 33-110, 33-112, 33-113, 33-114, 33-119, 33-120, 33-122, 33-123, 33-124, 33-125, 33-126, 33-127, 33-128, 33-129, 33-130, 33-131, 33-132, 33-133, 33-134, 33-135, 33-136, 33-137, 33-138, 33-139, 33-140, 33-141, 33-142, 33-143, 33-144, 33-145, 33-147, 33-148, 33-149, 33-150, 33-151, 33-153, 33-156, 33-158, 33-160, 33-164, 33-165, 33-167, 33-169, 33-172, 33-176, 33-182, 33-183, 33-187, 33-189, 33-191, 33-196, 33-199, 33-201, 33-202, 33-204, 33-206, 33-207, 33-208, 33-210, 33-211, 33-214, 33-216, 33-219, 33-239, 33-251, 33-258, 33-264, 33-267, 33-274, 33-279, 33-283, 33-294, 34-01, 34-03, 34-14, 34-16, 34-25, 34-26, 34-30, 34-44, 35-02, 35-09, 35-12, 35-18, 35-19, 35-24, 35-26, 35-31, 35-58, 35-59, 35-61, 36-06, 37-05, 38-01, 38-04, 38-05, 38-06, 38-07, 38-08, 38-20, 38-21, 38-22, 38-26, 38-27, 38-30, 38-31, 38-32, 38-33, 38-34, 38-35, 38-40, 38-41, 38-42, 38-43, 38-44, 38-47, 38-64, 39-03, 39-06, 39-11, 39-16, 39-19, 39-23, 39-24, 39-29, 39-31, 39-32, 39-37, 39-38, 39-44, 39-47, 39-48, 39-49, 39-51, 39-52, 39-53, 39-54, 39-55, 39-56, 39-58, 39-59, 39-60, 39-61, 39-62, 39-64, 39-66, 39-67, 39-78, 39-79, 39-83, 40-13, 40-20, 40-22, 40-</p>	

No.	Statutory undertaker	Nature of undertaking	Accordance with tests in s127(3)(a) or (b)	Accordance with tests in s127(6)(a) or (b)	Agreement type	Status of objection	Land plots affected	Land requirement ¹
	Cadent Gas Limited Cont'd						23, 41-02, 41-04, 41-05, 41-08, 41-10, 41-11, 41-21, 41-23, 41-24, 41-40, 41-44, 42-05, 42-22, 42-25, 42-29, 42-42, 42-53, 42-60, 42-68, 42-69, 42-98, 42-107, 42-112, 42-114, 42-117, 42-118, 42-119, 42-120, 42-131, 42-140, 42-146, 42-150, 42-152, 42-154, 42-158, 42-159, 42-160, 42-161, 42-162, 42-167, 42-171, 42-173, 42-174, 42-175, 42-177, 42-178, 42-179, 42-182, 42-183, 42-184, 42-185, 43-56, 43-57, 43-58, 43-59, 43-60, 43-61, 43-62, 43-81, 43-89, 43-91, 43-92, 43-96, 43-97, 43-103, 44-09, 44-31, 44-44, 44-61, 44-63, 44-70, 44-78, 44-82, 44-86, 44-89, 44-91, 44-95, 44-100, 44-112, 44-121, 44-123, 44-124, 45-19, 45-35, 45-50, 45-51, 45-52, 45-62, 45-63, 45-66, 45-72, 45-74, 45-78, 45-82, 45-83, 45-85, 45-92, 45-93, 45-97, 45-100, 45-103, 45-110, 45-114, 45-120, 45-121, 45-124, 45-129, 45-157, 45-158, 45-160, 45-162, 45-163, 45-165, 45-168, 45-169, 45-172, 45-173, 45-174, 45-175, 45-177, 46-04, 46-06, 46-09, 46-12, 46-17, 46-18, 46-20, 46-21, 46-22, 46-28, 46-35, 46-55, 47-26 and 47-33	
3	Environment Agency	Specific functions relevant to flood risk as per the Water Resources Act 1991	The Applicant is satisfied that the tests in s127(3)(a) or (b) are met. The tests in s127(3)(a) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 9 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and the Environment Agency. The Applicant does not believe s127(3)(b) is relevant as there is no intent to provide other land for the use of the Environment Agency.	The Applicant is satisfied that the tests in s127(6)(a) or (b) are met. The tests in s127(6)(a) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 9 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and the Environment Agency. The Applicant does not believe s127(6)(b) is relevant as there is no intent to provide other land for the use of the Environment Agency.	Protective Provisions, Schedule 14, Part 9 of the draft Development Consent Order [REP3-077] contains Protective Provisions for the Protection of the Environment Agency. Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP3-077]. Separate agreement(s) (confidential) between the Applicant and the Environment Agency, which are ongoing.	Existing objection to the Order The Protective Provisions have been agreed with the Environment Agency following the removal of paragraph 116(5). The Applicant notes that the Protective Provisions include protection for main rivers which the Environment Agency may have relevant rights / apparatus over / in, and that such provisions are agreed. The Applicant is confident that agreement on all matters will be reached during the examination period.	15-13, 15-14, 15-17, 16-39, 16-49, 16-54, 16-57, 16-58, 16-59, 16-60, 16-61, 16-62, 16-63, 16-68, 20-41, 20-45, 20-50, 20-55, 20-56, 20-58, 20-59, 20-60, 20-63, 20-67, 20-81, 20-88, 20-89, 20-94, 20-98, 20-99, 20-100, 21-14, 23-30, 23-47, 23-61, 23-63, 23-64, 23-65, 23-68, 24-133, 30-07, 35-01, 35-03, 35-05, 35-06, 35-09, 35-15, 35-16, 35-17, 35-20, 35-21, 35-22, 35-23, 35-25, 35-27, 35-40, 35-41, 35-45, 35-50, 35-51, 35-52, 35-53, 35-54, 35-55, 35-56, 35-57, 35-60, 35-62, 35-63, 35-64, 35-65, 37-02, 37-03, 38-41, 38-42, 38-45, 38-46, 38-48, 38-49, 38-52, 38-53, 38-54, 38-56, 38-57, 38-59, 38-60, 38-65, 41-33, 41-34, 41-35, 41-37, 41-41, 41-42, 44-01, 44-02, 44-05, 44-06, 44-13, 44-27, 44-29, 44-34, 44-38, 44-40, 44-46, 44-57, 44-59, 44-60, 44-65, 44-122 and 45-114	CA, CAS, CASTPS and CAR
4	Essex and Suffolk Water Limited (an operating arm of Northumbrian Water Limited)	Water undertaker as per the Water Industry Act 1991	The Applicant is satisfied that the tests in s127(3)(a) or (b) are met. The tests in s127(3)(a) and/or (b) can be met by	The Applicant is satisfied that the tests in s127(6)(a) or (b) are met. The tests in s127(6)(a) and/or (b) can be met by	Protective Provisions, Schedule 14, Part 1 of the draft Development Consent Order [REP3-077] contains Protective Provisions	Existing objection to the Order Discussions are ongoing regarding a separate side agreement between the Applicant and Essex and Suffolk Water, to provide further arrangements for the	24-63, 24-64, 24-67, 24-69, 24-70, 27-32, 27-41, 27-43, 27-44, 27-51, 27-53, 27-54, 27-67, 27-70, 27-71, 28-55, 28-60, 28-64, 28-67, 29-54, 29-137, 29-139, 29-155, 29-195, 31-01, 31-03, 31-04, 31-11, 31-12, 31-23, 31-24, 31-25, 31-30, 31-33, 31-35, 32-10, 32-17, 32-20, 32-60, 32-154, 32-184,	CA and CAR

No.	Statutory undertaker	Nature of undertaking	Accordance with tests in s127(3)(a) or (b)	Accordance with tests in s127(6)(a) or (b)	Agreement type	Status of objection	Land plots affected	Land requirement ¹
	Essex and Suffolk Water Limited Cont'd		<p>according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 1 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and Essex and Suffolk Water / Northumbrian Water.</p> <p>Furthermore, the test in s127(3)(b) can be met as the application contains provisions for land to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of Essex and Suffolk Water / Northumbrian Water new and relocated assets, and contains provisions that would enable Essex and Suffolk Water / Northumbrian Water to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.</p>	<p>according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 1 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and Essex and Suffolk Water / Northumbrian Water.</p> <p>Furthermore, the test in s127(6)(b) can be met as the application contains provisions for rights to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of Essex and Suffolk Water / Northumbrian Water new and relocated assets, and contains provisions that would enable Essex and Suffolk Water / Northumbrian Water to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.</p>	<p>for the Protection of Electricity, Gas, Water and Sewerage Undertakers.</p> <p>Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP3-077].</p> <p>Separate agreement(s) (confidential) between the Applicant and Essex and Suffolk Water / Northumbrian Water, which are ongoing.</p>	<p>protection of Essex and Suffolk Water's apparatus and statutory undertaking.</p> <p>The latest draft of this agreement is under discussion between Essex and Suffolk Water's / Northumbrian Water's legal representatives and the Applicant's solicitors, supported by a series of progress meetings. Points to be concluded relate to Linford Well, namely water quality, pollution and contamination risk and Linford Well compulsory acquisition powers over plot 24-133, of which the last matter relates to the Planning Act 2008 s127(3) and s127(6).</p> <p>The Applicant is confident that agreement on all matters will be reached during the examination period.</p>	32-185, 40-01, 40-02, 40-05, 40-10, 42-14, 42-15, 42-19, 42-31, 42-32, 42-66, 42-67, 42-74, 42-86, 42-91, 42-102, 43-04, 43-06, 44-11, 44-16, 44-18, 44-20, 44-21, 44-32, 44-35, 44-36, 44-37, 44-41, 44-52, 44-66, 44-67, 44-68, 44-75, 44-81, 44-90, 44-94, 44-99, 44-112, 45-80, 45-87, 45-89, 45-108, 45-110, 45-111, 45-112, 45-114, 45-115, 45-116, 45-117, 45-120, 45-121, 45-126, 45-134, 45-135 and 45-138	
5	HS1 Limited	Nominated undertaker designated as per the Channel Tunnel Rail Link Act 1996	<p>The Applicant is satisfied that the tests in s127(3)(a) or (b) are met.</p> <p>The tests in s127(3)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 4 of the draft Development Consent Order [REP3-077] or in accordance with</p>	<p>The Applicant is satisfied that the tests in s127(6)(a) or (b) are met.</p> <p>The tests in s127(6)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 4 of the draft Development Consent Order [REP3-077] or in accordance with</p>	<p>Protective Provisions, Schedule 14, Part 4 of the draft Development Consent Order [REP3-077] contains Protective Provisions for the Protection of Railway Interests.</p> <p>Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development</p>	<p>Existing objection to the Order</p> <p>Discussions are ongoing regarding a separate side agreement between the Applicant and HS1, to provide further arrangements for the protection of HS1's apparatus and statutory undertaking.</p> <p>The latest draft of this agreement is under discussion between HS1's legal representatives and the Applicant's solicitors, supported by a series of progress meetings. Points to be concluded include matters pursuant to the Planning Act 2008 s127(3) and s127(6), with HS1 objecting to "National</p>	03-01, 03-05, 03-06, 03-07, 03-11, 03-12, 03-21, 03-22, 03-27, 03-30, 03-31, 03-33, 03-34, 03-35, 03-37, 03-41, 03-42, 03-44, 03-47, 03-48, 03-50, 03-51, 03-55, 03-57, 03-70, 03-72, 03-103, 04-07, 04-11, 04-12, 04-16, 04-17, 04-21, 04-29, 04-30, 04-33, 04-36, 04-39, 04-45, 04-52, 04-53, 04-56, 04-59, 04-61, 04-64, 04-67, 04-69, 04-72, 04-82, 04-91, 04-101, 04-109, 04-111, 04-112, 04-115, 04-116, 04-117, 04-120, 04-121, 04-122, 04-127, 04-128, 04-129, 04-130, 04-131, 04-132, 04-136, 04-146, 04-147, 04-150, 04-154, 04-155, 04-158, 04-159, 04-160, 04-162, 04-164, 04-166, 04-169, 04-170, 04-171, 04-173, 04-174, 04-175, 04-178, 04-179, 04-182, 04-183, 04-185, 04-186, 04-187, 04-191, 04-192, 04-196, 04-197, 04-198, 04-199, 04-201, 04-202, 04-204, 04-205, 04-206, 04-207, 04-208, 04-209, 04-212, 04-213, 04-215, 04-229,	CA and CAR

No.	Statutory undertaker	Nature of undertaking	Accordance with tests in s127(3)(a) or (b)	Accordance with tests in s127(6)(a) or (b)	Agreement type	Status of objection	Land plots affected	Land requirement ¹
	HS1 Limited Cont'd		<p>agreements made between the Applicant and HS1.</p> <p>Furthermore, the test in s127(3)(b) can be met as the application contains provisions for land to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of HS1 (Art8(d)) new and relocated assets, and contains provisions that would enable HS1 to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.</p>	<p>agreements made between the Applicant and HS1.</p> <p>Furthermore, the test in s127(6)(b) can be met as the application contains provisions for rights to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of HS1 new and relocated assets, and contains provisions that would enable HS1 to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.</p>	<p>Consent Order [REP3-077].</p> <p>Separate agreement(s) (confidential) between the Applicant and HS1, which are ongoing.</p>	<p><i>Highways exercising powers of survey, compulsory acquisition or temporary possession ("compulsory powers") in relation to HS1 land under the DCO without HS1's consent. HS1 submits that protective provisions in the DCO must prevent the exercise of compulsory powers by National Highways unless HS1 agrees to this".</i></p> <p>The Applicant is confident that agreement on all matters will be reached during the examination period.</p>	<p>04-230, 04-232, 04-239, 04-241, 04-242, 04-243, 04-259, 04-260, 04-261, 04-262, 04-270, 04-271, 04-272, 04-273, 06-02, 06-03, 06-04, 06-10, 06-12, 06-13, 06-14, 06-15, 06-16, 06-21, 06-24, 06-25, 06-26, 06-27, 06-28, 06-31, 06-36, 06-40, 06-42, 06-43, 06-44, 06-45, 06-47, 06-48, 06-50, 06-52, 06-54, 06-55, 06-57, 06-59, 06-62, 06-64, 06-65, 06-66, 06-67, 06-68, 06-71, 06-76, 06-81, 06-82, 06-88, 06-117, 06-121, 06-141, 06-145, 06-165, 06-169, 06-170, 06-171, 06-173, 06-182, 06-188, 06-199, 06-203, 06-204, 07-07, 07-10, 07-13, 07-19, 07-26, 07-32, 07-35, 07-38, 07-41, 07-44, 07-45, 07-46, 07-47, 07-48, 07-49, 08-04 and 08-05</p>	
6	London and Continental Railways Limited	Railway licence holder as per the Railways Act 1993	<p>The Applicant is satisfied that the tests in s127(3)(a) or (b) are met.</p> <p>The tests in s127(3)(a) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 4 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and London and Continental Railways Limited.</p> <p>The Applicant does not believe s127(3)(b) is relevant as there is no intent to provide other land for the use of London and Continental Railways Limited.</p>	<p>The Applicant is satisfied that the tests in s127(6)(a) or (b) are met.</p> <p>The tests in s127(6)(a) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 4 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and London and Continental Railways Limited.</p> <p>The Applicant does not believe s127(6)(b) is relevant as there is no intent to provide other land for the use of London and Continental Railways Limited.</p>	<p>Protective Provisions, Schedule 14, Part 4 of the draft Development Consent Order [REP3-077] contains Protective Provisions for the Protection of Railway Interests.</p> <p>Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP3-077].</p>	<p>The Applicant has not received any objections from London and Continental Railways but understands that their land interests are managed by HS1 Limited who have a holding objection to the Order as communicated at HS1 Limited's entry.</p>	<p>06-06, 07-04, 07-09, 07-11, 23-78, 23-92, 23-94, 23-95 and 23-97</p>	CA and CAR
7	National Gas Transmission PLC (formerly National Grid Gas)	Gas transporter as per the Gas Act 1986	<p>The Applicant is satisfied that the tests in s127(3)(a) or (b) are met.</p>	<p>The Applicant is satisfied that the tests in s127(6)(a) or (b) are met.</p>	<p>Protective Provisions, Schedule 14, Part 6 of the draft Development Consent Order [REP3-077] contains</p>	<p>Existing objection to the Order</p> <p>Discussions are ongoing regarding a separate side agreement between the Applicant and National Gas</p>	<p>01-01, 01-02, 01-03, 01-04, 01-08, 02-08, 02-11, 02-12, 03-39, 03-53, 03-54, 03-56, 03-59, 03-76, 03-81, 03-84, 03-85, 03-86, 03-88, 03-89, 03-96, 03-98, 03-107, 03-108, 03-119, 03-149, 04-03, 04-04, 04-10, 04-13, 04-14, 04-23, 04-38, 04-42,</p>	CA and CAR

No.	Statutory undertaker	Nature of undertaking	Accordance with tests in s127(3)(a) or (b)	Accordance with tests in s127(6)(a) or (b)	Agreement type	Status of objection	Land plots affected	Land requirement ¹
	<p>National Gas Transmission PLC Cont'd</p>		<p>The tests in s127(3)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 6 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and National Gas Transmission.</p> <p>Furthermore, the test in s127(3)(b) can be met as the application contains provisions for land to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of National Gas Transmission's new and relocated assets, and contains provisions that would enable National Gas Transmission to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.</p>	<p>The tests in s127(6)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 6 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and National Gas Transmission.</p> <p>Furthermore, the test in s127(6)(b) can be met as the application contains provisions for rights to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of National Gas Transmission's new and relocated assets, and contains provisions that would enable National Gas Transmission to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.</p>	<p>Protective Provisions for the Protection of National Gas Transmission as Gas Undertaker.</p> <p>Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP3-077].</p> <p>Separate agreement(s) (confidential) between the Applicant and National Gas Transmission which are ongoing.</p>	<p>Transmission, to provide further arrangements for the protection of National Gas Transmission's apparatus and statutory undertaking.</p> <p>The latest draft of this agreement is under discussion between National Gas Transmission's legal representatives and the Applicant's solicitors. Points to be concluded include matters pursuant to the Planning Act 2008 s127(3) and s127(6) with regard to "NGT's rights of access to inspect, protect, maintain, renew, repair and retain such apparatus must also be maintained at all times and that NGT's access to inspect and maintain such apparatus must not be restricted. [and] that, where the Applicant intends to acquire land or rights, or interfere with any of NGT's interests in land or NGT apparatus, NGT will require appropriate protection and further discussion is required on the impact to its apparatus and rights".</p> <p>The Applicant is confident that agreement on all matters will be reached during the examination period.</p>	<p>04-54, 04-58, 04-63, 04-196, 04-198, 04-199, 04-201, 04-202, 04-205, 04-206, 04-207, 04-213, 04-215, 04-229, 04-230, 04-239, 04-243, 04-272, 04-273, 06-02, 06-06, 06-12, 06-13, 06-31, 06-42, 06-43, 06-44, 06-45, 06-47, 06-48, 06-51, 06-53, 06-54, 06-55, 06-56, 06-57, 06-62, 06-66, 06-69, 06-73, 06-76, 06-82, 06-121, 06-133, 06-136, 06-137, 06-140, 06-141, 06-142, 06-143, 06-144, 06-145, 06-146, 06-147, 06-149, 06-150, 06-151, 06-152, 06-154, 06-155, 06-156, 06-157, 06-158, 06-159, 06-163, 06-167, 06-168, 06-170, 06-180, 06-181, 06-191, 06-197, 06-200, 06-201, 06-207, 06-208, 06-209, 06-210, 06-211, 07-03, 07-04, 07-09, 07-11, 07-12, 07-35, 07-49, 11-01, 11-08, 11-09, 11-10, 11-11, 11-12, 11-13, 11-14, 11-15, 11-35, 11-36, 11-37, 11-45, 11-50, 11-51, 11-55, 11-58, 11-64, 11-66, 11-70, 11-72, 11-73, 12-02, 13-08, 13-52, 13-58, 13-65, 13-67, 13-71, 13-72, 13-75, 13-91, 13-92, 19-01, 19-07, 19-09, 19-18, 19-23, 19-41, 19-42, 19-43, 19-44, 19-48, 19-49, 19-50, 19-51, 19-52, 19-53, 21-14, 21-15, 21-16, 22-04, 22-05, 22-06, 22-08, 22-10, 22-14, 22-25, 22-26, 22-27, 22-28, 22-40, 22-45, 22-72, 22-77, 22-94, 22-95, 22-105, 22-115, 23-56, 23-72, 23-79, 23-136, 23-139, 23-153, 23-157, 23-161, 23-169, 23-173, 23-175, 24-89, 24-94, 24-95, 24-100, 24-118, 24-119, 24-123, 24-124, 24-130, 24-132, 24-134, 24-135, 24-136, 24-138, 24-140, 24-141, 24-185, 24-191, 24-192, 24-193, 27-01, 27-45, 27-63, 27-64, 27-76, 27-77, 27-79, 27-80, 27-82, 27-86, 27-96, 27-101, 28-102, 28-103, 28-116, 28-124, 28-128, 28-144, 29-01, 29-02, 29-03, 29-04, 29-06, 29-07, 29-09, 29-12, 29-17, 29-18, 29-19, 29-22, 29-23, 29-24, 29-38, 29-40, 29-41, 29-42, 29-46, 29-48, 29-49, 29-54, 29-76, 29-80, 29-88, 29-108, 29-121, 29-137, 29-139, 29-141, 29-147, 29-148, 29-149, 29-152, 29-154, 29-155, 29-156, 29-157, 29-160, 29-164, 29-168, 29-170, 29-171, 29-172, 29-176, 29-177, 29-179, 29-184, 29-191, 29-193, 29-195, 29-197, 29-206, 29-213, 29-270, 29-271, 29-274, 29-275, 29-276, 29-282, 29-283, 30-03, 30-05, 30-07, 30-13, 30-70, 30-78, 31-04, 31-11, 31-23, 31-30, 31-31, 31-32, 31-33, 31-34, 31-35, 31-36, 32-04, 32-10, 32-26, 32-96, 32-111, 32-163, 32-178, 32-185, 33-13, 33-15, 33-18, 33-35, 34-01, 34-02, 34-03, 34-05, 34-06, 34-07, 34-08, 34-09, 34-10, 34-11, 34-15, 34-16, 34-21, 34-30, 34-38, 35-01, 35-02, 35-05, 35-09, 35-12, 35-18, 35-19, 36-02, 36-05, 36-06, 37-05, 38-01, 38-03, 38-04, 38-05, 38-06, 38-07, 38-08, 38-11, 38-12, 38-13, 38-14, 38-15, 38-17, 38-20, 38-21, 38-22, 38-24, 38-25, 38-26, 38-27, 38-31, 38-32, 38-34, 38-35, 38-38, 38-40, 38-43, 38-44, 38-47, 38-64, 39-03, 39-04, 39-06, 39-09, 39-13, 39-16, 39-17, 39-18, 39-19, 39-23, 39-24, 39-27, 39-30, 39-62, 39-63, 39-64, 39-65, 39-66, 39-67, 39-72, 39-73,</p>	

No.	Statutory undertaker	Nature of undertaking	Accordance with tests in s127(3)(a) or (b)	Accordance with tests in s127(6)(a) or (b)	Agreement type	Status of objection	Land plots affected	Land requirement ¹
	National Gas Transmission PLC Cont'd						39-78, 39-79, 39-82, 39-83, 40-05, 40-09, 40-10, 40-13, 40-19, 40-20, 40-22, 40-23, 41-01, 41-02, 41-03, 41-05, 41-08, 41-10, 41-11, 41-21, 41-22, 41-23, 41-24, 41-32, 41-33, 41-36, 41-38, 41-40, 41-43, 41-44, 42-01, 42-14, 42-15, 42-20, 42-35, 42-37, 42-39, 42-51, 42-67, 42-74, 42-80, 42-86, 42-87, 42-90, 42-102, 42-103, 42-104, 43-11, 43-12, 43-44, 43-47, 43-53, 44-11, 44-18, 44-67, 44-90, 44-112, 44-122, 45-80, 45-87, 45-89, 45-90, 45-99, 45-100, 45-108, 45-110, 45-111, 45-112, 45-114, 45-115, 45-116, 45-117, 45-120, 45-121, 45-126, 45-127, 45-133, 45-134, 45-135, 45-138, 46-05, 46-12, 46-14, 46-15, 46-16, 46-17, 46-18, 46-19, 46-20, 46-21, 46-22, 46-26, 46-28, 46-35, 46-53, 46-54, 47-23, 47-27, 47-29, 47-31, 47-34, 47-36 and 47-37	
8	National Grid Electricity Transmission PLC	Electricity transmission as per the Electricity Act 1989	<p>The Applicant is satisfied that the tests in s127(3)(a) or (b) are met.</p> <p>The tests in s127(3)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 7 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and National Grid Electricity Transmission.</p> <p>Furthermore, the test in s127(3)(b) can be met as the application contains provisions for land to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of National Grid Electricity Transmission's new and relocated assets, and contains provisions that would enable National Grid Electricity Transmission to carry out its statutory duties with regard to its other</p>	<p>The Applicant is satisfied that the tests in s127(6)(a) or (b) are met.</p> <p>The tests in s127(6)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 7 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and National Grid Electricity Transmission.</p> <p>Furthermore, the test in s127(6)(b) can be met as the application contains provisions for rights to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of National Grid Electricity Transmission's new and relocated assets, and contains provisions that would enable National Grid Electricity Transmission to carry out its statutory duties with</p>	<p>Protective Provisions, Schedule 14, Part 7 of the draft Development Consent Order [REP3-077] contains Protective Provisions for the Protection of National Grid Electricity Transmission as Electricity Undertaker.</p> <p>Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP3-077].</p> <p>Separate agreement(s) (confidential) between the Applicant and National Grid Electricity Transmission, which are ongoing.</p>	<p>Existing objection to the Order</p> <p>Discussions are ongoing regarding a separate side agreement between the Applicant and National Grid Electricity Transmission, to provide further arrangements for the protection of National Grid Electricity Transmission's apparatus and statutory undertaking.</p> <p>The latest draft of this agreement is under discussion between National Grid Electricity Transmission's legal representatives and the Applicant's solicitors. Points to be concluded include matters pursuant to the Planning Act 2008 s127(3) and s127(6) with regard to "NGET's rights of access to inspect, maintain, renew and repair such apparatus must also be maintained at all times and that NGET's access to inspect and maintain such apparatus must not be restricted [and] that where the Applicant intends to acquire land or rights, or interfere with any of NGET's interests in land or NGET's apparatus, NGET will require appropriate protection and further discussion is required on the impact to its apparatus and rights".</p> <p>The Applicant is confident that agreement on all matters will be reached during the examination period.</p>	03-01, 03-05, 03-07, 03-09, 03-12, 03-15, 03-22, 03-44, 03-48, 03-49, 03-58, 03-60, 03-62, 03-64, 03-66, 03-67, 03-68, 03-69, 03-73, 03-75, 03-76, 03-78, 03-79, 03-81, 03-82, 03-83, 03-84, 03-85, 03-86, 03-88, 03-89, 03-96, 03-98, 03-108, 03-109, 03-114, 03-115, 03-118, 03-120, 03-121, 03-122, 03-127, 03-128, 03-129, 03-130, 03-134, 03-138, 03-139, 03-144, 03-145, 03-152, 04-05, 04-08, 04-09, 04-12, 04-17, 04-30, 04-31, 04-32, 04-43, 04-49, 04-53, 04-57, 04-64, 04-66, 04-67, 04-68, 04-91, 04-112, 04-127, 04-128, 04-158, 04-160, 04-169, 04-175, 04-179, 04-187, 04-191, 04-196, 04-198, 04-199, 04-201, 04-202, 04-203, 04-205, 04-206, 04-207, 04-209, 04-213, 04-215, 04-229, 04-230, 04-239, 04-243, 04-259, 04-260, 04-272, 04-273, 06-06, 06-10, 06-16, 06-24, 06-26, 06-27, 06-36, 06-40, 06-46, 06-47, 06-48, 06-50, 06-52, 06-54, 06-55, 06-56, 06-57, 06-59, 06-62, 06-66, 06-71, 06-76, 06-121, 06-141, 06-145, 06-147, 06-152, 06-154, 06-155, 06-156, 06-157, 06-158, 06-167, 06-171, 06-193, 06-199, 06-205, 06-206, 07-10, 07-13, 07-16, 07-18, 07-19, 07-21, 07-25, 07-31, 07-32, 08-02, 08-03, 08-04, 08-05, 08-06, 08-07, 08-08, 11-01, 11-08, 11-09, 11-10, 11-11, 11-14, 11-35, 11-36, 11-37, 11-45, 11-50, 11-51, 11-58, 11-64, 11-66, 11-73, 12-02, 13-52, 13-58, 13-65, 13-71, 13-72, 13-74, 13-75, 13-79, 13-80, 13-82, 13-83, 13-84, 13-85, 13-90, 13-91, 13-92, 15-11, 15-17, 15-18, 16-02, 16-04, 16-05, 16-12, 16-19, 16-22, 16-32, 16-36, 16-37, 16-38, 16-39, 16-41, 16-44, 16-54, 20-01, 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-13, 20-14, 20-16, 20-17, 20-18, 20-20, 20-25, 20-28, 20-32, 20-41, 20-42, 20-45, 20-49, 20-50, 20-53, 20-57, 20-58, 20-62, 20-67, 20-68, 20-69, 20-81, 21-14, 21-15, 21-16, 21-20, 21-24, 21-33, 21-35, 21-36, 23-25, 23-26, 23-30, 23-41, 23-47, 23-50, 23-51, 23-56, 23-57, 23-61, 23-63, 23-64, 23-65, 23-68, 23-69, 23-70, 23-71, 23-72, 23-75, 23-76, 23-79,	CA, CAS, CASTPS and CAR

No.	Statutory undertaker	Nature of undertaking	Accordance with tests in s127(3)(a) or (b)	Accordance with tests in s127(6)(a) or (b)	Agreement type	Status of objection	Land plots affected	Land requirement ¹
	National Grid Electricity Transmission PLC Cont'd		existing apparatus or interests that are within the Order Limits.	regard to its other existing apparatus or interests that are within the Order Limits.			23-81, 23-88, 23-92, 23-94, 23-97, 23-176, 23-179, 23-181, 23-182, 24-08, 24-25, 24-34, 24-40, 24-45, 24-51, 24-55, 24-59, 24-60, 24-61, 24-69, 24-70, 24-72, 24-79, 24-82, 24-83, 24-89, 24-92, 24-93, 24-95, 24-98, 24-99, 24-100, 24-105, 24-107, 24-109, 24-113, 24-114, 24-115, 24-117, 24-118, 24-119, 24-121, 24-122, 24-124, 24-132, 24-136, 24-140, 24-185, 24-191, 27-02, 27-06, 27-08, 27-09, 27-10, 27-11, 27-12, 27-15, 27-16, 27-19, 27-20, 27-21, 27-32, 27-41, 27-43, 27-44, 27-51, 27-53, 27-54, 27-67, 27-68, 27-69, 27-70, 27-71, 27-74, 27-75, 27-76, 27-80, 27-96, 28-01, 28-05, 28-06, 28-07, 28-09, 28-17, 28-20, 28-21, 28-22, 28-23, 28-24, 28-25, 28-26, 28-38, 28-39, 28-40, 28-41, 28-42, 28-44, 28-48, 28-55, 28-60, 28-66, 28-99, 28-101, 28-102, 28-106, 28-108, 29-02, 29-03, 29-04, 29-06, 29-09, 29-11, 29-12, 29-15, 29-16, 29-17, 29-18, 29-19, 29-20, 29-24, 29-43, 29-47, 29-54, 29-83, 29-88, 29-123, 29-124, 29-142, 29-144, 29-146, 29-148, 29-150, 29-154, 29-158, 29-184, 29-195, 29-200, 29-207, 29-209, 29-210, 29-215, 29-216, 29-221, 29-230, 29-248, 29-255, 29-265, 29-266, 29-268, 29-277, 29-281, 29-282, 29-283, 30-03, 30-13, 30-18, 30-70, 31-04, 31-07, 31-11, 31-23, 31-33, 31-35, 32-09, 32-10, 32-17, 32-20, 32-25, 32-34, 32-36, 32-49, 32-56, 32-143, 32-185, 33-04, 33-05, 33-12, 33-15, 33-17, 33-18, 33-29, 33-30, 33-31, 33-32, 33-33, 33-35, 33-266, 33-291, 33-292, 33-293, 34-07, 34-08, 34-09, 34-10, 34-11, 34-14, 34-15, 34-16, 34-21, 35-02, 35-09, 35-12, 35-13, 35-14, 35-16, 35-17, 35-18, 35-19, 35-52, 35-55, 35-57, 38-01, 38-05, 38-06, 38-07, 38-20, 38-21, 38-22, 38-25, 38-26, 38-27, 38-31, 38-32, 38-34, 38-35, 38-40, 38-44, 38-47, 38-64, 39-83, 41-02, 41-04, 41-05, 41-08, 41-10, 41-11, 41-21, 41-23, 41-24, 41-40, 41-44, 43-19, 43-23, 43-32, 43-99, 44-08, 44-12, 44-25, 44-39, 44-90, 44-112, 45-80, 45-87, 45-96, 45-101, 45-112, 45-114 and 45-121	
9	National Grid PLC	Gas transporter as per the Gas Act 1986; and Electricity transmission as per the Electricity Act 1989	The Applicant is satisfied that the tests in s127(3)(a) or (b) are met. The tests in s127(3)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 6 of the draft Development Consent Order [REP3-077] or in	The Applicant is satisfied that the tests in s127(6)(a) or (b) are met. The tests in s127(6)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 6 of the draft Development Consent Order [REP3-077]	Protective Provisions, Schedule 14, Part 6 of the draft Development Consent Order [REP3-077] contains Protective Provisions for the Protection of National Gas Transmission as Gas Undertaker. Protective Provisions, Schedule 14, Part 7 of the draft Development Consent Order [REP3-077] contains	Existing objection to the Order Discussions are ongoing regarding a separate side agreement between the Applicant and National Grid Electricity Transmission, and the Applicant and National Gas Transmission to provide further arrangements for the protection of National Grid Electricity Transmission's and National Gas Transmission's apparatus and statutory undertaking. The latest drafts of these agreements are under discussion between National Grid Electricity Transmission's legal	11-66, 11-73, 12-02, 12-06, 12-20, 13-52, 13-58, 13-65, 13-67, 13-74, 13-75, 13-79, 13-80 and 13-91	CA and CAR

No.	Statutory undertaker	Nature of undertaking	Accordance with tests in s127(3)(a) or (b)	Accordance with tests in s127(6)(a) or (b)	Agreement type	Status of objection	Land plots affected	Land requirement ¹
	National Grid PLC Cont'd		<p>accordance with agreements made between the Applicant and National Gas Transmission and Schedule 14 Part 7 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and National Grid Electricity Transmission.</p> <p>Furthermore, the test in s127(3)(b) can be met as the application contains provisions for land to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of National Gas Transmission and National Grid Electricity Transmission new and relocated assets, and contains provisions that would enable National Gas Transmission and National Grid Electricity Transmission to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.</p>	<p>or in accordance with agreements made between the Applicant and National Gas Transmission and Schedule 14 Part 7 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and National Grid Electricity Transmission.</p> <p>Furthermore, the test in s127(6)(b) can be met as the application contains provisions for land to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of National Gas Transmission and National Grid Electricity Transmission new and relocated assets, and contains provisions that would enable National Gas Transmission and National Grid Electricity Transmission to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.</p>	<p>Protective Provisions for the Protection of National Grid Electricity Transmission as Electricity Undertaker.</p> <p>Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP3-077].</p> <p>Separate agreements (confidential) between the Applicant and National Gas Transmission, and the Applicant and National Grid Electricity Transmission, which are ongoing.</p>	<p>representatives and the Applicant's solicitors, and National Gas Transmission's legal representatives and the Applicant's solicitors. Points to be concluded include matters pursuant to the Planning Act 2008 s127(3) and s127(6) with regard to National Grid Electricity Transmission's and National Gas Transmission's rights of access to inspect, protect, maintain, renew, repair and retain such apparatus must also be maintained at all times and that National Grid Electricity Transmission's and National Gas Transmission's access to inspect and maintain such apparatus must not be restricted and that, where the Applicant intends to acquire land or rights, or interfere with any of National Grid Electricity Transmission's and National Gas Transmission's interests in land or apparatus, National Grid Electricity Transmission and National Gas Transmission will require appropriate protection and further discussion is required on the impact to its apparatus and rights.</p> <p>The Applicant is confident that agreement on all matters will be reached during the examination period.</p>		
10	Network Rail Limited	Railway licence holder as per the Railways Act 1993	<p>The Applicant is satisfied that the tests in s127(3)(a) or (b) are met.</p> <p>The tests in s127(3)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 4 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between</p>	<p>The Applicant is satisfied that the tests in s127(6)(a) or (b) are met.</p> <p>The tests in s127(6)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 4 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between</p>	<p>Protective Provisions, Schedule 14, Part 4 of the draft Development Consent Order [REP3-077] contains Protective Provisions for the Protection of Railway Interests.</p> <p>Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP3-077].</p>	<p>Existing objection to the Order</p> <p>Discussions are ongoing regarding a separate side agreement between the Applicant and Network Rail Infrastructure Limited to provide further arrangements for the protection of Network Rail Infrastructure Limited's apparatus and statutory undertaking.</p> <p>The latest draft of this agreement is under discussion, between Network Rail Infrastructure Limited's legal representatives and the Applicant's solicitors, supported by a series of progress meetings. Points to be concluded relate to the safety of the railway network, those parts of the scheme that interface with the</p>	15-18, 15-19, 21-13, 23-33, 23-59, 23-60, 23-61, 23-62, 23-69, 23-77, 23-78, 23-91, 23-92, 23-94, 23-95, 23-97, 23-128, 23-129, 23-130, 42-22, 42-23, 42-24, 42-25, 42-34, 42-82, 42-95, 42-123, 43-05, 44-24, 44-45, 44-53, 44-90, 44-122, 45-175 and 49-02	CA, CASTPS and CAR

No.	Statutory undertaker	Nature of undertaking	Accordance with tests in s127(3)(a) or (b)	Accordance with tests in s127(6)(a) or (b)	Agreement type	Status of objection	Land plots affected	Land requirement ¹
	Network Rail Limited Cont'd		the Applicant and Network Rail. Furthermore, the test in s127(3)(b) can be met as the application contains provisions for land to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of Network Rail's (Art8(g)) new and relocated assets, and contains provisions that would enable Network Rail to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.	the Applicant and Network Rail. Furthermore, the test in s127(6)(b) can be met as the application contains provisions for rights to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of Network Rail's new and relocated assets, and contains provisions that would enable Network Rail to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.	Separate agreement(s) (confidential) between the Applicant and Network Rail, which are ongoing.	operational network and those rights to be acquired via the powers contained within the draft Development Consent Order, of which the last matter relates to the Planning Act 2008 s127(3) and s127(6). The Applicant is confident that agreement will be reached during the examination period.		
11	Northumbrian Water Limited <i>(operates as 'Essex and Suffolk Water' in the south east of England)</i>	Water undertaker as per the Water Industry Act 1991	The Applicant is satisfied that the tests in s127(3)(a) or (b) are met. The tests in s127(3)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 1 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and Essex and Suffolk Water / Northumbrian Water. Furthermore, the test in s127(3)(b) can be met as the application contains provisions for land to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of Essex and Suffolk Water / Northumbrian Water new and relocated assets, and	The Applicant is satisfied that the tests in s127(6)(a) or (b) are met. The tests in s127(6)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 1 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and Essex and Suffolk Water / Northumbrian Water. Furthermore, the test in s127(6)(b) can be met as the application contains provisions for rights to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of Essex and Suffolk Water / Northumbrian Water new	Protective Provisions, Schedule 14, Part 1 of the draft Development Consent Order [REP3-077] contains Protective Provisions for the Protection of Electricity, Gas, Water and Sewerage Undertakers. Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP3-077]. Separate agreement(s) (confidential) between the Applicant and Essex and Suffolk Water / Northumbrian Water, which are ongoing.	Existing objection to the Order. Discussions are ongoing regarding a separate side agreement between the Applicant and Essex and Suffolk Water, to provide further arrangements for the protection of Essex and Suffolk Water's apparatus and statutory undertaking. The latest draft of this agreement is under discussion, between Essex and Suffolk Water's / Northumbrian Water's legal representatives and the Applicant's solicitors, supported by a series of progress meetings. Points to be concluded relate to Linford Well, namely: water quality, pollution and contamination risk and Linford Well compulsory acquisition over plot 24-133, of which the last matter relates to the Planning Act 2008 s127(3) and s127(6). The Applicant is confident that agreement will be reached during the examination period.	22-27, 22-31, 22-34, 22-36, 22-37, 22-45, 22-77, 22-92, 22-93, 23-01, 23-03, 23-44, 23-58, 23-59, 23-63, 23-74, 23-75, 23-93, 23-94, 23-97, 23-110, 23-123, 23-127, 23-142, 23-143, 23-145, 23-147, 23-150, 23-151, 23-154, 23-157, 23-170, 23-172, 23-173, 24-01, 24-02, 24-03, 24-05, 24-06, 24-07, 24-08, 24-10, 24-11, 24-12, 24-13, 24-14, 24-18, 24-25, 24-54, 24-58, 24-61, 24-72, 24-73, 24-83, 24-102, 24-108, 24-110, 24-115, 24-122, 24-126, 24-133, 24-137, 24-141, 24-159, 24-160, 24-161, 24-163, 25-50, 25-51, 25-56, 25-61, 25-62, 25-65, 25-67, 25-68, 25-69, 25-74, 25-78, 25-93, 25-95, 25-96, 25-97, 25-98, 25-100, 25-101, 25-102, 25-103, 25-104, 25-106, 25-109, 25-111, 26-03, 26-04, 26-05, 26-06, 26-36, 26-38, 26-50, 27-01, 27-11, 27-15, 27-19, 27-20, 27-24, 27-29, 27-31, 27-33, 27-34, 27-36, 27-37, 27-38, 27-45, 27-47, 27-57, 27-68, 27-69, 28-51, 28-55, 28-60, 28-67, 28-74, 28-75, 28-76, 28-77, 28-78, 28-79, 28-81, 28-82, 28-83, 28-84, 28-87, 28-89, 28-91, 28-92, 28-93, 28-94, 28-95, 28-96, 28-109, 28-110, 28-112, 28-119, 28-121, 28-122, 29-11, 29-30, 29-32, 29-53, 29-54, 29-61, 29-62, 29-63, 29-64, 29-65, 29-68, 29-71, 29-73, 29-77, 29-79, 29-82, 29-87, 29-93, 29-96, 29-97, 29-98, 29-107, 29-108, 29-110, 29-111, 29-113, 29-114, 29-121, 29-125, 29-126, 29-127, 29-129, 29-133, 29-136, 29-137, 29-138, 29-139, 29-143, 29-145, 29-152, 29-157, 29-161, 29-164, 29-169, 29-171, 29-174, 29-177, 29-183, 29-194, 29-196, 29-200, 29-201, 29-203, 29-206, 29-210, 29-218, 29-221, 29-231, 29-252, 29-253, 29-259, 29-279, 30-79, 32-01, 32-02, 32-04, 32-10, 32-17, 32-20, 32-22, 32-23, 32-29, 32-30, 32-38, 32-42, 32-43, 32-46, 32-50, 32-51, 32-54, 32-	CA and CAR

No.	Statutory undertaker	Nature of undertaking	Accordance with tests in s127(3)(a) or (b)	Accordance with tests in s127(6)(a) or (b)	Agreement type	Status of objection	Land plots affected	Land requirement ¹
	Northumbrian Water Limited Cont'd		contains provisions that would enable Essex and Suffolk Water / Northumbrian Water to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.	and relocated assets, and contains provisions that would enable Essex and Suffolk Water / Northumbrian Water to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.			73, 32-74, 32-75, 32-76, 32-77, 32-82, 32-86, 32-88, 32-89, 32-90, 32-99, 32-100, 32-107, 32-108, 32-112, 32-113, 32-114, 32-116, 32-126, 32-128, 32-132, 32-136, 32-155, 32-156, 32-157, 32-164, 32-170, 32-172, 32-173, 32-174, 32-178, 33-81, 33-90, 33-91, 33-94, 33-100, 33-101, 33-104, 33-109, 33-110, 33-112, 33-114, 33-117, 33-121, 33-123, 33-124, 33-126, 33-128, 33-129, 33-132, 33-134, 33-135, 33-139, 33-141, 33-143, 33-147, 33-158, 33-160, 33-164, 33-165, 33-167, 33-169, 33-172, 33-176, 33-182, 33-183, 33-187, 33-196, 33-199, 33-202, 33-206, 33-207, 33-208, 33-210, 33-211, 33-219, 33-239, 33-251, 33-258, 33-264, 33-267, 33-274, 33-284, 39-24, 39-29, 39-31, 39-32, 39-34, 39-35, 39-36, 39-37, 39-38, 39-39, 39-40, 39-41, 39-43, 39-44, 39-45, 39-47, 39-48, 39-49, 39-50, 39-51, 39-53, 39-54, 39-56, 39-59, 39-60, 39-61, 39-62, 41-04, 42-06, 42-11, 42-14, 42-15, 42-20, 42-25, 42-28, 42-30, 42-32, 42-36, 42-41, 42-44, 42-48, 42-50, 42-58, 42-65, 42-66, 42-68, 42-69, 42-70, 42-71, 42-73, 42-74, 42-76, 42-77, 42-84, 42-98, 42-107, 42-112, 42-114, 42-119, 42-120, 42-122, 42-125, 42-126, 42-129, 42-130, 42-131, 42-132, 42-133, 42-134, 42-139, 42-140, 42-141, 42-142, 42-143, 42-144, 42-145, 42-146, 42-147, 42-148, 42-149, 42-150, 42-151, 42-152, 42-153, 42-154, 42-155, 42-156, 42-157, 42-158, 42-159, 42-160, 42-161, 42-162, 42-163, 42-164, 42-165, 42-166, 42-167, 42-168, 42-169, 42-171, 42-172, 42-173, 42-174, 42-175, 42-177, 42-178, 42-179, 42-180, 42-181, 42-182, 42-183, 42-184, 42-185, 43-06, 43-08, 43-23, 43-26, 43-29, 43-31, 43-32, 43-52, 43-54, 43-55, 43-56, 43-57, 43-58, 43-59, 43-60, 43-61, 43-62, 43-81, 43-89, 43-91, 43-92, 43-96, 43-97, 43-100, 43-103, 44-10, 44-12, 44-15, 44-17, 44-27, 44-34, 44-35, 44-38, 44-49, 44-52, 44-54, 44-55, 44-61, 44-62, 44-69, 44-70, 44-75, 44-77, 44-80, 44-81, 44-82, 44-86, 44-89, 44-91, 44-94, 44-95, 44-96, 44-97, 44-98, 44-99, 44-100, 44-112, 45-14, 45-29, 45-30, 45-31, 45-32, 45-33, 45-36, 45-38, 45-42, 45-52, 45-53, 45-56, 45-57, 45-58, 45-59, 45-60, 45-61, 45-63, 45-76, 45-81, 45-86, 45-95, 45-103, 45-114, 45-121, 45-124, 45-129, 45-133, 45-138, 45-155, 45-160, 45-162, 45-163, 45-165, 45-168, 45-169, 46-23, 46-24, 47-11 and 47-18	
12	Port of London Authority Limited	Statutory harbour authority established by The Port of London Act 1908 to govern the Port of London.	The Applicant is satisfied that the tests in s127(3)(a) or (b) are met. The tests in s127(3)(a) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of	The Applicant is satisfied that the tests in s127(6)(a) or (b) are met. The tests in s127(6)(a) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of	Protective Provisions, Schedule 14, Part 8 of the draft Development Consent Order [REP3-077] contains Protective Provisions for the Protection of the Port of London Authority.	Existing objection to the Order The latest draft of the Protective Provisions are under discussion between Port of London Authority's legal representatives and the Applicant's solicitors, supported by a series of progress meetings. Points to be concluded relate to the Planning Act	15-10, 15-11, 15-12, 16-42, 16-43 and 16-68	CAS and CAR

No.	Statutory undertaker	Nature of undertaking	Accordance with tests in s127(3)(a) or (b)	Accordance with tests in s127(6)(a) or (b)	Agreement type	Status of objection	Land plots affected	Land requirement ¹
	Port of London Authority Limited Cont'd	Statutory powers and duties pursuant to the Port of London Act 1968.	statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 8 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and the Port of London Authority. The Applicant does not believe s127(3)(b) is relevant as there is no intent to provide other land for the use of the Port of London Authority Limited.	statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 8 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and the Port of London Authority. The Applicant does not believe s127(6)(b) is relevant as there is no intent to provide other land for the use of the Port of London Authority Limited.	Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP3-077].	2008 s127(3) and s127(6) with regard to the ability for the Applicant to construct and operate the Project without having a detrimental effect on the statutory functions of the Port of London Authority. The Applicant is confident that agreement for matters relating to the Planning Act 2008 s127(3) and s127(6) will be reached during the examination period.		
13	Port of Tilbury London Limited	Statutory harbour authority established by The Port of London Act 1908 to govern the Port of London. Statutory powers and duties pursuant to the Port of London Act 1968.	The Applicant is satisfied that the tests in s127(3)(a) or (b) are met. The tests in s127(3)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 10 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and the Port of Tilbury.	The Applicant is satisfied that the tests in s127(6)(a) or (b) are met. The tests in s127(6)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 10 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and the Port of Tilbury.	Protective Provisions, Schedule 14, Part 10 of the draft Development Consent Order [REP3-077] contains Protective Provisions for the Protection of the Port of Tilbury London Limited. Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP3-077]. Separate agreement(s) (confidential) between the Applicant and the Port of Tilbury, which are ongoing.	Existing objection to the Order Discussions are ongoing regarding a separate side agreement between the Applicant and the Port of Tilbury, to provide further arrangements for the protection of the Port of Tilbury's statutory undertaking. The latest draft of this agreement is under discussion between the Port of Tilbury's legal representatives and the Applicant's solicitors, supported by a series of progress meetings. Points to be concluded relate to the Planning Act 2008 s127(3) and s127(6) with regard to the ability for the Applicant to construct and operate the Project without having a detrimental effect on the statutory functions of the Port of Tilbury. The Applicant is confident that agreement for matters relating to the Planning Act 2008 s127(3) and s127(6) will be reached during the examination period.	16-02, 16-04, 16-05, 16-10, 16-12, 16-18, 16-19, 16-20, 16-22, 16-30, 16-32, 16-36, 16-37, 16-38, 16-39, 16-41, 16-44, 16-54, 20-06, 20-07, 20-08, 20-09, 20-11, 20-17, 20-18, 20-23, 20-25, 20-41, 20-42, 20-45, 20-47, 20-49, 20-50, 20-52, 20-53, 20-57, 20-58, 20-61, 20-62, 20-65, 20-67, 20-68, 20-69, 20-81, 21-13, 21-14, 21-15, 21-16, 21-20, 21-24, 21-33, 21-35, 21-36, 23-30 and 23-68	CA, CAS and CAR
14	Royal Mail Group Limited	A provider of the Universal Postal Service as defined by the Postal Services Act 2011	The Applicant does not believe s127(3) has relevance due to the Applicant only requiring rights over the land.	The Applicant is satisfied that the tests in s127(6)(a) or (b) are met owing to the location of the rights being wholly within the adoptable highway boundary (B186 Warley Street, Blue Anchor Lane, B188 High Road, Ockendon Road, B186	To enable the Royal Mail to carry out its duties as a provider of the Universal Postal Service, they are a named attendee and consultee for those matters regarding traffic management	No objection to the Order known or envisaged.	24-17, 33-119 and 45-165	CAR

No.	Statutory undertaker	Nature of undertaking	Accordance with tests in s127(3)(a) or (b)	Accordance with tests in s127(6)(a) or (b)	Agreement type	Status of objection	Land plots affected	Land requirement ¹
	Royal Mail Group Limited Cont'd			Clay Tye Road) and none of the Applicant's assumed works requiring modification of Royal Mail's access points to meet the reasonable needs of users of the universal postal service.	and the traffic management plan for construction, which is secured via: <ul style="list-style-type: none"> • [REP3-077] Requirement 10(1) and 10(2) of the draft Development Consent Order • [REP3-120] Outline Traffic Management Plan for Construction • Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP3-077] 			
15	Southern Gas Networks PLC	Gas transporter as per the Gas Act 1986	<p>The Applicant is satisfied that the tests in s127(3)(a) or (b) are met.</p> <p>The tests in s127(3)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained at Schedule 14 Part 1 and Part 5 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and Southern Gas Networks.</p> <p>Furthermore, the test in s127(3)(b) can be met as the application contains provisions for land to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of</p>	<p>The Applicant is satisfied that the tests in s127(6)(a) or (b) are met.</p> <p>The tests in s127(6)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained at Schedule 14 Part 1 and Part 5 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and Southern Gas Networks.</p> <p>Furthermore, the test in s127(6)(b) can be met as the application contains provisions for rights to be acquired via the compulsory acquisition powers contained within the draft Development</p>	<p>Protective Provisions, Schedule 14, Part 1 of the draft Development Consent Order [REP3-077] contains Protective Provisions for the Protection of Electricity, Gas, Water and Sewerage Undertakers, which are agreed..</p> <p>Protective Provisions, Schedule 14, Part 5 of the draft Development Consent Order [REP3-077] contains Protective Provisions for the Protection of Specified Gas Undertakers, which are agreed.</p> <p>Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development</p>	<p>Withdrawn</p> <p>Southern Gas Networks notified the Planning Inspectorate on 31 July 2023 [AS-149] that <i>"In light of the Promoter and SGN having reached an agreement in relation to SGN's protective provisions which the Promoter seeks to include and retain in the Order, SGN hereby withdraws its objection to the Order application"</i>.</p>	<p>03-05, 03-06, 03-07, 03-11, 03-13, 03-16, 03-19, 03-21, 03-22, 03-24, 03-25, 03-28, 03-34, 03-35, 03-37, 03-42, 03-45, 03-48, 03-49, 03-50, 03-53, 03-54, 03-55, 03-56, 03-57, 03-58, 03-59, 03-63, 03-66, 03-69, 03-70, 03-84, 03-85, 03-112, 03-120, 03-123, 03-127, 03-132, 03-133, 03-134, 03-135, 03-136, 03-138, 03-152, 04-02, 04-15, 04-19, 04-20, 04-24, 04-51, 04-55, 04-114, 04-143, 04-193, 04-211, 04-214, 04-232, 04-259, 04-260, 04-262, 06-20, 06-24, 06-36, 06-52, 06-61, 06-72, 06-78, 06-91, 06-96, 06-98, 06-107, 06-111, 06-113, 06-114, 06-115, 06-122, 06-127, 06-128, 06-133, 06-136, 06-137, 06-140, 06-142, 06-155, 06-162, 06-166, 06-177, 06-184, 06-195, 06-211, 07-10, 07-14, 07-16, 07-18, 07-19, 07-21, 07-25, 07-26, 07-27, 07-29, 07-31, 07-40, 07-41, 10-06, 10-07, 10-09, 10-10, 11-19, 11-21, 11-25, 12-09, 12-19, 13-01, 13-02, 13-03, 13-12, 13-14, 13-21, 13-23, 13-24, 13-25, 13-28 and 13-29</p>	CA and CAR

No.	Statutory undertaker	Nature of undertaking	Accordance with tests in s127(3)(a) or (b)	Accordance with tests in s127(6)(a) or (b)	Agreement type	Status of objection	Land plots affected	Land requirement ¹
	Southern Gas Networks PLC Cont'd		Southern Gas Networks' new and relocated assets, and contains provisions that would enable Southern Gas Networks to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.	Consent Order for the benefit of Southern Gas Networks' new and relocated assets, and contains provisions that would enable Southern Gas Networks to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.	Consent Order [REP3-077] . Separate agreement(s) (confidential) between the Applicant and Southern Gas Networks, which have concluded.			
16	Southern Water Services Limited	Water and sewerage undertaker as per the Water Industry Act 1991	<p>The Applicant is satisfied that the tests in s127(3)(a) or (b) are met.</p> <p>The tests in s127(3)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 1 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and Southern Water Services.</p> <p>Furthermore, the test in s127(3)(b) can be met as the application contains provisions for land to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of Southern Water Services' new and relocated assets, and contains provisions that would enable Southern Water Services to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.</p>	<p>The Applicant is satisfied that the tests in s127(6)(a) or (b) are met.</p> <p>The tests in s127(6)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 1 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and Southern Water Services.</p> <p>Furthermore, the test in s127(6)(b) can be met as the application contains provisions for rights to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of Southern Water Services' new and relocated assets, and contains provisions that would enable Southern Water Services to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.</p>	<p>Protective Provisions, Schedule 14, Part 1 of the draft Development Consent Order [REP3-077] contains Protective Provisions for the Protection of Electricity, Gas, Water and Sewerage Undertakers.</p> <p>Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP3-077].</p> <p>Separate agreement(s) (confidential) between the Applicant and Southern Water Services, which are ongoing.</p>	<p>Existing objection to the Order</p> <p>Discussions are ongoing regarding a separate side agreement between the Applicant and Southern Water Services, to provide further arrangements for the protection of Southern Water Services' apparatus and statutory undertaking.</p> <p>The latest draft of this agreement is under discussion, between Southern Water Services' legal representatives and the Applicant's solicitors. Points to be concluded relate to water quality, pollution and contamination risk of their water source and compulsory acquisition powers which "If made, the DCO would authorise the exercise of powers over or near land in which SWS maintains assets and/or has other rights for the purposes of discharging its statutory duties. Unchecked, the exercise of such powers in respect of SWS's interests would cause severe detriment to it" of which relate to the Planning Act 2008 s127(3) and s127(6).</p> <p>The Applicant is confident that agreement will be reached during the Examination period.</p>	<p>01-18, 03-05, 03-06, 03-07, 03-11, 03-12, 03-13, 03-19, 03-22, 03-27, 03-28, 03-29, 03-31, 03-34, 03-35, 03-37, 03-38, 03-39, 03-40, 03-42, 03-44, 03-45, 03-46, 03-47, 03-49, 03-50, 03-53, 03-54, 03-55, 03-56, 03-57, 03-59, 03-62, 03-68, 03-69, 03-70, 03-71, 03-74, 03-75, 03-76, 03-79, 03-81, 03-84, 03-85, 03-86, 03-88, 03-91, 03-92, 03-93, 03-94, 03-95, 03-112, 03-116, 03-120, 03-123, 03-127, 03-130, 03-133, 03-135, 03-136, 03-139, 03-140, 03-142, 03-145, 03-147, 03-149, 04-02, 04-07, 04-09, 04-10, 04-11, 04-12, 04-13, 04-15, 04-17, 04-18, 04-19, 04-21, 04-22, 04-24, 04-26, 04-27, 04-29, 04-31, 04-34, 04-41, 04-42, 04-44, 04-45, 04-49, 04-51, 04-54, 04-55, 04-56, 04-58, 04-59, 04-63, 04-64, 04-67, 04-69, 04-70, 04-71, 04-72, 04-74, 04-76, 04-77, 04-78, 04-80, 04-82, 04-84, 04-89, 04-90, 04-91, 04-92, 04-95, 04-102, 04-104, 04-105, 04-106, 04-110, 04-111, 04-113, 04-114, 04-115, 04-118, 04-119, 04-120, 04-121, 04-129, 04-131, 04-132, 04-136, 04-143, 04-144, 04-146, 04-147, 04-149, 04-150, 04-151, 04-152, 04-153, 04-155, 04-157, 04-158, 04-159, 04-160, 04-161, 04-163, 04-171, 04-173, 04-179, 04-180, 04-181, 04-182, 04-184, 04-186, 04-187, 04-193, 04-196, 04-197, 04-198, 04-199, 04-201, 04-202, 04-203, 04-204, 04-205, 04-206, 04-207, 04-211, 04-213, 04-214, 04-215, 04-216, 04-217, 04-218, 04-220, 04-226, 04-229, 04-230, 04-232, 04-234, 04-238, 04-239, 04-241, 04-242, 04-243, 04-244, 04-245, 04-246, 04-247, 04-251, 04-259, 04-260, 04-262, 04-271, 04-272, 04-273, 05-17, 05-18, 06-02, 06-03, 06-04, 06-05, 06-06, 06-07, 06-12, 06-13, 06-14, 06-15, 06-19, 06-20, 06-21, 06-22, 06-23, 06-24, 06-28, 06-30, 06-31, 06-35, 06-36, 06-42, 06-43, 06-44, 06-45, 06-47, 06-48, 06-51, 06-52, 06-55, 06-57, 06-58, 06-59, 06-60, 06-61, 06-62, 06-65, 06-66, 06-67, 06-68, 06-69, 06-70, 06-71, 06-72, 06-73, 06-74, 06-76, 06-77, 06-78, 06-79, 06-80, 06-81, 06-82, 06-83, 06-84, 06-85, 06-87, 06-89, 06-90, 06-92, 06-94, 06-95, 06-96, 06-97, 06-98, 06-99, 06-100, 06-101, 06-102, 06-103, 06-104, 06-106, 06-107, 06-113, 06-114, 06-115, 06-119, 06-120, 06-122, 06-125, 06-126, 06-128, 06-131, 06-140, 06-141, 06-145, 06-146, 06-</p>	CA, CAS, CASTPS and CAR

No.	Statutory undertaker	Nature of undertaking	Accordance with tests in s127(3)(a) or (b)	Accordance with tests in s127(6)(a) or (b)	Agreement type	Status of objection	Land plots affected	Land requirement ¹
	Southern Water Services Limited Cont'd						147, 06-152, 06-154, 06-155, 06-156, 06-157, 06-162, 06-164, 06-166, 06-167, 06-168, 06-171, 06-177, 06-180, 06-181, 06-183, 06-184, 06-195, 06-200, 07-27, 07-35, 07-41, 07-42, 07-43, 07-46, 07-47, 07-48, 07-49, 11-01, 11-10, 11-14, 11-16, 11-17, 11-18, 11-19, 11-20, 11-21, 11-23, 11-25, 11-26, 11-27, 11-28, 11-29, 11-30, 11-31, 11-32, 11-33, 11-34, 11-35, 11-36, 11-38, 11-39, 11-41, 11-42, 11-43, 11-44, 11-45, 13-02, 13-03, 13-09, 13-10, 13-12, 13-14, 13-15, 13-16, 13-17, 13-18, 13-19, 13-20, 13-21, 13-23, 13-24, 13-25, 13-26, 13-28, 13-29, 13-32, 13-35, 13-36, 13-37, 13-39, 13-41, 13-42, 13-43, 13-44, 13-50, 13-54, 13-70, 13-71, 13-82, 13-84, 13-86, 13-87, 14-04, 14-08, 14-09, 14-10, 14-17 and 14-18	
17	Thames Water Utilities Limited	Sewerage undertaker (for areas within the Order Limits) as per the Water Industry Act 1991	<p>The Applicant is satisfied that the tests in s127(3)(a) or (b) are met.</p> <p>The tests in s127(3)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 1 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and Thames Water Utilities.</p> <p>Furthermore, the test in s127(3)(b) can be met as the application contains provisions for land to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of Thames Water Utilities' new and relocated assets, and contains provisions that would enable Thames Water Utilities to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.</p>	<p>The Applicant is satisfied that the tests in s127(6)(a) or (b) are met.</p> <p>The tests in s127(6)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 1 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and Thames Water Utilities.</p> <p>Furthermore, the test in s127(6)(b) can be met as the application contains provisions for rights to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of Thames Water Utilities' new and relocated assets, and contains provisions that would enable Thames Water Utilities to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.</p>	<p>Protective Provisions, Schedule 14, Part 1 of the draft Development Consent Order [REP3-077] contains Protective Provisions for the Protection of Electricity, Gas, Water and Sewerage Undertakers.</p> <p>Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP3-077].</p> <p>Separate agreement(s) (confidential) between the Applicant and Thames Water Utilities, which have concluded.</p>	<p>The Applicant believes objection to have been withdrawn following the conclusion of agreements between the Applicant and Thames Water Utilities Limited.</p> <p>The Applicant has requested Thames Water Utilities Limited to submit a notification of withdrawal to the Planning Inspectorate following the conclusion of agreements between the parties. [Application Document to be added at the deadline following inclusion within the Examination Library]</p>	42-05, 42-06, 42-11, 42-12, 42-19, 42-29, 42-31, 42-32, 42-36, 42-41, 42-42, 42-48, 42-50, 42-58, 42-65, 42-68, 42-69, 42-98, 42-117, 42-118, 42-122, 42-125, 42-126, 42-129, 42-131, 42-133, 42-134, 42-140, 42-144, 42-145, 42-146, 42-147, 42-148, 42-150, 42-152, 42-154, 42-155, 42-157, 42-158, 42-159, 42-160, 42-161, 42-162, 42-167, 43-58 and 43-10	CA and CAR

No.	Statutory undertaker	Nature of undertaking	Accordance with tests in s127(3)(a) or (b)	Accordance with tests in s127(6)(a) or (b)	Agreement type	Status of objection	Land plots affected	Land requirement ¹
18	Thurrock Flexible Generation Limited <i>(formerly Thurrock Power Limited)</i>	Electricity generation as per the Electricity Act 1989	<p>The Applicant is satisfied that the tests in s127(3)(a) or (b) are met.</p> <p>The tests in s127(3)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 1 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and Thurrock Flexible Generation / Thurrock Power.</p> <p>Furthermore, the test in s127(3)(b) can be met as the application contains provisions for land to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of Thurrock Flexible Generation / Thurrock Power (Art8(y)) new and relocated assets, and contains provisions that would enable Thurrock Flexible Generation / Thurrock Power to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.</p>	<p>The Applicant is satisfied that the tests in s127(6)(a) or (b) are met.</p> <p>The tests in s127(6)(a) and/or (b) can be met by according with Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 1 of the draft Development Consent Order [REP3-077] or in accordance with agreements made between the Applicant and Thurrock Flexible Generation / Thurrock Power.</p> <p>Furthermore, the test in s127(6)(b) can be met as the application contains provisions for rights to be acquired via the compulsory acquisition powers contained within the draft Development Consent Order for the benefit of Thurrock Flexible Generation / Thurrock Power (Art.8(y)) new and relocated assets, and contains provisions that would enable Thurrock Flexible Generation / Thurrock Power to carry out its statutory duties with regard to its other existing apparatus or interests that are within the Order Limits.</p>	<p>Protective Provisions, Schedule 14, Part 1 of the draft Development Consent Order [REP3-077] contains Protective Provisions for the Protection of Electricity, Gas, Water and Sewerage Undertakers.</p> <p>Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP3-077].</p> <p>Separate agreement(s) (confidential) between the Applicant and Thurrock Flexible Generation / Thurrock Power, which are ongoing.</p>	<p>Existing objection to the Order</p> <p>Discussions are ongoing regarding a separate side agreement between the Applicant and Thurrock Flexible Generation / Thurrock Power. Matters regarding the execution of overlapping compulsory acquisition powers are being discussed which relate to the Planning Act 2008 s127(3) and s127(6).</p> <p>Further to a meeting held on 19 May 2023, the Applicant awaits the provision of Protective Provisions from Thurrock Power Limited's solicitors for review and agreement.</p> <p>The Applicant is confident that agreement will be reached during the Examination period.</p>	16-02, 16-04, 16-05, 16-12, 16-19, 16-22, 16-32, 16-37, 16-38, 20-01, 20-06, 20-07, 20-08, 20-09, 20-10, 20-11, 20-12, 20-14, 20-18, 20-25, 20-41, 20-42, 20-53, 20-58, 20-62, 20-63, 20-68, 20-75, 21-14, 21-15, 21-16, 21-20, 21-24, 21-25, 21-26, 21-29, 21-33, 21-35, 21-36, 23-08, 23-21, 23-22, 23-24, 23-26, 23-30, 23-68, 23-106, 23-120, 23-181, 23-182, 23-183, 23-184, 24-04, 24-10, 24-30, 24-32, 24-59, 24-60, 25-105, 25-107, 25-108, 25-113, 27-02, 27-08, 27-09, 27-10, 27-18, 28-139, 28-141 and 28-143	CA and CAR

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