

**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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# Lower Thames Crossing

## 9.79 ExQ1 15.1.3 PA2008 s127 Statutory Undertakers' Land/Rights - LTC (Clean version)

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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 [[REP5-006](#)] and [[REP5-008](#)]
- b. Statement of Reasons [[REP5-028](#)] including the following:
  - i. Appendix 1 explaining the land requirement for that land to which statutory undertakers as well as telecommunications operators who retain rights under the Electronic Communications Code 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 [[REP5-030](#)]
- 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 [[REP5-071](#)]
- 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 <sup>1</sup>
1	<b>Anglian Water Services Limited</b>	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 [REP5-024] 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 [REP5-024] 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 [REP5-024] 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 [REP5-024].</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, 43-100, 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	<b>Cadent Gas Limited</b>	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</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</p>	<p>Protective Provisions, Schedule 14, Part 1 of the draft Development Consent Order [REP5-024] contains Protective Provisions for the Protection of Electricity, Gas, Water and Sewerage</p>	<p>Withdrawn</p> <p>Cadent Gas notified the Planning Inspectorate on 20 July 2023 [AS-094] 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</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-</p>	CA and CAR

<sup>1</sup>CA (Compulsory acquisition), CAR (Compulsory acquisition of rights over land and temporary possession), CAS (Compulsory acquisition of subsoil), CASTPS (Compulsory acquisition of subsoil and temporary possession of land at the surface)



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 <sup>1</sup>
	<p><b>Cadent Gas Limited</b> Cont'd</p>		<p>stopped up streets) and the Protective Provisions as contained at Schedule 14 Part 1 and Part 5 of the draft Development Consent Order [REP5-024] 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>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 [REP5-024] 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>Undertakers, which are agreed..</p> <p>Protective Provisions, Schedule 14, Part 5 of the draft Development Consent Order [REP5-024] 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 [REP5-024].</p> <p>Separate agreement(s) (confidential) between the Applicant and Cadent Gas, which have concluded.</p>	<p>required), Cadent hereby withdraws its objection to the Order".</p>	<p>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, 28-03, 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-</p>	

<sup>1</sup>CA (Compulsory acquisition), CAR (Compulsory acquisition of rights over land and temporary possession), CAS (Compulsory acquisition of subsoil), CASTPS (Compulsory acquisition of subsoil and temporary possession of land at the surface)

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 <sup>1</sup>
	<b>Cadent Gas Limited</b> Cont'd						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, 40-23, 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	<b>Environment Agency</b>	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 [REP5-024] 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 [REP5-024] 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 [REP5-024] 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 [REP5-024].  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 believes that all matters pursuant to s127 are agreed.	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

<sup>1</sup>CA (Compulsory acquisition), CAR (Compulsory acquisition of rights over land and temporary possession), CAS (Compulsory acquisition of subsoil), CASTPS (Compulsory acquisition of subsoil and temporary possession of land at the surface)

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 <sup>1</sup>
4	<b>Essex and Suffolk Water Limited</b> <i>(an operating arm of Northumbrian Water Limited)</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 [REP5-024] 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 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.	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 [REP5-024] 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 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.	Protective Provisions, Schedule 14, Part 1 of the draft Development Consent Order [REP5-024] 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 [REP5-024].  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 powers 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 on all matters will be reached during the examination period.	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, 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	CA and CAR
5	<b>HS1 Limited</b>	Nominated undertaker designated as per the Channel Tunnel Rail Link Act 1996	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	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	Protective Provisions, Schedule 14, Part 4 of the draft Development Consent Order [REP5-024] contains Protective Provisions for the Protection of Railway Interests.	Existing objection to the Order  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.	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,	CA and CAR

<sup>1</sup>CA (Compulsory acquisition), CAR (Compulsory acquisition of rights over land and temporary possession), CAS (Compulsory acquisition of subsoil), CASTPS (Compulsory acquisition of subsoil and temporary possession of land at the surface)



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 <sup>1</sup>
	HS1 Limited Cont'd		<p>statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 4 of the draft Development Consent Order [REP5-024] or in accordance with 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>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 [REP5-024] or in accordance with 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>Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP5-024].</p> <p>Separate agreement(s) (confidential) between the Applicant and HS1, which are ongoing.</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 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".</p> <p>Ongoing negotiations regarding the Protective Provisions are expected to take place during the Examination period.</p>	<p>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, 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 [REP5-024] 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</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 [REP5-024] or in accordance with agreements made between the Applicant and London and Continental Railways.</p> <p>The Applicant does not believe s127(6)(b) is relevant as there is no intent to provide other land</p>	<p>Protective Provisions, Schedule 14, Part 4 of the draft Development Consent Order [REP5-024] 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 [REP5-024].</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

<sup>1</sup>CA (Compulsory acquisition), CAR (Compulsory acquisition of rights over land and temporary possession), CAS (Compulsory acquisition of subsoil), CASTPS (Compulsory acquisition of subsoil and temporary possession of land at the surface)

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 <sup>1</sup>
	<b>London and Continental Railways Limited</b> Cont'd		intent to provide other land for the use of London and Continental Railways Limited.	for the use of London and Continental Railways Limited.				
7	<b>National Gas Transmission PLC</b>  <i>(formerly National Grid Gas)</i>	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 within Schedule 14 Part 6 of the draft Development Consent Order [REP5-024] 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 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 6 of the draft Development Consent Order [REP5-024] 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, Schedule 14, Part 6 of the draft Development Consent Order [REP5-024] contains 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 [REP5-024].</p> <p>Separate agreement(s) (confidential) between the Applicant and National Gas 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 Gas 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>	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, 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-	CA and CAR

<sup>1</sup>CA (Compulsory acquisition), CAR (Compulsory acquisition of rights over land and temporary possession), CAS (Compulsory acquisition of subsoil), CASTPS (Compulsory acquisition of subsoil and temporary possession of land at the surface)

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 <sup>1</sup>
	<b>National Gas Transmission PLC</b> Cont'd						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, 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	<b>National Grid Electricity Transmission PLC</b>	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 7 of the draft Development Consent Order [REP5-024] or in accordance with agreements made between the Applicant and National Grid Electricity Transmission.  Furthermore, the test in s127(3)(b) can be met as the application contains	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 7 of the draft Development Consent Order [REP5-024] or in accordance with agreements made between the Applicant and National Grid Electricity Transmission.  Furthermore, the test in s127(6)(b) can be met as the application contains	Protective Provisions, Schedule 14, Part 7 of the draft Development Consent Order [REP5-024] contains Protective Provisions for the Protection of National Grid Electricity Transmission as Electricity Undertaker.  Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP5-024].  Separate agreement(s) (confidential) between	Existing objection to the Order  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.  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	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,	CA, CAS, CASTPS and CAR

<sup>1</sup>CA (Compulsory acquisition), CAR (Compulsory acquisition of rights over land and temporary possession), CAS (Compulsory acquisition of subsoil), CASTPS (Compulsory acquisition of subsoil and temporary possession of land at the surface)



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 <sup>1</sup>
	<b>National Grid Electricity Transmission PLC</b> Cont'd		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 existing apparatus or interests that are within the Order Limits.	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 regard to its other existing apparatus or interests that are within the Order Limits.	the Applicant and National Grid Electricity Transmission, which are ongoing.	<i>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".</i>  The Applicant is confident that agreement on all matters will be reached during the examination period.	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, 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	<b>National Grid PLC</b>	Gas transporter as per the Gas Act 1986; and Electricity transmission as per the	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	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)	Protective Provisions, Schedule 14, Part 6 of the draft Development Consent Order <a href="#">[REP5-024]</a> contains Protective Provisions for the Protection of National Gas	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	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

<sup>1</sup>CA (Compulsory acquisition), CAR (Compulsory acquisition of rights over land and temporary possession), CAS (Compulsory acquisition of subsoil), CASTPS (Compulsory acquisition of subsoil and temporary possession of land at the surface)



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 <sup>1</sup>
	<b>National Grid PLC</b> Cont'd	Electricity Act 1989	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 [REP5-024] or in accordance with agreements made between the Applicant and National Gas Transmission and Schedule 14 Part 7 of the draft Development Consent Order [REP5-024] or in accordance with agreements made between the Applicant and National Grid Electricity Transmission.  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.	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 [REP5-024] or in accordance with agreements made between the Applicant and National Gas Transmission and Schedule 14 Part 7 of the draft Development Consent Order [REP5-024] or in accordance with agreements made between the Applicant and National Grid Electricity Transmission.  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.	Transmission as Gas Undertaker.  Protective Provisions, Schedule 14, Part 7 of the draft Development Consent Order [REP5-024] contains Protective Provisions for the Protection of National Grid Electricity Transmission as Electricity Undertaker.  Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP5-024].  Separate agreements (confidential) between the Applicant and National Gas Transmission, and the Applicant and National Grid Electricity Transmission, which are ongoing.	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 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.  The Applicant is confident that agreement on all matters will be reached during the examination period.		
10	<b>Network Rail Limited</b>	Railway licence holder as per the Railways Act 1993	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	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	Protective Provisions, Schedule 14, Part 4 of the draft Development Consent Order [REP5-024] contains Protective Provisions for the Protection of Railway Interests.	Existing objection to the Order  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.	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

<sup>1</sup>CA (Compulsory acquisition), CAR (Compulsory acquisition of rights over land and temporary possession), CAS (Compulsory acquisition of subsoil), CASTPS (Compulsory acquisition of subsoil and temporary possession of land at the surface)

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 <sup>1</sup>
	<b>Network Rail Limited</b> Cont'd		statutory undertakers in stopped up streets) and the Protective Provisions as contained within Schedule 14 Part 4 of the draft Development Consent Order [REP5-024] or in accordance with agreements made between 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.	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 [REP5-024] or in accordance with agreements made between 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.	Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP5-024].  Separate agreement(s) (confidential) between the Applicant and Network Rail, which are ongoing.	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 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	<b>Northumbrian Water Limited</b>  (operates as 'Essex and Suffolk Water' in the south east of England)	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 [REP5-024] or in accordance with agreements made between the Applicant and Essex and Suffolk Water / Northumbrian Water.	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 [REP5-024] or in accordance with agreements made between the Applicant and Essex and Suffolk Water / Northumbrian Water.	Protective Provisions, Schedule 14, Part 1 of the draft Development Consent Order [REP5-024] 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 [REP5-024].  Separate agreement(s)	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 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).	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-	CA and CAR

<sup>1</sup>CA (Compulsory acquisition), CAR (Compulsory acquisition of rights over land and temporary possession), CAS (Compulsory acquisition of subsoil), CASTPS (Compulsory acquisition of subsoil and temporary possession of land at the surface)

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 <sup>1</sup>
	<p><b>Northumbrian Water Limited</b> Cont'd</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>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>(confidential) between the Applicant and Essex and Suffolk Water / Northumbrian Water, which are ongoing.</p>	<p>The Applicant is confident that agreement will be reached during the examination period.</p>	<p>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, 32-73, 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-</p>	

<sup>1</sup>CA (Compulsory acquisition), CAR (Compulsory acquisition of rights over land and temporary possession), CAS (Compulsory acquisition of subsoil), CASTPS (Compulsory acquisition of subsoil and temporary possession of land at the surface)



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 <sup>1</sup>
	<b>Northumbrian Water Limited</b> Cont'd						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	<b>Port of London Authority Limited</b>	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) 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 8 of the draft Development Consent Order [REP5-024] for the Protection of 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.	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 8 of the draft Development Consent Order [REP5-024] for the Protection of 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.	Protective Provisions, Schedule 14, Part 8 of the draft Development Consent Order [REP5-024] contains Protective Provisions for the Protection of the Port of London Authority. Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order [REP5-024].	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 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.	15-10, 15-11, 15-12, 16-42, 16-43 and 16-68	CAS and CAR
13	<b>Port of Tilbury London Limited</b>	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 [REP5-024] 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 [REP5-024] 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 [REP5-024] 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 [REP5-024].  Separate agreement(s) (confidential) between	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)	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

<sup>1</sup>CA (Compulsory acquisition), CAR (Compulsory acquisition of rights over land and temporary possession), CAS (Compulsory acquisition of subsoil), CASTPS (Compulsory acquisition of subsoil and temporary possession of land at the surface)

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 <sup>1</sup>
	<b>Port of Tilbury London Limited</b> Cont'd				the Applicant and the Port of Tilbury, which are ongoing.	will be reached during the examination period.		
14	<b>Royal Mail Group Limited</b>	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 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.	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 and the traffic management plan for construction, which is secured via: <ul style="list-style-type: none"> <li>Requirement 10(1) and 10(2) of the draft Development Consent Order <a href="#">[REP5-024]</a></li> <li>Outline Traffic Management Plan for Construction <a href="#">[REP5-056]</a></li> <li>Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order <a href="#">[REP5-024]</a></li> </ul>	No objection to the Order known or envisaged.	24-17, 33-119 and 45-165	CAR
15	<b>Southern Gas Networks PLC</b>	Gas transporter as per the Gas Act 1986	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 at Schedule 14 Part 1 and Part 5 of the draft Development Consent	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 at Schedule 14 Part 1 and Part 5 of the draft	Protective Provisions, Schedule 14, Part 1 of the draft Development Consent Order <a href="#">[REP5-024]</a> contains Protective Provisions for the Protection of Electricity, Gas, Water and Sewerage Undertakers, which are agreed..  Protective Provisions, Schedule 14, Part 5 of the draft Development	Withdrawn  Southern Gas Networks notified the Planning Inspectorate on 31 July 2023 <a href="#">[AS-095]</a> that "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".	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-	CA and CAR

<sup>1</sup>CA (Compulsory acquisition), CAR (Compulsory acquisition of rights over land and temporary possession), CAS (Compulsory acquisition of subsoil), CASTPS (Compulsory acquisition of subsoil and temporary possession of land at the surface)

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 <sup>1</sup>
	<b>Southern Gas Networks PLC</b> Cont'd		Order <a href="#">[REP5-024]</a> or in accordance with agreements made between the Applicant and Southern Gas Networks.  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 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.	Development Consent Order <a href="#">[REP5-024]</a> or in accordance with agreements made between the Applicant and Southern Gas Networks.  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 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 <a href="#">[REP5-024]</a> contains Protective Provisions for the Protection of Specified Gas Undertakers, which are agreed.  Articles 37 (Statutory Undertakers) and 38 (Apparatus and rights of statutory undertakers in stopped up streets) of the draft Development Consent Order <a href="#">[REP5-024]</a> .  Separate agreement(s) (confidential) between the Applicant and Southern Gas Networks, which have concluded.		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	
16	<b>Southern Water Services Limited</b>	Water and sewerage 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 <a href="#">[REP5-024]</a> or in accordance with agreements made between the Applicant and Southern Water Services.  Furthermore, the test in s127(3)(b) can be met as the application contains provisions for land to be acquired via the compulsory acquisition	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 <a href="#">[REP5-024]</a> or in accordance with agreements made between the Applicant and Southern Water Services.  Furthermore, the test in s127(6)(b) can be met as the application contains provisions for rights to be acquired via the compulsory acquisition	Protective Provisions, Schedule 14, Part 1 of the draft Development Consent Order <a href="#">[REP5-024]</a> 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 <a href="#">[REP5-024]</a> .  Separate agreement(s) (confidential) between the Applicant and Southern Water	Existing objection to the Order  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.  The latest version 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).	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,	CA, CAS, CASTPS and CAR

<sup>1</sup>CA (Compulsory acquisition), CAR (Compulsory acquisition of rights over land and temporary possession), CAS (Compulsory acquisition of subsoil), CASTPS (Compulsory acquisition of subsoil and temporary possession of land at the surface)



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 <sup>1</sup>
	<b>Southern Water Services Limited</b> Cont'd		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.	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.	Services, which are ongoing.	The Applicant is confident that agreement will be reached during the Examination period.	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, 06-147, 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	<b>Thames Water Utilities Limited</b>	Sewerage undertaker (for areas within the Order Limits) 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 [REP5-024] or in accordance with agreements made between the Applicant and Thames Water Utilities.	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 [REP5-024] or in accordance with agreements made between the Applicant and Thames Water Utilities.	Protective Provisions, Schedule 14, Part 1 of the draft Development Consent Order [REP5-024] 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 [REP5-024].	The Applicant believes objection to have been withdrawn following the conclusion of agreements between the Applicant and Thames Water Utilities Limited.  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]	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

<sup>1</sup>CA (Compulsory acquisition), CAR (Compulsory acquisition of rights over land and temporary possession), CAS (Compulsory acquisition of subsoil), CASTPS (Compulsory acquisition of subsoil and temporary possession of land at the surface)



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 <sup>1</sup>
	<b>Thames Water Utilities Limited</b> Cont'd		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.	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.	Separate agreement(s) (confidential) between the Applicant and Thames Water Utilities, which have concluded.			
18	<b>Thurrock Flexible Generation Limited</b> <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 [REP5-024] 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</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 [REP5-024] 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</p>	<p>Protective Provisions, Schedule 14, Part 1 of the draft Development Consent Order [REP5-024] 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 [REP5-024].</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

<sup>1</sup>CA (Compulsory acquisition), CAR (Compulsory acquisition of rights over land and temporary possession), CAS (Compulsory acquisition of subsoil), CASTPS (Compulsory acquisition of subsoil and temporary possession of land at the surface)

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 <sup>1</sup>
	<b>Thurrock Flexible Generation Limited</b> Cont'd  <i>(formerly Thurrock Power Limited)</i>		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.	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.				

<sup>1</sup>CA (Compulsory acquisition), CAR (Compulsory acquisition of rights over land and temporary possession), CAS (Compulsory acquisition of subsoil), CASTPS (Compulsory acquisition of subsoil and temporary possession of land at the surface)

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