

A585 Windy Harbour to Skippool Improvement Scheme

TR010035

7.14 ExQ1.1.9: PA2008 s127 Statutory Undertakers Land/ Rights

APFP Regulation 5(2)(q)

Planning Act 2008

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

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Infrastructure Planning

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

**A585 Windy Harbour to Skippool
Improvement Scheme**
Development Consent Order 20[]

EXQ1.1.9: PA2008 S127 STATUTORY UNDERTAKERS LAND/ RIGHTS

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1 EXQ1.1.9: PA2008 S127 STATUTORY UNDERTAKERS LAND / RIGHTS

- 1.1.1 Various statutory undertakers and other similar bodies have a right to keep equipment (in connection with their undertaking) on, in or over the Land. Statutory undertakers who are known to have equipment on, in or over the Land are included in the BOR (document reference TR010035/APP/4.3).
- 1.1.2 Section 127 of the Act applies to land acquired by statutory undertakers for the purposes of their undertaking, and places restrictions on the compulsory acquisition of such land where a representation is made by a statutory undertaker in relation to a DCO application and is not withdrawn by the close of the examination of that application. The draft DCO includes provision to authorise the compulsory acquisition of land and rights held by statutory undertakers for the purposes of their undertaking.
- 1.2 Compulsory acquisition of land owned by statutory undertakers**
- 1.2.1 Section 127(2) provides that a development consent order may include provisions authorising the compulsory acquisition of statutory undertakers land only to the extent that the Secretary of State is satisfied of the matters set out in subsection 127(3), which are that the nature and situation of the statutory undertakers 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.
- 1.3 Compulsory acquisition of rights owned by statutory undertakers**
- 1.3.1 Section 127(5) provides that a development consent order may include provisions authorising the compulsory acquisition of a right over statutory undertakers land by a creation of a new right over land only to the extent that the Secretary of State is satisfied of the matters set out in subsection 127(6), which 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.
- 1.3.2 The Applicant recognises that where section 127 applies to land or rights which are required to be acquired to enable the delivery of the Scheme, and the statutory undertaker that owns such land or rights makes a representation to the Secretary of State in relation to the draft development consent order and does not withdraw that representation before the completion of the examination into the application, the Applicant will be required to seek confirmation that the Secretary of State is satisfied of the matters set out in subsections 127(3) and/or 127(6) as appropriate.
- 1.3.3 The Applicant has engaged with all of the statutory undertakers affected by the Scheme in order to address any issues that have been raised by them to date and to reach an agreed position through negotiations. Protective provisions for statutory undertakes have been included in the draft DCO and are forming part of the negotiations.

- 1.3.4 Statements of Common Ground have been agreed with all statutory undertakers except for Cadent Gas and United Utilities. The Applicant hopes to achieve an agreed and satisfactory position with Cadent Gas and United Utilities prior to the close of the examination period.
- 1.3.5 Whilst the conclusion of such statements demonstrate that the statutory undertakers are content with the Scheme, all statutory undertakers have in addition been requested to formally withdraw their representation to the Scheme. Unfortunately these have not been forthcoming although the Applicant hopes to secure these before the close of the examination. However, should any representations from statutory undertakers remain outstanding before completion of the examination, the Applicant considers that the tests set out subsections 127(3) and/or 127(6) (as appropriate) can be demonstrated.
- 1.4 **Statutory undertakers' land proposed to be acquired in connection with the Scheme**
- 1.4.1 The draft DCO proposes to compulsorily acquire the land identified in Table 1-1 below, namely:
- a) plots 1/30, 1/30a, 1/30b and 1/30c in the ownership of United Utilities; and
 - b) plot 2/42 in the ownership of Electricity North West.
- 1.4.2 The Works for which these plots are required is detailed on the Works Plans (document reference TR010035/APP/2.3) and described in Schedule 1 (Authorised Development) of the Development Consent Order. Briefly:
- a) the land to be acquired from United Utilities forms part of an access and is being acquired to provide a new and improved access. The new access will form part of the public highway, which United Utilities will be able to use. Therefore, save for some minor short term interference during the carrying out of the works whilst the new improved access is provided, United Utilities will be able to continue to use the access before, during and after construction of the Scheme; and
 - b) the land to be acquired from Electricity North West comprises a half width of subsoil under Mains Lane under adopted public highway. The acquisition of this land will have no impact on Electricity North West who will be able to continue to use Mains Lane before, during and after construction of the Scheme.
- 1.5 **Interference with the apparatus of statutory undertakers**
- 1.5.1 Section 138 of the Act applies if a development consent order authorises the acquisition of land (compulsorily or by agreement) and:
- a) there subsists over the land a relevant right; or
 - b) there is on, under or over the land relevant apparatus.
- 1.5.2 For the purposes of section 138:
- a) as defined by section 138(2); a 'relevant right' means a right of way, or a right of laying down, erecting, continuing or maintaining apparatus on, under or over land which is vested in or belongs to statutory undertakers for the purpose of the carrying on of their undertaking;

- b) as defined by section 138(3); 'relevant apparatus' means apparatus vested in or belonging to statutory undertakers for the purpose of the carrying on of their undertaking, or electronic communications apparatus kept installed for the purposes of an electronic communications code network.

- 1.5.3 A development consent order may only include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus, if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the development consent order relates (section 138(4) of the Act).
- 1.5.4 The draft DCO includes provision to authorise necessary interference by the Applicant with the apparatus of statutory undertakers, in connection with the delivery of the Scheme, as detailed in the following paragraphs.
- 1.5.5 A number of existing utility services are located in the area and would be affected by the Scheme. The location of these works is shown on the Works Plans (document reference TR010035/APP/2.3) and defined as specific works within Schedule 1 (Authorised Development) of the development consent order.
- 1.5.6 The relevant major utilities are:
 - a) Electricity North West Limited - Work No.6, 8, 26, 30, 31, 42, 64, 71, 72 and 112;
 - b) United Utilities Group PLC - Work No.3, 7, 34, 36, 37, 51, 53, 60, 61, 67, 73, 77 and 116;
 - c) British Telecommunications PLC (or a related or subsidiary company) - Work No.15, 24, 32, 33, 65, 75, 81 121;
 - d) The Gas Transportation Company Limited (or a related or subsidiary company) - Work No.120; and
 - e) Cadent Gas Limited - Work No.16, 27, 54, 69, 76 and 80.
- 1.5.7 The Applicant proposes to acquire and provide new permanent rights over land for the benefit of the relevant utility company and the carrying out of their undertakings, in such cases where existing rights have been extinguished or interfered with.
- 1.5.8 For the avoidance of doubt, the Applicant will continue to negotiate with statutory undertakers to ensure that their interests are not significantly adversely affected by the exercise of powers of compulsory acquisition.

Table 1-1: PA2008 s127 Statutory Undertakers Land/Rights

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|-------------------------|-----------------------------|---------------------------------|----------------------|--|--------------------------------------|--------------------------------------|---|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| <i>United Utilities</i> | Water and Waste Water | Part 1(Cat 1) | Permanent | 1/30, 1/30c | s127(3)(a) can be met for all plots | s127(6)(a) can be met for all plots | Protective provisions are yet to be agreed. Ongoing discussions with United Utilities |
| | | Part 1(Cat 1) | Temporary | 1/30a, 1/30b | | | |
| | | Part 1(Cat 2) | Permanent | 1/01, 1/01b, 1/02, 1/02a, 1/02b, 1/02c, 1/02d, 1/02e, 1/03, 1/05, 1/06, 1/06a, 1/07, 1/07b, 1/07e, 1/07h, 1/07i, 1/07m, 1/07n, 1/07o, 1/11, 1/12, 1/13, 1/14, 1/15, 1/16, 1/17, 1/18, 1/19, 1/20, 1/21, 1/22, 1/23, 1/28, 1/29, 1/30, 1/30c, 1/31, 1/32, 1/33, 1/34, 1/34e, 1/35, 1/36, 1/38b, 1/39, | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|--|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 1/39b, 2/04, 2/05, 2/06, 2/07, 2/08, 2/09, 2/10, 2/11, 2/12, 2/13, 2/14, 2/15, 2/16, 2/17, 2/18, 2/19, 2/20, 2/21, 2/22, 2/23, 2/24, 2/25, 2/26, 2/27, 2/28, 2/29, 2/30, 2/31, 2/32, 2/33, 2/34, 2/35, 2/36 2/37, 2/38, 2/39, 2/40, 2/41, 2/42, 2/43, 2/44, 2/45, 2/46, 2/47, 2/48, 2/49, 2/50, 2/51, 2/52, 2/53, 2/54, 3/01c, 3/03, 3/04, 3/05, 3/06, 3/07, 3/08, 3/09, 3/10, 3/11, 3/12, 3/13, 3/14, 3/15, 3/16, 3/17, 3/18, 3/19, 3/20, 3/21, 3/22, 3/23, 3/24, 3/25, 3/26, 3/27, 3/28, 3/29, 3/30, 3/31, 3/32, 3/33, | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|--|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 3/34, 3/35, 3/36, 3/37, 3/38, 3/39, 3/40, 3/41, 3/42, 3/43, 3/44, 3/45, 3/46, 3/47, 3/48, 3/49, 3/50, 3/51, 3/52, 3/53, 4/01b, 4/02, 4/02a, 4/03, 4/03b, 4/04, 4/05, 4/08m, 4/09, 4/10b, 4/11, 5/01, 5/01b, 5/06, 5/06e, 5/07, 5/08, 5/08a, 5/12a, 5/13, 5/14, 6/01, 6/03, 6/04, 6/05, 6/06, 6/08, 6/09, 6/10, 6/11, 6/12, 6/13, 6/14, 6/15, 6/16, 6/17, 6/18, 6/19, 6/20, 6/21, 6/22, 6/23, 6/24, 6/25, 6/26, 6/27, 6/28, 6/29, 6/30, 6/31, 6/32, 6/33, 6/34, 6/35, 6/36, 6/37, 6/38, 6/39, 6/40, 6/41, 6/42, | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|--|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 6/43, 6/43b, 6/44, 6/45, 6/46, 6/47, 6/48, 6/49, 6/50, 7/02, 7/02c, 7/05e, 7/08b, 7/08c, 7/08d, 8/01, 8/02, 8/02a, 8/02b, 8/02c, 8/03 | | | |
| | | Part 1(Cat 2) | Temporary | 1/05a, 1/05c, 1/05d, 1/07l, 1/30a, 1/30b, 1/34a, 1/34b, 1/34c, 4/02b, 4/02d, 4/10a, 4/12, 5/01a, 5/01c, 5/01e, 5/01i, 5/01l, 5/06a, 5/06b, 5/06c, 5/06d, 5/07d, 5/12, 6/43a, 7/02d, 8/02d, 8/02e, 8/04 | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|---|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | Part 1(Cat 2) | Rights of Access | 1/34c, 5/02, 5/02a, 5/13b, 5/13c, 5/14a, 7/04e | | | |
| | | Part 3(Cat 2) | Temporary | 1/01, 1/01b, 1/02, 1/02a, 1/02b, 1/02c, 1/02d, 1/02e, 1/03, 1/05, 1/05a, 1/05c, 1/05d, 1/06, 1/06a, 1/07, 1/07b, 1/07e, 1/07h, 1/07i, 1/07l, 1/07m, 1/07n, 1/07o, 1/11, 1/12, 1/13, 1/14, 1/15, 1/16, 1/17, 1/18, 1/19, 1/20, 1/21, 1/22, 1/23, 1/28, 1/29, 1/29a, 1/30a, 1/30b, 1/30c, 1/31, 1/32, 1/33, 1/34, 1/34c, 1/34e, 1/35, 1/36, 1/38b, 1/39, 1/39b, 2/04, 2/05, | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|--|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 2/06, 2/07, 2/08, 2/09, 2/10, 2/11, 2/12, 2/13, 2/14, 2/15, 2/16, 2/17, 2/18, 2/19, 2/20, 2/21, 2/22, 2/23, 2/24, 2/25, 2/26, 2/27, 2/28, 2/29, 2/30, 2/31, 2/32, 2/33, 2/34, 2/35, 2/36, 2/37, 2/38, 2/39, 2/40, 2/41, 2/42, 2/43, 2/44, 2/45, 2/46, 2/47, 2/48, 2/49, 2/50, 2/51, 2/52, 2/53, 2/54, 3/01c, 3/03, 3/04, 3/05, 3/06, 3/07, 3/08, 3/09, 3/10, 3/11, 3/12, 3/13, 3/14, 3/15, 3/16, 3/17, 3/18, 3/19, 3/20, 3/21, 3/22, 3/23, 3/24, 3/25, 3/26, 3/27, 3/28, 3/29, 3/30, 3/31, 3/32, 3/33, 3/34, 3/35, 3/36, | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|---|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 3/37, 3/38, 3/39, 3/40, 3/41, 3/42, 3/43, 3/44, 3/45, 3/46, 3/47, 3/48, 3/49, 3/50, 3/51, 3/52, 3/53, 4/01b, 4/02, 4/02a, 4/02b, 4/02c, 4/02d, 4/03, 4/03b, 4/04, 4/05, 4/08m, 4/09, 4/10a, 4/10b, 4/11, 4/12, 5/01, 5/01a, 5/01b, 5/01c, 5/01e, 5/01i, 5/01l, 5/02, 5/02a, 5/06, 5/06a, 5/06b, 5/06c, 5/06d, 5/06e, 5/07, 5/07d, 5/08, 5/08a, 5/12, 5/12a, 5/13, 5/13b, 5/13c, 5/14, 5/14a 6/01, 6/03, 6/04, 6/05, 6/06, 6/08, 6/09, 6/10, 6/11, 6/12, | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|-------------------------------|-----------------------------|---------------------------------|----------------------|---|--------------------------------------|--------------------------------------|--|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 6/13, 6/14, 6/15, 6/16, 6/17, 6/18, 6/19, 6/20, 6/21, 6/22, 6/23, 6/24, 6/25, 6/26, 6/27, 6/28, 6/29, 6/30, 6/31, 6/32, 6/33, 6/34, 6/35, 6/36, 6/37, 6/38, 6/39, 6/40, 6/41, 6/42, 6/43, 6/43a, 6/43b, 6/44, 6/45, 6/46, 6/47, 6/48, 6/49, 6/50, 7/02, 7/02d, 7/04e, 7/05e, 7/08b, 8/01, 8/02, 8/02a, 8/02b, 8/02c, 8/02d, 8/02e, 8/03, 8/04 | | | |
| <i>Electricity North West</i> | Electricity | Part 1(Cat 1) | Permanent | 2/42 | s127(3)(a) can be met for all plots | s127(6)(a) can be met for all plots | Protective provisions set out within the dDCO are agreed by both |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|---|--------------------------------------|--------------------------------------|--|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | Part 1(Cat 2) | Permanent | 1/01, 1/02, 1/02b, 1/02c, 1/02d, 1/02e 1/03, 1/06, 1/06a, 1/07, 1/07b, 1/07c, 1/07d, 1/07e, 1/07h, 1/07i, 1/07m, 1/07n, 1/07o, 1/08 1/09, 1/10, 1/11, 1/12, 1/13, 1/14, 1/15, 1/16, 1/17, 1/18, 1/19, 1/20, 1/21, 1/22, 1/24, 1/25, 1/28, 1/29, 1/30, 1/30c 1/32, 1/36, 1/38b, 1/38c, 1/39, 1/39b, 2/04, 2/05, 2/06, 2/07, 2/08, 2/09, 2/10, 2/10, 2/11, 2/12 2/13, 2/14, 2/15, 2/16, 2/17, 2/18, 2/19, 2/20, 2/21, 2/22, 2/23, 2/24, 2/25, 2/26, 2/27, 2/28, 2/29, 2/30, 2/31, 2/32, 2/33, | | | parties agreed. Refer to Electricity North West Statement of Common Ground (document reference TR010035/APP/ 8.11) |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|--|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 2/34, 2/35, 2/36, 2/37, 2/38, 2/39, 2/40, 2/41, 2/42, 2/43, 2/44, 2/45, 2/46, 2/47, 2/48, 2/49, 2/50, 2/51, 2/52, 2/53, 2/54, 3/01c, 3/02, 3/03, 3/04, 3/05, 3/06, 3/07, 3/08, 3/09, 3/10, 3/11, 3/12, 3/13, 3/14, 3/15, 3/16, 3/17, 3/18, 3/19, 3/20, 3/21, 3/22, 3/23, 3/24, 3/25, 3/26, 3/27, 3/28, 3/29, 3/30, 3/31, 3/32, 3/33, 3/34, 3/35, 3/36, 3/37, 3/38, 3/39, 3/40, 3/41, 3/42, 3/43, 3/44, 3/45, 3/46, 3/47, 3/48, 3/49, 3/50, 3/51, 3/52, 4/01b, 4/02a, 4/03b, 4/04, 4/05, 4/06, 5/06, 5/09, | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|--|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 5,12,5/13, 5/14, 6/01, 6/02, 6/03, 6/04, 6/05, 6/06, 6/07, 6/08, 6/09, 6/10, 6/11, 6/12, 6/13, 6/14, 6/15, 6/16, 6/17, 6/18, 6/19, 6/20, 6/21, 6/22, 6/23, 6/24, 6/25, 6/26, 6/27, 6/28, 6/29, 6/30, 6/31, 6/32, 6/33, 6/34, 6/35, 6/36, 6/37, 6/38, 6/39, 6/40, 6/41, 6/42, 6/42a, 6/43b, 6/45, 6/46, 6/47, 6/48, 6/49, 6/50, 7/01b, 7/02a, 7/02b, 7/03, 7/04, 7/04b, 7/05, 7/06d, 8/01, 8/02a, 8/02b, 8/02c, 8/03, | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|---|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | Part 1(Cat 2) | Temporary | 1/07l, 1/30a, 1/30b, 4/06g, 4/06h, 5/06a, 5/06b, 5/06c, 5/06d, 5/09b, 5/09d, 7/04a, 8/02e, 8/04 | | | |
| | | Part 1(Cat 2) | Rights of Access | 5/13b, 5/13c, 5/14a, 7/04d, | | | |
| | | Part 3(Cat 2) | Temporary | 1/01, 1/02, 1/02b, 1/03, 1/06, 1/07, 1/07b, 1/07c, 1/07d, 1/07e, 1/07h, 1/07i, 1/07l, 1/07m, 1/07n, 1/07o, 1/08, 1/09, 1/10, 1/11, 1/12, 1/13, 1/14, 1/15, 1/16, 1/17, 1/18, 1/19, 1/20, 1/21, 1/22, 1/24, 1/25, 1/28, 1/29, 1/29a, 1/30, 1/30a, 1/30b, | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|---|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 1/32, 1/36, 1/38b, 1/38c, 1/39, 1/39b, 2/04, 2/05, 2/06, 2/07, 2/08, 2/09, 2/10, 2/11, 2/12, 2/13, 2/14, 2/15, 2/16, 2/17, 2/18, 2/19, 2/20, 2/21, 2/22, 2/23, 2/24, 2/25, 2/26, 2/27, 2/28, 2/29, 2/30, 2/31, 2/32, 2/33, 2/34, 2/35, 2/36, 2/37, 2/38, 2/39, 2/40, 2/41, 2/42, 2/43, 2/44, 2/45, 2/46, 2/47, 2/48, 2/49, 2/50, 2/51, 2/52, 2/53, 2/54, 3/01c, 3/02, 3/03, 3/04, 3/05, 3/06, 3/07, 3/08, 3/09, 3/10, 3/11, 3/12, 3/13, 3/14, 3/15, 3/16, 3/17, 3/18, 3/19, 3/20, 3/21, 3/22, 3/23, 3/24, 3/25, 3/26, | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|--|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 3/27, 3/28, 3/29, 3/30, 3/31, 3/32, 3/33, 3/34, 3/35, 3/36, 3/37, 3/38, 3/39, 3/40, 3/41, 3/42, 3/43, 3/44, 3/45, 3/46, 3/47, 3/48, 3/49, 3/50, 3/51, 3/52, 4/01b, 4/02a, 4/03b, 4/04, 4/05, 4/06, 4/06d, 4/06g, 4/06h, 5/06, 5/06a, 5/06b, 5/06c, 5/06d, 5/09, 5/09b, 5/09d, 5/12, 5/13, 5/13b, 5/13c, 5/14, 5/14a, 6/01, 6/02, 6/03, 6/04, 6/05, 6/06, 6/07, 6/08, 6/09, 6/10, 6/11, 6/12, 6/13, 6/14, 6/15, 6/16, 6/17, 6/18, 6/19, 6/20, 6/21, 6/22, 6/23, 6/24, 6/25, 6/26, 6/27, 6/28, | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|---|--------------------------------------|--------------------------------------|---|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 6/29, 6/30, 6/31, 6/32, 6/33, 6/34, 6/35, 6/36, 6/37, 6/38, 6/39, 6/40, 6/41, 6/42, 6/42a, 6/43b, 6/45, 6/46, 6/47, 6/48, 6/49, 6/50, 7/01b, 7/02a, 7/02b, 7/03, 7/04, 7/04a, 7/04b, 7/04d, 7/05, 7/06d, 8/01, 8/02a, 8/02b, 8/02c, 8/02e, 8/03, 8/04 | | | |
| <i>Cadent</i> | Gas | Part 3(Cat 2) | Temporary | 1/02, 1/02b, 1/06, 1/07, 1/07c, 1/07h, 1/07m, 1/07n, 1/07o, 1/08, 1/09, 1/10, 1/11, 1/12, 1/13, 1/14, 1/15, 1/16, 1/17, 1/18, 1/19, 1/20, 1/21, 1/22, 1/23, 1/24, 1/25, 1/28, 1/32, 1/36, 1/39, 1/39b, 2/04, 2/05, 2/06, 2/07, | s127(3)(a) can be met for all plots | s127(6)(a) can be met for all plots | Protective provisions are yet to be agreed. Ongoing discussions with Cadent |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|---|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 2/08, 2/09, 2/10, 2/11, 2/12, 2/13, 2/15, 2/16, 2/17, 2/18, 2/19, 2/20, 2/21, 2/22, 2/23, 2/24, 2/25, 2/26, 2/27, 2/28, 2/29, 2/30, 2/31, 2/32, 2/33, 2/34, 2/35, 2/36, 2/37, 2/38, 2/39, 2/40, 2/41, 2/42, 2/43, 2/44, 2/45, 2/46, 2/47, 2/48, 2/49, 2/50, 2/51, 2/54, 3/03, 3/04, 3/05, 3/06, 3/07, 3/08, 3/09, 3/10, 3/11, 3/12, 3/13, 3/14, 3/15, 3/16, 3/17, 3/18, 3/19, 3/20, 3/21, 3/22, 3/23, 3/24, 3/25, 3/26, 3/27, 3/28, 3/29, 3/30, 3/31, 3/32, 3/33, 3/34, 3/35, 3/36, 3/37, 3/38, 3/39, 3/40, 3/41, 3/42, | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|--|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 3/43, 3/44, 3/45, 3/46, 3/47, 3/48, 3/49, 3/50, 3/51, 3/52, 4/01b, 4/02a, 4/04, 4/05, 5/01b, 5/01e, 5/01i, 5/06, 5/06e, 5/06h, 5/07, 5/07d, 5/08, 5/12, 5/12a, 5/13a, 5/14, 5/14a, 5/16 6/02, 6/05, 6/06, 6/07, 6/08, 6/09, 6/10, 6/11, 6/12, 6/13, 6/14, 6/15, 6/16, 6/17, 6/18, 6/19, 6/20, 6/21, 6/22, 6/23, 6/24, 6/25, 6/26, 6/27, 6/28, 6/29, 6/31, 6/33, 6/34, 6/36, 6/37, 6/38, 6/39, 6/41, 6/42, 6/42a, 6/42b, 6/43b, 6/44, 6/45, 6/47, 6/48, 6/49, 6/50, 7/01b, 7/02e, | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|--|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 7/05, 7/06d, 7/07d, 7/09, 8/01, 8/02a, 8/02c, 8/03 | | | |
| | | Part 1(Cat 2) | Permanent | 1/02, 1/02b, 1/02c, 1/02d, 1/02e, 1/06, 1/06a, 1/07, 1/07c, 1/07h, 1/07m, 1/07n, 1/07o, 1/08, 1/09, 1/10, 1/11, 1/12, 1/13, 1/14, 1/15, 1/16, 1/17, 1/18, 1/19, 1/20, 1/21, 1/23, 1/24, 1/25, 1/28, 1/32, 1/36, 1/39, 1/39b, 2/04, 2/05, 2/06, 2/07, 2/08, 2/09, 2/10, 2/11, 2/12, 2/13, 2/15, 2/16, 2/17, 2/18, 2/19, 2/20, 2/21, 2/22, 2/23, 2/24, 2/25, 2/26, 2/27, 2/28, 2/29, 2/30, 2/31, 2/32, 2/33, 2/34, 2/35, | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|--|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 2/36, 2/37, 2/38, 2/39, 2/40, 2/41, 2/42, 2/43, 2/44, 2/45, 2/46, 2/47, 2/48, 2/49, 2/50, 2/51, 2/54, 3/03, 3/04, 3/05, 3/06, 3/07, 3/08, 3/09, 3/10, 3/11, 3/12, 3/13, 3/15, 3/16, 3/17, 3/18, 3/19, 3/20, 3/21, 3/22, 3/23, 3/24, 3/25, 3/26, 3/27, 3/28, 3/29, 3/30, 3/31, 3/32, 3/33, 3/34, 3/35, 3/36, 3/37, 3/38, 3/39, 3/40, 3/41, 3/42, 3/43, 3/44, 3/45, 3/46, 3/47, 3/48, 3/49, 3/50, 3/51, 3/52, 4/01b, 4/02a, 4/04, 4/05, 5/01b, 5/01e, 5/01l, 5/06, 5/06e, 5/07, -5/08, 5/12, 5/12a, 5/13a, | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|---|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 5/14, 5/16, 6/02, 6/05, 6/06, 6/07, 6/08, 6/09, 6/10, 6/11, 6/12, 6/13, 6/14, 6/15, 6/16, 6/17, 6/18, 6/19, 6/20, 6/21, 6/22, 6/23, 6/24, 6/25, 6/26, 6/27, 6/28, 6/29, 6/31, 6/33, 6/34, 6/36, 6/37, 6/38, 6/39, 6/41, 6/42, 6/42a, 6/42b, 6/43b, 6/44, 6/45, 6/47, 6/48, 6/49, 6/50, 7/01b, 7/02e, 7/05, 7/06d, 7/07d, 7/09, 8/01, 8/02a, 8/02c, 8/03 | | | |
| | | Part 1(Cat 2) | Temporary | 5/06h, 5/07d, 5/12 | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|--|--------------------------------------|--------------------------------------|---|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | Part 1(Cat 2) | Rights of Access | 5/14a | | | |
| <i>Openreach Ltd</i> | Telecommunications | Part 3(Cat 2) | Temporary | 1/02, 1/02b, 1/02c, 1/02d, 1/02e, 1/06, 1/06a, 1/30c, 1/07, 1/07c, 1/07m, 1/07n, 1/07o, 1/08, 1/09, 1/10, 1/11, 1/12, 1/13, 1/14, 1/15, 1/16, 1/17, 1/18, 1/19, 1/20, 1/21, 1/22, 1/23, 1/24, 1/25, 1/28, 1/29, 1/29a, 1/30, 1/30a, 1/30b, 1/31, 1/38b, 1/39b, 1/40, 2/04, 2/06, 2/08, 2/09, 2/10, 2/11, 2/12, 2/13, 2/14, 2/15, 2/16, 2/17, 2/18, 2/19, 2/20, 2/21, 2/22, 2/23, 2/24, 2/25, 2/26, 2/27, | s127(3)(a) can be met for all plots | s127(6)(a) can be met for all plots | Protective provisions set out within the dDCO are agreed by both parties. Refer to Openreach Statement of Common Ground (document reference TR010035/APP/ 8.13) |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|---|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 2/28, 2/29, 2/30, 2/31, 2/32, 2/33, 2/34, 2/35, 2/36, 2/37, 2/39, 2/40, 2/41, 2/42, 2/43, 2/44, 2/45, 2/46, 2/47, 2/48, 2/49, 2/50, 2/51, 2/52, 2/53, 3/01, 3/01a, 3/01b, 3/01c, 3/02, 3/03, 3/04, 3/05, 3/06, 3/07, 3/08, 3/09, 3/10, 3/11, 3/12, 3/13, 3/14, 3/15, 3/16, 3/17, 3/18, 3/19, 3/20, 3/21, 3/24, 3/26, 3/27, 3/29, 3/30, 3/31, 3/32, 3/34, 3/35, 3/37, 3/38, 3/39, 3/40, 3/41, 3/42, 3/43, 3/44, 3/45, 3/46, 3/47, 3/48, 3/49, 3/50, 4/01b, 4/02a, 4/04, 4/08m, 4/10b, 4/11, 4/12, 5/08b, | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|--|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 5/08c, 5/09a, 5/09c, 5/09f, 5/09g, 5/10, 5/11, 5/12, 5/12a, 5/13, 5/13a, 5/13b, 5/13c, 5/14, 5/14a, 6/03, 6/04, 6/08, 6/09, 6/10, 6/11, 6/12, 6/13, 6/14, 6/15, 6/16, 6/17, 6/18, 6/20, 6/22, 6/24, 6/27, 6/29, 6/30, 6/31, 6/32, 6/33, 6/34, 6/35, 6/36, 6/37, 6/38, 6/39, 6/40, 6/42, 6/42a, 6/43b, 6/44, 6/45, 6/46, 6/47, 6/48, 6/49, 6/50, 7/02e, 7/05, 7/07d, 7/09, 8/02b, 8/02c, 8/03 | | | |
| | | Part 1(Cat 2) | Permanent | 1/02, 1/02b, 1/02c, 1/02d, 1/02e, 1/06, 1/06a, 1/07, 1/07c, 1/07m, | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|---|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 1/07n, 1/07o, 1/08, 1/09, 1/10, 1/11, 1/12, 1/13, 1/14, 1/15, 1/16, 1/17, 1/18, 1/19, 1/20, 1/21, 1/22, 1/24, 1/25, 1/28, 1/29, 1/30, 1/30c, 1/31, 1/38b, 1/39b, 1/40, 2/04, 2/06, 2/08, 2/09, 2/10, 2/11, 2/12, 2/13, 2/14, 2/15, 2/16, 2/17, 2/18, 2/19, 2/20, 2/21, 2/22, 2/23, 2/24, 2/25, 2/26, 2/27, 2/28, 2/29, 2/30, 2/31, 2/32, 2/33, 2/34, 2/35, 2/36, 2/37, 2/39, 2/40, 2/41, 2/42, 2/43, 2/44, 2/45, 2/46, 2/47, 2/48, 2/49, 2/50, 2/51, 2/52, 2/53, 3/01, 3/01b, 3/01c, 3/02, 3/03, 3/04, 3/05, 3/06, | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|--|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 3/07, 3/08, 3/09, 3/10, 3/11, 3/12, 3/13, 3/14, 3/15, 3/16, 3/17, 3/18, 3/19, 3/20, 3/21, 3/24, 3/26, 3/27, 3/29, 3/30, 3/31, 3/32, 3/34, 3/35, 3/37, 3/38, 3/39, 3/40, 3/41, 3/42, 3/43, 3/44, 3/45, 3/46, 3/47, 3/48, 3/49, 3/50, 4/01b, 4/02a, 4/04, 4/08m, 4/10b, 4/11, 5/08b, 5/08c, 5/09a, 5/09f, 5/10, 5/11, 5/12a, 5/13, 5/13a, 5/14, 6/03, 6/04, 6/08, 6/09, 6/10, 6/11, 6/12, 6/13, 6/14, 6/15, 6/16, 6/17, 6/18, 6/20, 6/22, 6/24, 6/27, 6/29, 6/30, 6/31, 6/32, 6/33 & 6/34, 6/35, 6/36, | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|--|--------------------------------------|--------------------------------------|---|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | | | 6/37, 6/38, 6/39, 6/40, 6/42, 6/42a, 6/43b, 6/44, 6/45, 6/46, 6/47, 6/48, 6/49, 6/50, 7/02e, 7/05, 7/06, 7/07d, 7/09, 8/02b, 8/02c, 8/03 | | | |
| | | Part 1(Cat 2) | Temporary | 1/30a, 1/30b, 3/01a, 4/12, 5/09c, 5/12, 7/04a | | | |
| | | Part 1(Cat 2) | Rights of Access | 5/09g, 5/13b, 5/13c, 5/14a, 7/04d | | | |
| GTC | Gas | Part 3(Cat 2) | Temporary | 5/13, 5/13b,5/13c | s127(3)(a) can be met for all plots | s127(6)(a) can be met for all plots | Protective provisions set out within the dDCO are agreed by both parties. Refer to GTC Statement of Common Ground (document reference |
| | | Part 1 (Cat 2) | Rights of access | 5/13b,5/13c | | | |

| Statutory Undertaker | Nature of their undertaking | The land and/or rights affected | | | PA2008 s127 (3)(a) or (b) can be met | PA2008 s127 (6)(a) or (b) can be met | Protective Provisions |
|----------------------|-----------------------------|---------------------------------|----------------------|------|--------------------------------------|--------------------------------------|-----------------------|
| | | Type of Interest | Permanent/ Temporary | Plot | | | |
| | | Part 1(Cat 2) | Permanent | 5/13 | | | TR010035/APP/8.15) |

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