

A585 Windy Harbour to Skippool Improvement Scheme

TR010035

7.15 ExQ1.1.10: PA2008 s138 Statutory Undertakers Apparatus etc.

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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A585 Windy Harbour to Skippool Improvement Scheme

Development Consent Order 20[]

EXQ1.1.10: PA2008 S138 STATUTORY UNDERTAKERS APPARATUS ETC.

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CONTENTS

1	EXQ 1.1.10 PA2008 S138 STATUTORY UNDERTAKERS APPARATUS ETC.....	1
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LIST OF TABLES

Table 1-1: PA20018 s138 Statutory Undertakers Apparatus etc	2
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1 EXQ 1.1.10 PA2008 S138 STATUTORY UNDERTAKERS APPARATUS ETC

- 1.1.1 The purpose of this document is to set out the Statutory Undertakers Apparatus in relation to Section 138 of the Planning Act 2008.
- 1.1.2 These can be found in Table 1-1 below.

Table 1-1: PA20018 s138 Statutory Undertakers Apparatus etc

Statutory Undertaker	Undertaking	Relevant rights to be extinguished	Relevant apparatus to be removed	PA2008 s138(4) has been met?	Protective Provisions/or Commercial agreement
<i>United Utilities</i>	Water and Waste Water	All rights as defined by s138(2)(a) are to be extinguished for all plots in relation to United Utilities as stated in the Book Reference (document reference TR010035/APP/4.3)	Apparatus as defined by s138(3)(a) to be removed are related to the following Works Nos. 3, 7, 34, 36, 51, 53, 60, 61, 73, 77, 116	The extinguishment of rights and/or the removal of apparatus is necessary to carry out the development as there would be a conflict between the development and the rights/apparatus. All diversion works will be programmed to be carried out alongside the main construction works without detriment.	Comments have been received from United Utilities on the protective provisions set out within the dDCO. A response was submitted to United Utilities on behalf of Highways England on 26 July 2019. Those acting for Highways England followed up to further discuss the protective provisions on 9, 10, 16 and 25 September. No substantive response has been received.
<i>Electricity North West</i>	Electricity	All rights as defined by s138(2)(a) are to be extinguished for all plots in relation to Electricity North West as stated in	Apparatus as defined by s138(3)(a) to be removed are related to the following Works Nos.6, 8, 26, 30, 31,	The extinguishment of rights and/or the removal of apparatus is necessary to carry out the development as there	Protective provisions set out within the dDCO are agreed by both parties. Refer to Electricity North West

Statutory Undertaker	Undertaking	Relevant rights to be extinguished	Relevant apparatus to be removed	PA2008 s138(4) has been met?	Protective Provisions/or Commercial agreement
		the Book Reference (document reference TR010035/APP/4.3)	42, 64, 71, 72, 112	would be a conflict between the development and the rights/apparatus. All diversion works will be programmed to be carried out alongside the main construction works without detriment.	Statement of Common Ground (document reference TR010035/APP/8.11)
<i>Cadent</i>	Gas	All rights as defined by s138(2)(a) are to be extinguished for all plots in relation to Cadent as stated in the Book Reference (document reference TR010035/APP/4.3)	Apparatus as defined by s138(3)(a) to be removed are related to the following Works Nos.16, 27, 54, 67, 69, 76, 80	The extinguishment of rights and/or the removal of apparatus is necessary to carry out the development as there would be a conflict between the development and the	Protective Provisions set out within the dDCO are agreed by both parties save as set out in the representations made to the Examining Authority

Statutory Undertaker	Undertaking	Relevant rights to be extinguished	Relevant apparatus to be removed	PA2008 s138(4) has been met?	Protective Provisions/or Commercial agreement
				rights/apparatus. All diversion works will be programmed to be carried out alongside the main construction works without detriment.	by Highways England and Cadent dated 1 October 2019
<i>GTC</i>	Gas	All rights as defined by s138(2)(a) are to be extinguished for all plots in relation to GTC as stated in the Book Reference (document reference TR010035/APP/4.3)	Apparatus as defined by s138(3)(a) to be removed are related to the following Works No.120	The extinguishment of rights and/or the removal of apparatus is necessary to carry out the development as there would be a conflict between the development and the rights/apparatus. All diversion works will be programmed to be carried out alongside the main construction works without detriment.	Protective provisions set out within the dDCO are agreed by both parties. Refer to GTC Statement of Common Ground (document reference TR010035/APP/8.15)
<i>Openreach Ltd</i>	Telecommunications	All rights as defined by s138(2)(b) are to be extinguished for all plots in relation to Openreach Ltd as stated in the	Apparatus as defined by s138(3)(b) to be removed are related to the following Works Nos.15, 24, 32, 33, 65,	The extinguishment of rights and/or the removal of apparatus is necessary to carry out the development as there	Protective provisions set out within the dDCO are agreed by both parties agreed. Refer to Openreach

Statutory Undertaker	Undertaking	Relevant rights to be extinguished	Relevant apparatus to be removed	PA2008 s138(4) has been met?	Protective Provisions/or Commercial agreement
		Book Reference (document reference TR010035/APP/4.3)	75, 81, 121	would be a conflict between the development and the rights/apparatus. All diversion works will be programmed to be carried out alongside the main construction works without detriment.	Statement of Common Ground (document reference TR010035/APP/8.13)

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