

# A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 9

9.17 Statutory Undertakers – Progress Schedule

Planning Act 2008

Rule 8(1)(k)

Infrastructure Planning (Examination Procedure) Rules 2010

November 2021

Infrastructure Planning

Planning Act 2008

**The Infrastructure (Examination  
Procedure) Rules 2010**

**A428 Black Cat to Caxton Gibbet  
improvements  
Development Consent Order 202[ ]**

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**9.17 Statutory Undertakers – Progress Schedule**

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|   | Rule 8(1)(k)  |
| <b>Planning Inspectorate Scheme Reference</b> | TR010044  |
| <b>Application Document Reference</b>         | TR010044/EXAM/9.17  |
| <b>Author</b>                                 | A428 Black Cat to Caxton Gibbet improvements<br>Project Team, National Highways |

| <b>Version</b> | <b>Date</b>     | <b>Status of Version</b> |
|----------------|-----------------|--------------------------|
| 1              | 31 August 2021  | Final for Deadline 1     |
| 2              | 4 November 2021 | Final for Deadline 4     |

A428 Black Cat to Caxton Gibbet improvements  
Statutory Undertakers – Progress Schedule

| Statutory Undertaker name      | Nature of the undertaking      | Land/rights affected  | How are they a Statutory Undertaker   | Representation made/S127 engaged and/or s138 engaged  | Status of Discussions including Status of protective provisions and/or commercial agreement  | Estimate of the timescale for securing agreement | Envisaged impediments to the securing of such agreements |
|--------------------------------|--------------------------------|---|---|---|--|--|--|
| Anglian Water Services Limited | Water and waste water services | <p><b>Permanent Acquisition:</b><br/>1/1g, 1/1i, 1/7d, 1/9b, 1/48a, 2/1i, 2/1j, 2/3f, 2/3g, 2/3h, 2/12a, 2/12d, 2/13b, 2/20c, 2/23b, 2/25b, 2/32a, 3/14a, 3/15a, 3/16a, 3/18a, 5/2f, 5/4a, 5/7a, 6/2k, 6/4a, 6/5a, 6/7a, 12/1f, 12/2d, 12/7a, 13/9a,</p> <p><b>Acquisition of Rights:</b><br/>2/12b, 2/14b, 2/15a, 2/20a, 2/20b, 2/20d, 2/27a, 2/28a, 2/29a, 2/30a, 2/31a, 2/33a, 2/34a, 2/35a, 2/36a, 2/37a, 5/2g, 5/2i,</p> | <p>Section 127 - Deemed to be a statutory undertaker for the purposes of the Acquisition of Land Act 1981 by virtue of Schedule 25, paragraph 1(2) (xxvii) of the Water Act 1989.</p> <p>Section 138 – By virtue of Section 262(3) as being within the definition of “water or sewerage</p> | <p>Yes - Relevant representation received on 9 June 2021.</p> <p>S127 is engaged.</p> <p>S138 is engaged.</p> | <p>Bespoke protective provisions for the benefit of Anglian Water have been included in the draft development consent order(dDCO) <b>[APP-025]</b>. See part 7 of Schedule 9 of the dDCO.</p> <p>Detailed discussions have taken place around the protective provisions and these discussions are ongoing.</p> <p>A Statement of</p> | <p>Before the close of examination.</p>          | <p>None</p>  |

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Statutory Undertakers – Progress Schedule

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|---------------------------|---------------------------|---|-------------------------------------|--|---|--|--|
|                           |                           | 6/2d, 6/2f, 6/2j, 6/3b,<br><b>Temporary Possession:</b><br>1/20a, 1/20b, 1/51a,<br>2/1a, 2/1b, 2/1c,<br>2/1d, 2/1g, 2/3a,<br>2/3b, 2/3d, 2/3e,<br>2/4a, 2/4b, 2/4c,<br>2/4d, 2/5a, 2/11a,<br>2/23a, 2/19c, 3/12a,<br>3/13a, 3/13b, 5/2h,<br>5/3b, 5/3c, 5/5a,<br>5/6a, 6/2a, 6/2c,<br>6/2e, 6/2g, 6/2i, 6/3a,<br>7/1b, 7/1c, 7/2a,<br>7/2b, 7/2d, 7/3a,<br>7/4b, 7/4c, 7/5a,<br>7/5b, 9/2b, 10/1a,<br>11/1b, 11/1c, 11/3a,<br>12/1e, 12/2a, 12/2b,<br>16/3b, 16/10a | undertaker”.                        |  | Common Ground is in circulation.  |  |  |

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Statutory Undertakers – Progress Schedule

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|---------------------------|---------------------------|--|--|--|---|--|--|
|                           |                           | <p><b>Land to be used temporarily and rights to be acquired permanently:</b></p> <p>2/12b, 2/14b, 2/15a, 2/20a, 2/20b, 2/20d, 2/27a, 2/28a, 2/29a, 2/30a, 2/31a, 2/33a, 2/34a, 2/35a, 2/36a, 2/37a, 5/2g, 5/2i, 6/2d, 6/2f, 6/2j, 6/3b</p> |  |  |   |  |  |
| Bedford Borough Council   | Highway Authority         | <p><b>Land to be acquired permanently:</b></p> <p>1/2d, 1/2e, 1/2d, 1/2e, 1/2f, 1/2g, 1/5a, 1/6a, 1/6b, 1/6c, 1/6d, 1/8c, 1/8i, 1/8j, 1/8k, 1/8l, 1/8r, 1/8s,</p>  | By virtue of Section 8 Acquisition of the Land Act 1981 as being within the definition of "road transport" | <p>Yes - Relevant representation received on 7 June 2021.</p> <p>S127 is engaged.</p> <p>S138 is not</p> | The Applicant has not been asked to negotiate protective provisions for inclusion in the dDCO in respect of land owned by Bedford Borough | Before the close of examination.                 | None   |

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Statutory Undertakers – Progress Schedule

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|---------------------------|---------------------------|--|-------------------------------------|--|---|--|--|
|                           |                           | <p>1/8u, 1/8v, 1/13a, 1/18a, 1/22a, 1/24a, 1/26a, 1/48a, 2/32a, 3/3a</p> <p><b>Land to be used temporarily:</b></p> <p>1/2a, 1/2b, 1/2c, 1/8a, 1/8f, 1/8g, 1/8h, 1/8m, 1/8o, 1/8q, 1/20a, 1/20b, 1/20c, 2/2a, 2/4a, 2/4b, 2/4c, 2/4d, 2/6a, 3/12a, 7/3a</p> <p><b>Land to be used temporarily and rights to be acquired permanently:</b></p> <p>1/8b, 1/8n, 1/8p, 1/8t, 3/3b</p> |                                     | engaged.   | Council. A side agreement is being negotiated between the parties.                          |  |  |

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Statutory Undertakers – Progress Schedule

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|---|---------------------------|--|--|---|--|--|--|
| The Bedfordshire and River Ivel Internal Drainage Board | Drainage Authority        | <p><b>Permanent Acquisition:</b><br/>1/1d, 1/1i, 1/7d, 1/7e, 1/10d, 1/16a, 1/16b, 1/16c, 1/17a, 1/23l, 1/44a, 2/1j, 2/3f, 2/12d, 2/24d, 2/24f, 2/25b, 2/39a,</p> <p><b>Acquisition of Rights:</b><br/>2/12c, 2/24e</p> <p><b>Temporary Possession:</b><br/>1/23m</p> <p><b>Land to be used temporarily and rights to be acquired</b></p> | For the purposes of S127 and S138 of the Planning Act 2008, The Bedfordshire and River Ivel IDB is not a statutory undertaker. | <p>Relevant representation received 7 June 2021</p> <p>S127 is not engaged.</p> <p>S138 is not engaged.</p> | <p>Bespoke protective provisions for the benefit of the drainage authorities have been included in the dDCO. See part 3 of Schedule 9 of the dDCO.</p> <p>Discussions are ongoing between the Applicant and the Beds and River Ivel IDB on the content of the protective provisions.</p> |  |  |

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|---------------------------|---------------------------|---|--|--|---|--|--|
|                           |                           | <p><b>permanently</b><br/>2/12c, 2/24e</p>  |  |  |   |  |  |
| Cadent                    | Gas distribution          | <p><b>Permanent Acquisition:</b><br/>1/2g, 1/10d, 1/10e, 1/10k, 1/21b, 1/21e, 1/23d, 1/23e, 1/23e, 1/23f, 1/23j, 1/23k, 1/23l, 1/27a, 1/27b, 1/27c, 1/27d, 1/27e, 1/40b, 4/1i, 5/2f, 6/2k</p> <p><b>Acquisition of Rights:</b><br/>1/10f, 1/10j, 1/10m, 1/23h, 1/23n, 1/40c, 4/1h, 4/1j, 4/1k, 4/1m, 5/2b, 5/2e, 5/2g, 6/2d, 6/2f, 6/2j</p> <p><b>Temporary</b></p> | <p>Section 127 - Deemed to be a statutory undertaker for the purposes of the Acquisition of Land Act 1981 by virtue of Schedule 4, paragraph 2(xxxi) of the Gas Act 1995.</p> <p>Section 138 - Section 138 – By virtue of Section 262(3) as being within the definition of</p> | <p>Yes - Relevant representation received on 10 June 2021.</p> <p>S127 is engaged.</p> <p>S138 is engaged.</p> | <p>The parties have agreed the terms of a side agreement.</p> <p>Bespoke protective provisions for the protection of Cadent have been agreed between the parties. The protective provisions will be captured in the dDCO to be updated for Deadline 6. A Statement of</p> | N/A.   | None   |



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|---------------------------|---------------------------|---|-------------------------------------|--|---|--|--|
|                           |                           | <p><b>Possession:</b><br/>1/10i, 1/21a, 1/23g, 1/23m, 4/1l, 5/2a, 5/2c, 5/2d, 5/2h, 6/2a, 6/2e, 6/2i, 7/1a, 7/1c, 7/4d</p> <p><b>Land to be used temporarily and rights to be acquired permanently:</b><br/>1/10f, 1/10j, 1/10m, 1/23h, 1/23n, 1/40c, 4/1h, 4/1j, 4/1k, 4/1m, 5/2b, 5/2e, 5/2g, 6/2d, 6/2f, 6/2j</p> <p><b>Category 3 interests:</b> 1/1e, 1/2g, 1/10d, 1/10e, 1/10f, 1/10i, 1/10j,</p> | <p>“gas transporter”.</p>           |  | <p>Common Ground is in circulation.</p>   |  |  |

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|-------------------------------|---------------------------|---|--|---|---|--|--|
|                               |                           | 1/10k, 1/10m, 1/21a, 1/21b, 1/21e, 1/23d, 1/23e, 1,23f, 1/23g, 1/23h, 1/23j, 1/23k, 1/23l, 1/23m, 1/23n, 1/27a, 1/27b, 1/27c, 1/27d, 1/27e, 1/40b, 1/40c, 4/1m, 5/2a, 5/2b, 5/2c, 5/2d, 5/2e, 5/2f, 5/2g, 5/2h, 5/2i, 6/2a, 6/2d, 6/2e, 6/2f, 6/2i, 6/2j, 6/2k, |  |   |   |  |  |
| Cambridgeshire County Council | Highway Authority         | <b>Land to be acquired permanently:</b><br>5/4a, 5/7a, 6/4a, 6/5a, 6/7a, 11/2a, 11/5a, 12/7a, 13/8a, 13/8a, 13/9a, 14/2a, 14/4a, 14/4b,   | By virtue of Section 8 Acquisition of the Land Act 1981 as being within the definition of "road transport" | Yes - Relevant representation received on 10 June 2021.<br><br>S127 is engaged.<br><br>S138 is not engaged. | A side agreement is being negotiated between the parties.                                   | Before the close of the examination.             | None   |

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|---------------------------|---------------------------|--|-------------------------------------|--|---|--|--|
|                           |                           | 14/12a,14/14a<br><br><b>Land to be used temporarily:</b><br>5/3a, 5/3b, 5/3c, 6/3a, 7/2a, 7/2b, 7/2c, 7/2d, 7/5a, 7/5b, 8/2a, 13/6a, 13/6b, 14/2b, 14/4c, 14/11a, 14/11b, 15/2a, 15/4b, 16/2a, 16/6a<br><br><b>Land to be used temporarily and rights to be acquired permanently:</b><br>6/3b, 13/6b, 14/2c, 14/2d, 14/11c, 14/17a, 14/11d, 15/4a, 15/5a |                                     |  |   |  |  |

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|--|--------------------------------|---|---|---|---|--|--|
| Cambridge Water/ South Staffordshire Water PLC | Water and waste water services | <p><b>Permanent Acquisition:</b><br/>12/1g, 12/7a, 12/9a, 13/2a, 13/2d, 13/2f, 13/8a, 13/9a, 13/14b, 13/13a, 14/1a, 14/1b, 14/2a, 14/3a, 14/4a, 14/10a, 14/12a, 15/1b,</p> <p><b>Acquisition of Rights:</b><br/>13/2c, 14/11c, 15/3b, 15/4a,</p> <p><b>Temporary Possession:</b><br/>11/1c, 11/1d, 11/3a, 12/1a, 12/1b, 12/1c, 12/2a, 12/2b, 13/2e, 13/6a, 14/4c, 14/10b,</p> | <p>Deemed to be a statutory undertaker for the purposes of the Acquisition of Land Act 1981 by virtue of Schedule 25, paragraph 1(2) (xxvii) of the Water Act 1989.</p> <p>Section 138 -By virtue of Section 262(3) Town and Country Planning Act as being within the definition of “water or sewerage undertaker”.</p> | <p>Yes - Relevant representation received from South Staffordshire Water on 10 June 2021.</p> <p>S127 is not engaged.</p> <p>S138 is engaged.</p> | <p>Generic protective provisions for the protection of the Electricity, Gas, Water and Sewage Undertakers have been included in the dDCO. See part 1 of Schedule 9 of the dDCO.</p> <p>Discussions are ongoing between the Applicant and South Staffordshire Water on the content of the protective provisions.</p> <p>The parties have</p> | <p>Before the close of the examination.</p>      | <p>None</p>  |

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|------------------------------|---------------------------|---|--|---|---|--|--|
|                              |                           | 14/11a, 14/11b,<br>15/2a,<br><br><b>Land to be used temporarily and rights to be acquired permanently:</b><br><br>13/2c, 14/11c, 15/3b,<br>15/4a  |  |   | agreed to enter into a side agreement which is currently being negotiated. A Statement of Common Ground is in circulation.                              |  |  |
| Central Bedfordshire Council | Highway Authority         | <b>Land to be acquired permanently:</b><br><br>3/14a, 3/15a, 3/16a,<br>3/18a, 3/14a, 3/15a,<br>3/16a, 3/18a, 3/14a,<br>3/15a, 3/16a, 3/18a<br><br><b>Land to be used temporarily:</b><br><br>3/13a, 3/13b, 16/3a, | By virtue of Section 8 Acquisition of the Land Act 1981 as being within the definition of "road transport" | Yes - Relevant representation received on 10 June 2021.<br><br>S127 is engaged.<br><br>S138 is not engaged. | The Applicant has not been asked to negotiate protective provisions for inclusion in the dDCO in respect of land owned by Central Bedfordshire Council. | Before the close of examination.                 | None   |

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|------------------------------|---------------------------|---|---|--|---|--|--|
|                              |                           | 16/3b, 16/8a, 3/13a, 3/13b, 16/3a, 16/3b, 16/8a, 3/13a, 3/13b, 16/3a, 16/3b, 16/8a  |   |  |   |  |  |
| Chawston Irrigation pipeline | Private water supply.     | <p><b>Permanent Acquisition:</b><br/>1/10d, 2/8e, 2/12d, 2/19b, 2/20c</p> <p><b>Acquisition of Rights:</b><br/>2/8d, 2/20a, 2/27a, 2/28a,<br/>2/29a, 2/30a, 2/31a, 2/33a, 2/34a, 2/35a, 2/36a, 2/37a</p> <p><b>Temporary Possession:</b><br/>2/8c, 2/19a, 2/19c</p> | For the purposes of S127 and S138 of the Planning Act 2008, Chawston Irrigation Pipeline is not a statutory undertaker. | S127 and S138 are not engaged.                       | A side agreement will be negotiated between the parties.                                    | N/A  | N/A  |

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|----------------------------|---------------------------|--|---|--|---|--|--|
|                            |                           | <p><b>Land to be used temporarily and rights to be acquired permanently:</b></p> <p>2/8d, 2/20a, 2/27a, 2/28a, 2/29a, 2/30a, 2/31a, 2/33a, 2/34a, 2/35a, 2/36a, 2/37a</p> <p><b>Category 3 interests:</b></p> <p>2/12d, 2/27a, 2/28a, 2/29a, 2/30a, 2/31a, 2/33a, 2/34a, 2/35a, 2/36a, 2/37a</p> |   |  |   |  |  |
| Eastern Power Networks plc | Electricity Transmission  | <p><b>Permanent Acquisition:</b></p> <p>1/10h, 1/10k, 1/28a, 1/29a, 1/31a, 6/2k,</p>   | Deemed to be a statutory undertaker for the purposes of the Acquisition | No relevant representation received and S127 not     | Eastern Power Networks is managed by UKPN.  | Before the close of the examination.             | None   |

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|---------------------------|---------------------------|---|---|--|---|--|--|
|                           |                           | <p>6/4a, 6/5a,</p> <p><b>Acquisition of Rights:</b></p> <p>1/10m, 5/2b, 5/2e, 5/2g, 5/2i, 6/2b, 6/2d, 6/2f, 6/2j, 9/7j, 13/5a</p> <p><b>Temporary Possession:</b></p> <p>1/10j, 1/10l, 5/2a, 5/2c, 5/2d, 5/2h, 6/2a, 6/2c, 6/2e</p> <p><b>1/10m, 5/2b, 5/2e, 5/2g, 5/2i, 6/2b, 6/2d, 6/2f, 6/2j, 9/7j, 13/5a</b></p> <p><b>Category 3 interests:</b></p> <p>1/10g, 1/10h, 1/10j, 1/10k, 1/10l, 1/10m,</p> | <p>of Land Act 1981 by virtue of Schedule 16, paragraph 2(2)(g) of the Electricity Act 1989.</p> <p>Section 138 -By virtue of Section 262(6) Town and Country Planning Act.</p> | <p>engaged</p> <p>S138 is engaged.</p>               | <p>Generic protective provisions for the protection of the Electricity, Gas, Water and Sewage Undertakers have been included in the dDCO. See part 1 of Schedule 9 of the dDCO.</p> <p>Discussions are ongoing between the Applicant and UKPN on the content of the protective provisions.</p> <p>The parties are negotiating a side agreement.</p> |  |  |



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|---------------------------|--|--|--|---|---|--|--|
|                           |  | 1/29a, 1/31a, 5/2a, 5/2b, 5/2c, 5/2d, 5/2e, 5/2f, 5/2g, 5/2h, 5/2i, 6/2a, 6/2b, 6/2c, 6/2d, 6/2e, 6/2f, 6/2i, 6/2j, 6/2k, 9/7j,  |  |   |   |  |  |
| Environment Agency        | Environmental operator, regulator, advisor | <p><b>Permanent Acquisition:</b><br/>1/52a, 1/52b, 1/52c, 3/5a, 3/6a, 3/7c, 3/8c</p> <p><b>Acquisition of Rights:</b><br/>3/7b, 3/7d, 3/8b, 3/8d</p> <p><b>Temporary Possession:</b><br/>3/7a, 3/8a, 3/9a,</p> <p><b>Land to be used temporarily and</b></p> | By virtue of Section 8 Acquisition of the Land Act 1981 as being within the definition of "canal or inland navigation undertaking" | <p>Yes - Relevant representation received from NRIL on 28 April 2021.</p> <p>S127 is engaged.</p> <p>S138 is not engaged.</p> | <p>Bespoke protective provisions for the benefit of the Environment Agency have been included in the dDCO. See part 3 of Schedule 9 of the dDCO.</p> <p>Discussions are ongoing between the Applicant and the Environment Agency on the</p> | Before the close of examination.                 | None   |

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|---|---------------------------|--|--|--|---|--|--|
|   |                           | <b>rights to be acquired permanently</b><br>3/7b, 3/7d, 3/8b, 3/8d   |  |  | content of the protective provisions.   |  |  |
| Exolum Pipeline System Ltd (formerly CLH Pipeline System Ltd) | Fuel pipeline             | <b>Permanent Acquisition:</b><br>1/1n, 3/1d, 3/3a<br><b>Acquisition of Rights:</b><br>3/1b, 3/3b<br><b>Temporary Possession:</b><br>2/1k, 3/3c, 3/13a,<br><b>Land to be used temporarily and rights to be acquired</b> | For the purposes of S127 and S138 of the Planning Act 2008, Exolum is not a statutory undertaker | No relevant representation received.<br>S127 is not engaged.<br>S138 is not engaged. | Bespoke protective provisions for the benefit of Exolum Pipeline System Ltd (formerly CLH Pipeline System Ltd) have been included in the dDCO. See part 6 of Schedule 9 of the dDCO.<br>Discussions are ongoing between | Before the close of the examination.             | None   |

A428 Black Cat to Caxton Gibbet improvements  
Statutory Undertakers – Progress Schedule

| Statutory Undertaker name        | Nature of the undertaking | Land/rights affected   | How are they a Statutory Undertaker   | Representation made/S127 engaged and/or s138 engaged  | Status of Discussions including Status of protective provisions and/or commercial agreement   | Estimate of the timescale for securing agreement | Envisaged impediments to the securing of such agreements |
|----------------------------------|---------------------------|--|---|---|---|--|--|
|                                  |                           | <p><b>permanently</b><br/>3/1b, 3/3b</p>   |   |   | <p>the Applicant and Exolum on the content of the protective provisions.</p>  |  |  |
| National Grid Electricity (NGET) | Electricity Transmission  | <p><b>Permanent Acquisition:</b><br/>3/10k<br/><b>Acquisition of Rights:</b><br/>none<br/><b>Temporary Possession:</b><br/>3/10l, 3/10m, 3/13a</p> | <p>Deemed to be a statutory undertaker for the purposes of the Acquisition of Land Act 1981 by virtue of Schedule 16, paragraph 2(2)(g) of the Electricity Act 1989</p> | <p>Yes - Relevant representation received from NGET on 9 June 2021.<br/><br/>S127 is engaged.<br/><br/>S138 is not engaged.</p> | <p>Bespoke protective provisions for the benefit of NGET have been included in the dDCO. See part 4 of Schedule 9 of the dDCO.<br/><br/>A draft side agreement has been agreed in principle and is the subject of ongoing discussions</p> | <p>Before the close of examination.</p>          | <p>None</p>  |

A428 Black Cat to Caxton Gibbet improvements  
Statutory Undertakers – Progress Schedule

| Statutory Undertaker name   | Nature of the undertaking | Land/rights affected   | How are they a Statutory Undertaker  | Representation made/S127 engaged and/or s138 engaged   | Status of Discussions including Status of protective provisions and/or commercial agreement  | Estimate of the timescale for securing agreement | Envisaged impediments to the securing of such agreements |
|-----------------------------|---------------------------|--|--|--|--|--|--|
|                             |                           |  |  |  | <p>between the parties.</p> <p>A Statement of Common Ground is in circulation.</p>   |  |  |
| National Grid Gas plc (NGG) | Gas distribution          | <p><b>Permanent Acquisition:</b><br/>1/1e, 1/1i, 1/2f, 1/3b, 1/3c, 1/6d, 1/7b, 1/7d, 1/10d, 1/10k, 1/21b, 1/21e, 1/22a, 1/23a, 1/23d, 1/23e, 1/23f, 1/23j, 1/23k, 1/23l, 1/27d, 1/40b, 1/41a, 1/44a, 1/55b, 3/10d, 4/3b, 5/1d, 5/1f, 5/2f, 6/2k,</p> <p><b>Acquisition of Rights:</b>1/10f, 1/43f, 3/10c, 3/10e, 4/3d,</p> | <p>Deemed to be a statutory undertaker for the purposes of the Acquisition of Land Act 1981 by virtue of Schedule 4, paragraph 2(xxxi) of the Gas Act 1995.</p> <p>Section 138 -By virtue of Section 262(3) Town and Country</p> | <p>Yes - Relevant representation received from NGG on 9 June 2021.</p> <p>S127 is engaged.</p> <p>S138 is engaged.</p> | <p>Bespoke protective provisions for the benefit of NGG have been included in the dDCO. See part 4 of Schedule 9 of the dDCO.</p> <p>A draft side agreement has been agreed in principle and is the subject of ongoing</p> | Before the close of examination.                 | None   |

A428 Black Cat to Caxton Gibbet improvements  
Statutory Undertakers – Progress Schedule

| Statutory Undertaker name | Nature of the undertaking | Land/rights affected  | How are they a Statutory Undertaker                              | Representation made/S127 engaged and/or s138 engaged | Status of Discussions including Status of protective provisions and/or commercial agreement | Estimate of the timescale for securing agreement | Envisaged impediments to the securing of such agreements |
|---------------------------|---------------------------|---|--|--|---|--|--|
|                           |                           | 5/1a, 5/1c, 5/2b, 5/2e, 5/2g, 5/2i, 6/2d, 6/2f, 6/2j,<br><b>Temporary Possession:</b><br>1/23g, 1/23m, 3/13b, 4/3a, 4/3c, 5/1b, 5/1e, 5/1g, 5/2a, 5/2c, 5/2d, 5/2h, 6/2a, 6/2c, 6/2e, 6/2i, 7/1c,<br><b>Category 3 rights:</b><br>1/2f, 4/3a, 4/3b, 4/3c, 4/3d, 5/1a, 5/1b, 5/1c, 5/1d, 5/1e, 5/1f, 5/1g, 5/2a, 5/2b, 5/2c, 5/2d, 5/2e, 5/2f, 5/2g, 5/2h, 5/2i, 6/2a, 6/2c, 6/2d, 6/2e, 6/2f, 6/2i, 6/2j, 6/2k, 7/1c, | Planning Act as being within the definition of “gas transporter” |  | discussions between the parties.<br><br>A Statement of Common Ground is in circulation.     |  |  |

| Statutory Undertaker name              | Nature of the undertaking                  | Land/rights affected  | How are they a Statutory Undertaker   | Representation made/S127 engaged and/or s138 engaged   | Status of Discussions including Status of protective provisions and/or commercial agreement  | Estimate of the timescale for securing agreement | Envisaged impediments to the securing of such agreements |
|--|--|---|---|--|--|--|--|
| Network Rail Infrastructure Ltd (NRIL) | Rail transport infrastructure and services | <p><b>Permanent Acquisition:</b><br/>3/10k</p> <p><b>Acquisition of Rights:</b><br/>3/10j, 4/1g, 4/2c, 4/2g</p> <p><b>Temporary Possession:</b><br/>3/10i, 4/2a, 4/2b, 4/2d, 4/2e, 4/2f, 4/2h, 4/2i</p> <p><b>Category 3 interests:</b><br/>3/10i, 3/10j, 3/10k, 4/1g</p> | <p>By virtue of Section 8 Acquisition of the Land Act 1981 as being within the definition of "railway"</p> <p>Section 138 - By virtue of Section 262(1) Town and Country Planning Act as being within the definition of "railway"</p> | <p>Yes - Relevant representation received from NRIL on 9 June 2021.</p> <p>S127 is engaged, however NRIL have confirmed that the representation will be withdrawn.</p> <p>S138 is engaged.</p> | <p>Bespoke protective provisions for the benefit of NRIL have been included in the dDCO. See part 5 of Schedule 9 of the dDCO.</p> | <p>Before the close of examination.</p>          | <p>None</p>  |

A428 Black Cat to Caxton Gibbet improvements  
Statutory Undertakers – Progress Schedule

| Statutory Undertaker name | Nature of the undertaking | Land/rights affected   | How are they a Statutory Undertaker   | Representation made/S127 engaged and/or s138 engaged                              | Status of Discussions including Status of protective provisions and/or commercial agreement  | Estimate of the timescale for securing agreement | Envisaged impediments to the securing of such agreements |
|---------------------------|---------------------------|--|---|---|--|--|--|
| Openreach                 | Telecommunications        | <b>Permanent Acquisition:</b><br>1/1e, 1/1f, 1/1g, 1/1o, 1/3b, 1/3c, 1/4b, 1/6a, 1/6d, 1/7c, 1/7d, 1/8r, 1/10h, 1/13a, 1/16f, 1/16i, 1/23j, 1/26a, 1/29a, 1/31a, 1/32a, 1/33b, 1/36c, 1/38a, 1/39a, 1/41b, 1/43a, 1/48a, 1/54a, 2/1h, 2/1i, 2/1j, 2/1i, 2/1j, 2/3f, 2/3g, 2/3h, 2/3i, 2/12a, 2/12d, 2/12f, 2/13b, 2/32a, 3/10k, 3/14a, 3/15a, 3/16a, 3/18a, 5/4a, 5/7a, 6/4a, 6/5a, 6/7a, 8/1d, 9/1d, 9/1f, 9/2a, 11/2a, 11/4b, 11/5a, | S138 applies to Openreach because the definition of “relevant apparatus” at Section 138(3)(b) includes “electronic communications apparatus kept installed for the purposes of an electronic communications code network” | No relevant representation received and S127 not engaged.<br><br>S138 is engaged. | The dDCO contains standard protective provisions which apply to telecommunication code operators. See Part 2 of Schedule 9 of the dDCO.<br><br>Bespoke provisions have not been requested. | Before the close of examination.                 | None   |

A428 Black Cat to Caxton Gibbet improvements  
Statutory Undertakers – Progress Schedule

| Statutory Undertaker name | Nature of the undertaking | Land/rights affected  | How are they a Statutory Undertaker | Representation made/S127 engaged and/or s138 engaged | Status of Discussions including Status of protective provisions and/or commercial agreement | Estimate of the timescale for securing agreement | Envisaged impediments to the securing of such agreements |
|---------------------------|---------------------------|---|-------------------------------------|--|---|--|--|
|                           |                           | 12/1f, 12/1g, 12/2d, 12/6j, 12/7a, 13/1a, 13/2a, 13/2b, 13/2d, 13/2f, 13/14h, 13/8a, 13/9a, 13/14b, 13/13b, 14/1a, 14/3a, 14/4a, 14/5a, 14/6e, 14/9a, 14/12a, 14/14a, 14/21a, 15/1a, 15/1b, 15/3a<br><br><b>Acquisition of Rights:</b><br>1/16g, 1/43b, 2/12b, 2/12c, 2/14b, 2/15a, 2/16b, 2/20b, 2/37b, 2/38b, 3/10j, 5/1a, 6/3b, 12/6k, 13/2c, 13/3a, 13/4e, 13/14f, 14/5c, 14/11c, 14/20a, 15/3b, 15/4a, |                                     |  |   |  |  |



A428 Black Cat to Caxton Gibbet improvements  
Statutory Undertakers – Progress Schedule

| Statutory Undertaker name | Nature of the undertaking | Land/rights affected  | How are they a Statutory Undertaker | Representation made/S127 engaged and/or s138 engaged | Status of Discussions including Status of protective provisions and/or commercial agreement | Estimate of the timescale for securing agreement | Envisaged impediments to the securing of such agreements |
|---------------------------|---------------------------|---|-------------------------------------|--|---|--|--|
|                           |                           | 15/4b, 15/5a<br><br><b>Temporary Possession:</b><br><br>1/2a, 1/2b, 1/8g, 1/8h, 1/8o, 1/16e, 1/16h, 1/20a, 1/20b, 1/20c, 1/21a, 1/36b, 1/43d, 1/49c, 2/1a, 2/1b, 2/1c, 2/1d, 2/1f, 2/1g, 2/3a, 2/3b, 2/3d, 2/3e,<br><br>2/4a, 2/4b, 2/4c, 2/4d, 2/5a, 2/6a, 2/8c, 2/8f, 2/15b, 2/16a, 3/13b, 5/2j, 5/3a, 5/3b, 5/5a, 5/8c, 6/3a,<br><br>7/1a, 7/1b, 7/1c, 7/2a, 7/2b, 7/2d, 7/3a, 7/4a, 7/4c, |                                     |  |   |  |  |

A428 Black Cat to Caxton Gibbet improvements  
Statutory Undertakers – Progress Schedule

| Statutory Undertaker name | Nature of the undertaking | Land/rights affected   | How are they a Statutory Undertaker | Representation made/S127 engaged and/or s138 engaged | Status of Discussions including Status of protective provisions and/or commercial agreement | Estimate of the timescale for securing agreement | Envisaged impediments to the securing of such agreements |
|---------------------------|---------------------------|--|-------------------------------------|--|---|--|--|
|                           |                           | 7/5a, 7/5b, 8/1a, 8/2a, 8/6b, 8/7a, 9/2b, 9/7a, 10/1a, 11/1a, 11/1c, 11/1d, 11/3a, 12/1b, 12/1c, 12/1d, 12/1e, 12/2a, 12/2b, 12/2c, 13/2e, 13/6a, 14/4c, 14/6a, 14/10b, 14/11a, 14/11b, 15/2a, 16/3a, 16/3b, 16/10a,<br><br><b>Land to be used temporarily and rights to be acquired permanently</b><br><br>1/16g, 1/43b, 2/12b, 2/12c, 2/14b, 2/15a, 2/16b, 2/20b, 2/37b, 2/38b, 3/10j, 5/1a, 6/3b, 12/6k, 13/2c, |                                     |  |   |  |  |

A428 Black Cat to Caxton Gibbet improvements  
Statutory Undertakers – Progress Schedule

| Statutory Undertaker name                     | Nature of the undertaking | Land/rights affected   | How are they a Statutory Undertaker  | Representation made/S127 engaged and/or s138 engaged                              | Status of Discussions including Status of protective provisions and/or commercial agreement   | Estimate of the timescale for securing agreement | Envisaged impediments to the securing of such agreements |
|---|---------------------------|--|--|---|---|--|--|
|   |                           | 13/3a, 13/4e, 13/14f, 14/5c, 14/11c, 14/20a, 15/3b, 15/4a, 15/4b, 15/5a  |  |   |   |  |  |
| UK Power Networks (Operations) Limited (UKPN) | Electricity network       | <b>Permanent Acquisition:</b><br>1/1e, 1/1i, 1/1m, 1/1o, 1/3b, 1/3c, 1/4b, 1/6d, 1/7b, 1/7d, 1/9b, 1/21e, 1/23d, 1/23j, 1/26a, 1/28a, 1/29a, 1/30a, 1/31a, 1/32a, 1/43a, 2/1j, 2/3f, 2/3g, 2/3h, 2/3i, 2/8e, 2/12a, 2/12d, 2/20c, 2/24d, 2/25b, 3/10d, 3/10k, 3/18a, 4/1e, 4/1i, 4/1n, 5/1f, 5/2f, 5/4a, 5/7a, 5/8a, 6/2l, 6/4a, 6/5a, 6/7a, 6/8d, | Deemed to be a statutory undertaker for the purposes of the Acquisition of Land Act 1981 by virtue of Schedule 16, paragraph 2(2)(g) of the Electricity Act 1989.<br><br>Section 138 -By virtue of Section 262(6) Town and Country | No relevant representation received and S127 not engaged.<br><br>S138 is engaged. | Generic protective provisions for the protection of the Electricity, Gas, Water and Sewage Undertakers have been included in the dDCO. See part 1 of Schedule 9 of the dDCO.<br><br>Discussions are ongoing between the Applicant and UKPN on the content of the protective | Before the close of examination.                 | None   |

A428 Black Cat to Caxton Gibbet improvements  
Statutory Undertakers – Progress Schedule

| Statutory Undertaker name | Nature of the undertaking | Land/rights affected   | How are they a Statutory Undertaker | Representation made/S127 engaged and/or s138 engaged | Status of Discussions including Status of protective provisions and/or commercial agreement | Estimate of the timescale for securing agreement | Envisaged impediments to the securing of such agreements |
|---------------------------|---------------------------|--|-------------------------------------|--|---|--|--|
|                           |                           | 8/1d, 8/5d, 8/5f, 9/1e, 9/2a, 9/6b, 9/6e, 9/7e, 9/7g, 10/3a, 10/4d, 10/6a, 10/5f, 11/4b, 11/4d, 11/5a, 13/1a, 13/2b, 13/8a, 13/14b, 14/1a, 14/1b, 14/3a, 14/5b, 14/6e, 14/8c, 14/9a, 14/12a, 14/16a, 15/1a, 15/3a<br><br><b>Acquisition of Rights:</b><br>1/23c, 1/23h, 1/40c, 2/1e, 2/3c, 2/8a, 2/12b, 2/15a, 2/20a, 2/20b, 2/20d, 2/24e, 2/36a, 3/10j, 4/1b, 4/1g, 4/1h, 4/1m, 5/1a, 5/1c, 5/2b, 5/2e, 6/2b, 6/2d, 6/2f, 6/2h, 6/2n, 6/3b, | Planning Act.                       |  | provisions.<br><br>The parties are negotiating a side agreement.                            |  |  |

A428 Black Cat to Caxton Gibbet improvements  
Statutory Undertakers – Progress Schedule

| Statutory Undertaker name | Nature of the undertaking | Land/rights affected  | How are they a Statutory Undertaker | Representation made/S127 engaged and/or s138 engaged | Status of Discussions including Status of protective provisions and/or commercial agreement | Estimate of the timescale for securing agreement | Envisaged impediments to the securing of such agreements |
|---------------------------|---------------------------|---|-------------------------------------|--|---|--|--|
|                           |                           | 6/8b, 9/6c, 9/7j,<br>13/5a, 13/14c,<br>13/14d, 14/5c, 14/6b,<br>14/8d, 14/11c,<br>14/19a, 14/19b<br><br><b>Temporary Possession:</b><br><br>1/8g, 1/8h, 1/16e,<br>1/20b, 1/40a, 1/49c,<br>1/51a, 2/1c, 2/1d,<br>2/1f, 2/1k, 2/3d, 2/3e,<br>2/4b, 2/4c, 2/4d,<br>2/8b, 2/8c, 2/8f,<br>2/11a, 2/11b, 2/19c,<br>3/10b, 3/10g, 3/10l,<br>3/12a, 3/13a, 3/13b,<br>3/17a, 4/1l, 5/2d,<br>5/2j, 5/3b, 5/3c,<br><br>5/8c, 6/1a, 6/2g,<br>6/3a, 6/8c, 7/1a,<br>7/1b, 7/2a, 7/2d, |                                     |  |   |  |  |

A428 Black Cat to Caxton Gibbet improvements  
Statutory Undertakers – Progress Schedule

| Statutory Undertaker name | Nature of the undertaking | Land/rights affected   | How are they a Statutory Undertaker | Representation made/S127 engaged and/or s138 engaged | Status of Discussions including Status of protective provisions and/or commercial agreement | Estimate of the timescale for securing agreement | Envisaged impediments to the securing of such agreements |
|---------------------------|---------------------------|--|-------------------------------------|--|---|--|--|
|                           |                           | 7/3a, 7/4b, 7/4c,<br>7/5b, 8/1a, 8/5a,<br>8/5c, 8/5e, 9/6d,<br>9/7a, 9/7d, 9/7l,<br>10/1a, 10/2a, 10/4c,<br>11/1b, 11/3a, 11/4a,<br>11/4g, 12/1d, 12/2c,<br>13/5b, 13/6a, 14/11a,<br>14/16b, 15/2a, 15/6b,<br>16/1b, 16/3a, 16/3b<br><br><b>Land to be used temporarily and rights to be acquired permanently</b><br><br>1/23c, 1/23h, 1/40c,<br>2/1e, 2/3c, 2/8a,<br>2/12b, 2/15a, 2/20a,<br>2/20b, 2/20d, 2/24e,<br>2/36a, 3/10j, 4/1b,<br>4/1g, 4/1h, 4/1m, |                                     |  |   |  |  |

A428 Black Cat to Caxton Gibbet improvements  
Statutory Undertakers – Progress Schedule

| Statutory Undertaker name | Nature of the undertaking | Land/rights affected  | How are they a Statutory Undertaker  | Representation made/S127 engaged and/or s138 engaged                              | Status of Discussions including Status of protective provisions and/or commercial agreement   | Estimate of the timescale for securing agreement | Envisaged impediments to the securing of such agreements |
|---------------------------|---------------------------|---|--|---|---|--|--|
|                           |                           | 5/1a, 5/1c, 5/2b, 5/2e, 6/2b, 6/2d, 6/2f, 6/2h, 6/2n, 6/3b, 6/8b, 9/6c, 9/7j, 13/5a, 13/14c, 13/14d, 14/5c, 14/6b, 14/8d, 14/11c, 14/19a, 14/19b  |  |   |   |  |  |
| Virgin Media              | Telecommunications        | <b>Permanent Acquisition:</b><br>1/1n, 1/7d, 1/48a, 3/14a, 3/15a, 3/16a, 3/18a, 8/1d, 9/1d, 9/1e, 9/1f, 9/2a, 9/7b, 12/1f, 12/1g, 12/2d, 13/1a, 13/2b, 13/2d, 13/2f, 13/13a, 14/1a, 14/3a, 14/5b, 14/6e, 14/10a, 14/12a, 14/14a | Virgin media is not a statutory undertaker for the purposes of S127.<br><br>S138 applies to Virgin media because the definition of “relevant apparatus” at Section 138(3)(b) | No relevant representation received and S127 not engaged.<br><br>S138 is engaged. | The dDCO contains standard protective provisions which apply to telecommunication code operators.<br><br>Bespoke provisions have not been requested. See Part 2 of Schedule | Before the close of examination.                 | None   |

| Statutory Undertaker name | Nature of the undertaking | Land/rights affected   | How are they a Statutory Undertaker   | Representation made/S127 engaged and/or s138 engaged | Status of Discussions including Status of protective provisions and/or commercial agreement | Estimate of the timescale for securing agreement | Envisaged impediments to the securing of such agreements |
|---------------------------|---------------------------|--|---|--|---|--|--|
|                           |                           | <p><b>Acquisition of Rights:</b><br/>13/2c, 14/11c, 15/3b, 15/4a</p> <p><b>Temporary Possession:</b><br/>1/2a, 1/20b, 3/12a, 3/13a, 3/13b, 7/2a, 7/3a, 8/1a, 8/2a, 9/2b, 10/1a, 11/1a, 11/1c, 11/1d, 11/3a, 12/1b, 12/1c, 12/1d, 12/1e, 12/2a, 12/2b, 12/2c, 13/2e, 14/10b, 14/11a, 14/13a</p> <p><b>Land to be used temporarily and rights to be acquired</b></p> | includes “electronic communications apparatus kept installed for the purposes of an electronic communications code network” |  | 9 of the dDCO.  |  |  |



A428 Black Cat to Caxton Gibbet improvements  
Statutory Undertakers – Progress Schedule

| Statutory Undertaker name | Nature of the undertaking | Land/rights affected  | How are they a Statutory Undertaker   | Representation made/S127 engaged and/or s138 engaged                                  | Status of Discussions including Status of protective provisions and/or commercial agreement  | Estimate of the timescale for securing agreement | Envisaged impediments to the securing of such agreements |
|---------------------------|---------------------------|---|---|---|--|--|--|
|                           |                           | <p><b>permanently</b><br/>13/2c, 14/11c, 15/3b, 15/4a</p>   |   |   |  |  |  |
| Vodafone                  |                           | <p><b>Permanent Acquisition:</b><br/>1/1k, 1/1n, 1/7d, 1/48a, 3/10k, 3/14a, 3/15a, 3/16a, 3/18a,8/1b 8/1d, 8/5f, 9/1d, 9/1e, 9/1f, 9/2a, 9/7b 9/7g, 10/3a, 10/6a, 11/4b, 11/4d, 11/5a, 12/1f, 12/1g, 12/2d, 13/1a, 13/2a, 13/2d, 13/2f, 13/13a,13/13b,13/8a, 13/14h,14/2a, 14/3a, 14/4a, 14/8c, 14/10a</p> <p><b>Acquisition of</b></p> | <p>S138 applies to Vodafone because the definition of “relevant apparatus” at Section 138(3)(b) includes “electronic communications apparatus kept installed for the purposes of an electronic communications code network”</p> | <p>No relevant representation received and S127 not engaged.<br/>S138 is engaged.</p> | <p>The dDCO contains standard protective provisions which apply to telecommunication code operators.<br/>Bespoke provisions have not been requested. See Part 2 of Schedule 9 of the dDCO.</p> | <p>Before the close of examination.</p>          | <p>None</p>  |

A428 Black Cat to Caxton Gibbet improvements  
Statutory Undertakers – Progress Schedule

| Statutory Undertaker name | Nature of the undertaking | Land/rights affected   | How are they a Statutory Undertaker | Representation made/S127 engaged and/or s138 engaged | Status of Discussions including Status of protective provisions and/or commercial agreement | Estimate of the timescale for securing agreement | Envisaged impediments to the securing of such agreements |
|---------------------------|---------------------------|--|-------------------------------------|--|---|--|--|
|                           |                           | <p><b>Rights:</b><br/>8/5g, 9/6c, 9/7j, 13/2c, 14/11c, 15/3b, 15/4a, 15/5a</p> <p><b>Temporary Possession:</b><br/>1/2a, 1/20b, 3/10l, 3/10m, 3/12a, 3/13a, 3/13b, 6/1a, 7/1a, 7/1b, 7/1c, 7/1d, 7/2a, 7/2c, 7/2d, 7/3a, 7/4b, 7/4c, 8/1a, 8/2a, 9/2b, 9/6d, 9/7l, 10/1a, 10/2a, 10/4c, 11/1a, 11/1b, 11/1c, 11/1d, 13/3a, 11/4a, 11/4g, 12/1c, 12/1d, 12/1e, 12/2a, 12/2b, 12/2c, 13/2e, 14/10b</p> <p><b>Land to be used</b></p> |                                     |  |   |  |  |

A428 Black Cat to Caxton Gibbet improvements  
Statutory Undertakers – Progress Schedule

| Statutory Undertaker name | Nature of the undertaking | Land/rights affected  | How are they a Statutory Undertaker | Representation made/S127 engaged and/or s138 engaged | Status of Discussions including Status of protective provisions and/or commercial agreement | Estimate of the timescale for securing agreement | Envisaged impediments to the securing of such agreements |
|---------------------------|---------------------------|---|-------------------------------------|--|---|--|--|
|                           |                           | <p>temporarily and rights to be acquired permanently</p> <p>3/10j, 8/5g, 9/6c, 9/7j, 13/2c, 14/11c, 15/3b, 15/4a, 15/5a</p> |                                     |  |   |  |  |

**NOTE**

The definitions of statutory undertaker for the purposes of Section 127 and 138 of the Planning Act 2008 are different. Please see extracts from both sections below.

Extract from Section 127(8) Planning Act 2008:

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).*

Extract from Section 8 Acquisition of Land Act 1981

8) (1) *In this Act, unless the context otherwise requires, “statutory undertakers” means—*

- (a) any person authorised by any enactment to construct, work or carry on—*
  - (i) any railway, light railway, tramway, road transport, water transport, canal or inland navigation undertaking, or*
  - (ii) any dock, harbour, pier or lighthouse undertaking, or*
  - (iii) any undertaking for the supply of hydraulic power, or*
- (b) the Civil Aviation Authority [ or a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (to the extent that the person is carrying out activities authorised by the licence)], or*
- (c) [a universal service provider in connection with the provision of a universal postal service]*

*and in this subsection “enactment” means any Act or any order or scheme made under or confirmed by an Act.*

Extract from Section 138(4A) Planning Act 2008:

*(4A) In this section “statutory undertakers” means persons who are, or are deemed to be, statutory undertakers for the purpose of any provision of Part 11 of TCPA 1990.*

Extract from Section 262 Town and Country Planning Act 1990

- 262 (1) Subject to the following provisions of this section, in this Act “statutory undertakers” means persons authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of hydraulic power and a relevant airport operator (within the meaning of Part V of the Airports Act 1986).
- (2) Subject to the following provisions of this section, in this Act “statutory undertaking” shall be construed in accordance with subsection (1) and, in relation to a relevant airport operator (within the meaning of that Part), means an airport to which that Part of that Act applies.
- (3) Subject to subsections (5) to (5B), for the purposes of the provisions mentioned in subsection (4) any gas transporter, water or sewerage undertaker, the Environment Agency, the Natural Resources Body for Wales, any universal postal service provider in connection with the provision of a universal postal service, the Civil Aviation Authority and a person who holds a licence under Chapter I of Part I of the Transport Act 2000 (air traffic services) shall be deemed to be statutory undertakers and their undertakings statutory undertakings.
- (6) Any holder of a licence under section 6 of the Electricity Act 1989 shall be deemed to be a statutory undertaker and his undertaking a statutory undertaking