

A66 Northern Trans-Pennine Project

TR010062

7.12 Statutory Undertakers Status of Negotiations Schedule (Rev 2)

Infrastructure Planning (Examination Procedure) Rules 2010

Deadline 5

Planning Act 2008

14 March 2023

Infrastructure Planning

Planning Act 2008

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

A66 Northern Trans-Pennine Project
Development Consent Order 202x

**7.12 STATUTORY UNDERTAKERS STATUS OF
NEGOTIATIONS SCHEDULE**

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Author:	A66 Northern Trans-Pennine Project, Project Team, National Highways

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Rev 1	January 2023	Deadline 2
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1 Introduction

1.1 Purpose of this document

- 1.1.1 This Statutory Undertakers Status of Negotiations Schedule relates to National Highways' application to the Planning Inspectorate under the Planning Act 2008 (the "2008 Act") for the A66 Northern Trans-Pennine project Development Consent Order 202x ("DCO"). If made, the DCO would grant consent for the Applicant to undertake the A66 Northern Trans-Pennine project (the "Project").
- 1.1.1 A detailed description of the Project can be found in Case for the Project (APP-008).
- 1.1.2 This Schedule has been prepared and submitted in accordance with the Examining Authority's Examination Timetable as outlined in the Rule 8 letter dated 8 December 2022.
- 1.1.3 This Schedule should be read in conjunction with the Book of Reference (AS-015 to AS-022), Land Plans (APP-304 to APP-311, AS-013 and AS-014), the Statement of Reasons (APP-299), the Compulsory Acquisition and Temporary Possession Schedule (APP-300) and the draft DCO (submitted at Deadline 2).
- 1.1.4 The Book of Reference (AS-015 to AS-022) includes details of the interests belonging to the statutory undertakers listed in this Schedule that are within the Order limits or affected by the Project. Further information on how the Project will impact on interests belonging to statutory undertakers is set out in Section 7.5 of the Statement of Reasons (APP-299).
- 1.1.5 Version 2 of this Schedule provides an update on the status of negotiations with statutory undertakers as at Deadline 5.

2 Statutory Undertakers Status of Negotiations Schedule

No: (1)	Statutory undertaker or other similar body: (2)	Status of negotiations with statutory undertaker: (4)
1	National Grid Gas plc	<p>Schedule 9, Part 4 has been updated in the version of the draft DCO submitted at Deadline 2 to include protective provisions for the benefit of National Grid Gas plc (NGG) (as requested by NGG).</p> <p>Discussions are ongoing in respect of a separate side agreement with NGG and the Applicant's solicitors have recently received a draft agreement which is under review. The Applicant is confident that agreement will be reached prior to the end of the Examination.</p> <p>Update for Deadline 5: Discussions are ongoing regarding the timing of relocation works. A draft side agreement has been provided by NGG's solicitors which is being considered by the Applicant. The Applicant remains confident that agreement will be reached prior to the end of the Examination.</p>
2	National Grid Electricity Transmission plc	<p>Schedule 9, Part 3 has been updated in the version of the draft DCO submitted at Deadline 2 to include updated protective provisions for the benefit of National Grid Electricity Transmission plc (NGET) (as requested by NGET).</p> <p>Discussions are ongoing in respect of a separate side agreement with NGET and the Applicant's solicitors are waiting to receive a draft agreement for review from NGET's solicitors. Technical discussions are ongoing.</p> <p>The Applicant is confident that agreement will be reached prior to the end of the Examination.</p> <p>Update for Deadline 5: Technical discussions are ongoing including discussions relating to impacts associated with the Applicant's non-material change request which is due to be submitted on 24 March 2023. The Applicant's solicitors have recently received a draft side agreement from NGET's solicitors. The Applicant remains confident that agreement will be reached prior to the end of the Examination.</p>
3	Network Rail Infrastructure Limited	<p>Protective provisions for the benefit of Network Rail have been included in Schedule 9, Part 6 to the draft DCO submitted at Deadline 2 (as requested by Network Rail).</p> <p>The Applicant has confirmed to Network Rail that it will not exercise any powers of compulsory acquisition in respect of Network Rail's land or interests.</p> <p>Discussions are ongoing in respect of a framework agreement with Network Rail and a draft agreement is currently being negotiated.</p>

No: (1)	Statutory undertaker or other similar body: (2)	Status of negotiations with statutory undertaker: (4)
		<p>The Applicant is confident that agreement will be reached prior to the end of the Examination.</p> <p>Update for Deadline 5: The Applicant's solicitors have recently received comments on the draft framework agreement from Network Rail's solicitors and these are being considered by the Applicant. The Applicant remains confident that agreement will be reached prior to the end of the Examination.</p>
4	Northern Powergrid Yorkshire plc	<p>Protective provisions for the benefit of electricity undertakers are included in Schedule 9, Part 1 to the draft DCO. Discussions are ongoing in respect of a separate side agreement with Northern Powergrid and the Applicant's solicitors are waiting to receive a draft agreement for review from Northern Powergrid's solicitors.</p> <p>The Applicant is confident that agreement will be reached prior to the end of the Examination.</p> <p>Update for Deadline 5: The Applicant's comments and proposed amendments to the draft side agreement and protective provisions are currently with the Northern Powergrid's solicitors for comments. The Applicant remains confident that agreement will be reached prior to the end of the Examination.</p>
5	Northern Gas Networks	A side agreement was entered into between the Applicant and Northern Gas Networks plc dated 18 October 2022.
6	United Utilities Water Limited	<p>Protective provisions for the benefit of water undertakers are included in Schedule 9, Part 1 to the draft DCO. Discussions are ongoing in respect of a separate side agreement with United Utilities and the Applicant's solicitors are waiting to receive comments back on a draft agreement sent to United Utilities in November 2022.</p> <p>The Applicant is confident that agreement will be reached prior to the end of the Examination.</p> <p>Update for Deadline 5: The Applicant continues to engage with United Utilities and is seeking comments on the draft side agreement. The Applicant remains confident that agreement will be reached prior to the end of the Examination.</p>
8	Yorkshire Water Limited	<p>Protective provisions for the benefit of water undertakers are included in Schedule 9, Part 1 to the draft DCO. Discussions are ongoing in respect of a separate side agreement with Yorkshire Water. The Applicant has been informed that the side agreement will be progressed once Yorkshire Water has obtained a cost estimate for the works from its contractor.</p> <p>The Applicant is confident that agreement will be reached prior to the end of the Examination.</p>

No: (1)	Statutory undertaker or other similar body: (2)	Status of negotiations with statutory undertaker: (4)
		<p>Update for Deadline 5: The Applicant continues to engage with Yorkshire Water and is seeking comments on the draft side agreement. The Applicant remains confident that agreement will be reached prior to the end of the Examination.</p>
9	Electricity North West Limited	<p>Protective provisions for the benefit of electricity undertakers are included in Schedule 9, Part 1 to the draft DCO.</p> <p>Electricity North West Limited has confirmed to the Applicant that the protective provisions in Schedule 9, Part 1 to the draft DCO are sufficient.</p>
10	Northumbrian Water Limited	<p>Protective provisions for the benefit of water undertakers are included in Schedule 9, Part 1 to the draft DCO.</p> <p>Discussions are ongoing in respect of a separate side agreement with Northumbrian Water and the Applicant's solicitors are waiting to receive comments back on a draft agreement recently sent to Northumbrian Water's solicitors.</p> <p>The Applicant is confident that agreement will be reached prior to the end of the Examination.</p> <p>Update for Deadline 5: The Applicant has recently received comments back from Northumbrian Water's solicitors on the draft agreement which are being considered. The Applicant remains confident that agreement will be reached prior to the end of the Examination.</p>
11	Cellnex	<p>Protective provisions for the benefit of electronic communications code network operators are included in Schedule 9, Part 2 to the draft DCO.</p> <p>The Applicant has been in contact with Cellnex and no amendments to the protective provisions or separate side agreement have been requested by Cellnex.</p>
13	Vodafone	<p>Protective provisions for the benefit of electronic communications code network operators are included in Schedule 9, Part 2 to the draft DCO.</p> <p>Discussions are ongoing in respect of a separate side letter with Vodafone.</p> <p>The Applicant is confident that agreement will be reached prior to the end of the Examination.</p>

No: (1)	Statutory undertaker or other similar body: (2)	Status of negotiations with statutory undertaker: (4)
		Update for Deadline 5: The side letter is in an agreed form, has been signed by the Applicant and is in the process of being signed by Vodafone. The Applicant remains confident that agreement will be reached prior to the end of the Examination.
14	Virgin Media	Protective provisions for the benefit of electronic communications code network operators are included in Schedule 9, Part 2 to the draft DCO. The Applicant has been in contact with Virgin Media and no amendments to the protective provisions or separate side agreement have been requested by Virgin Media.
15	BT/Openreach	Protective provisions for the benefit of electronic communications code network operators are included in Schedule 9, Part 2 to the draft DCO. BT/Openreach has confirmed to the Applicant that the protective provisions in Schedule 9, Part 2 to the draft DCO are sufficient.
16	Zayo Group Limited	Protective provisions for the benefit of electronic communications code network operators are included in Schedule 9, Part 2 to the draft DCO. A meeting took place on 27 October 2022 between the Applicant and Zayo to discuss the protective provisions and a further meeting took place between legal representatives on 2 November 2022. No amendments to the protective provisions or separate side agreement have been requested by Zayo Group.
17	Energis Communications Limited	Protective provisions for the benefit of electronic communications code network operators are included in Schedule 9, Part 2 to the draft DCO. The Applicant has been in contact with Energis Communications and no amendments to the protective provisions or separate side agreement have been requested by Energis Communications.
18	Neos Networks Limited	Protective provisions for the benefit of electronic communications code network operators are included in Schedule 9, Part 2 to the draft DCO. The Applicant has been in contact with Neos Networks and no amendments to the protective provisions or separate side agreement have been requested by Neos Networks.
19	Environment Agency	Protective provisions for the benefit of the Environment Agency have been included in Schedule 9, Part 5 to the draft DCO.

No: (1)	Statutory undertaker or other similar body: (2)	Status of negotiations with statutory undertaker: (4)
		Whilst the current draft protective provisions remain the subject of discussion with the Environment Agency; it is anticipated that an agreed final form of Protective Provisions will be included in the draft DCO by or before the close of the examination.
20	North Cumbria Integrated Care NHS Foundation Limited	Discussions are ongoing between the Applicant and North Cumbria Integrated Care NHS Foundation.
21	Shell Chemicals UK Limited	<p>Shell is the owner and operator of a high-pressure oil pipeline located within the Order limits. Shell is not a statutory undertaker for the purposes of the Planning Act 2008.</p> <p>The Applicant has been in contact with Shell and is waiting to receive confirmation from Shell as to whether bespoke protective provisions or separate side agreement is required.</p> <p>Update for Deadline 5: The Applicant continues to engage with Shell and is requesting specifically as to whether bespoke protective provisions or separate side agreement is required prior to the DCO being granted or if a Crossing Agreement post DCO consent is more suitable.</p>