



NORTHAMPTON
GATEWAY
STRATEGIC RAIL FREIGHT INTERCHANGE

**STATEMENT OF COMMON GROUND BETWEEN
THE APPLICANT AND
HUTCHISON 3G UK LIMITED AND EE LIMITED**

DOCUMENT 7.16

The Northampton Gateway Rail Freight Interchange Order 201X

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AND HUTCHISON 3G UK LIMITED AND EE LIMITED | 20 NOVEMBER 2018

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ROXHILL

THE NORTHAMPTON GATEWAY RAIL FREIGHT INTERCHANGE ORDER 201X

STATEMENT OF COMMON GROUND BETWEEN: ROXHILL (JUNCTION 15) LIMITED and EE LIMITED AND HUTCHISON 3G UK LIMITED

1. Introduction

1.1 This Statement summarises the agreement reached between Roxhill (Junction 15) Limited ("the Applicant") and EE Limited and Hutchison 3G UK Limited (together referred to as "EE Hutchison") in relation to the proposed development known as Northampton Gateway on land near junction 15 of the M1 Motorway.

1.2 EE Hutchison is the operator of a communications mast located within the Order Limits (on land identified as parcel number 2/46 on the Land Plans (**Document 2.1B (Inset 3)**) and has the benefit of a lease in respect of the mast.

2. Development Proposals Affecting the Mast

2.1 The existing mast site is in a location which is affected by the proposed works to Junction 15 (Works No. 8).

2.2 It is proposed that a replacement mast site will be found within the main site, or elsewhere, as part of the development in a location which is no less effective for the operation of the communications mast than the existing mast site and pursuant to terms agreed between the parties, and that following the successful integration of the communications mast at the replacement mast site into EE Hutchison's network the communications mast at the existing mast site will be removed. Discussions are ongoing as to the proposed site for that re-location.

3. Basis of Agreement

3.1 The Applicant and EE Hutchison have agreed the content of the protective provisions contained in the draft Development Consent Order submitted by the Applicant to the Planning Inspectorate on 15 August 2018 (**Document 3.1A**).

3.2 EE Hutchison also confirms that it has no objection to the Order being approved subject to the agreed protective provisions being included and terms being agreed to secure (amongst other matters):

3.2.1 The position within the main site upon which the replacement mast is to be sited;

3.2.2 A timetable and development programme for the undertaking of the proposed works to Junction 15 and the erection and integration into the networks of EE Hutchison of the replacement mast within the main site such that the replacement mast can be installed and operational before the existing mast is decommissioned without any disturbance to the operation of EE Hutchison's existing networks; and

3.2.3 All necessary land and code rights (contained within Schedule 3A to the Communications Act 2003) over the main site to install, construct, access, service, repair, adjust and maintain the replacement mast being granted to EE Hutchison in perpetuity and all costs associated with the grant of such rights being paid by the Applicant; and

3.2.4 Provisions and indemnities to ensure that EE Hutchison are reimbursed for any costs arising from the construction and integration of the replacement mast into their networks and the decommissioning and removal of the existing mast.

3.3 Roxhill are currently considering the terms requested by EE Hutchison.

Date: 14 November

2018

Signed

[Redacted Signature]

On behalf of **Roxhill (Junction 15) Limited**

Name: LAURA-BETH HUTTON

Position: SENIOR ASSOCIATE
EVERSHEDS SUTHERLAND

Signed

DWF LLP

On behalf of **Hutchison 3G UK Limited**

Name: DWF LLP

Position: Solicitor

Signed

[Redacted Signature]

On behalf of **EE Limited**

Name: DWF LLP

Position: Solicitor