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Via email to: [CambridgeWWTPRP@planninginspectorate.gov.uk](mailto:CambridgeWWTPRP@planninginspectorate.gov.uk)

17<sup>th</sup> November 2023

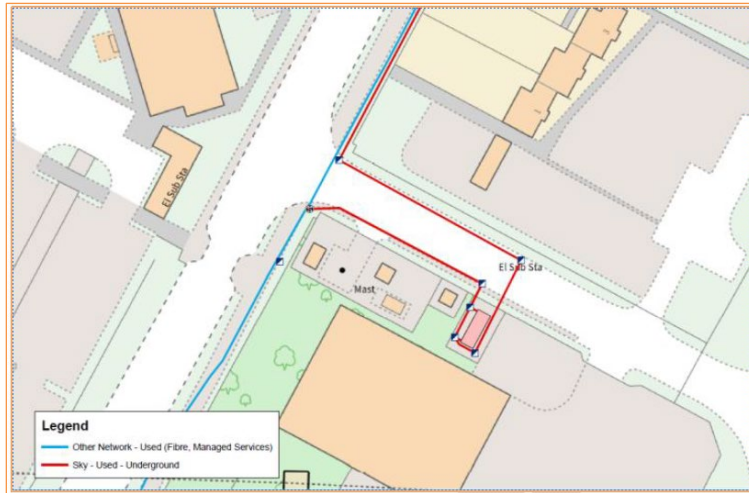
Dear Sirs,

Sphere25 write on behalf of Sky Telecommunications Services Limited (STSL) in relation to the Development Consent Order submitted by Anglian Water following the publication of the Examining Authority's (ExA) First Questions on the 24<sup>th</sup> October 2023.

STSL is identified as a Section 44 consultee and falls within the definition of a relevant statutory undertaker for the purposes of undertaking telecommunications in relation to cables and infrastructure that it owns and maintains. It is also defined as a code operator and its rights to facilitate the installation and maintenance of electronic communications network is set out in Schedule 3A of the Communications Act 2003.

We note at part 2, Appendix B of the Rule 8 letter dated 24<sup>th</sup> October, that Statutory Parties, including relevant local authorities, that have not already registered to become an Interested Party should consider notifying the ExA of their wish to be considered as an Interested Party, under Section 89(2A)(b) of the Planning Act 2008 as soon as possible. STSL accordingly would wish to be considered as an interested party to the DCO process.

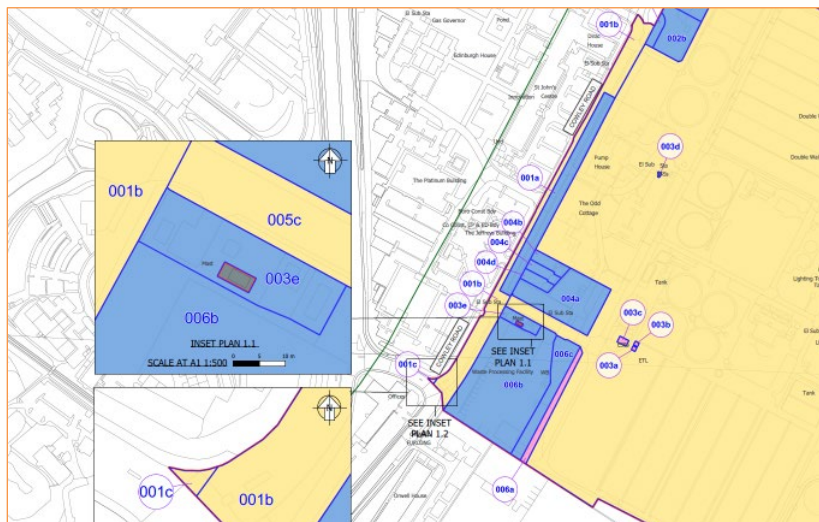
STSL owns a point of presence (PoP) along with underground cables which fall within both private and highway land, located within the extent of the Order Limits (Document AS-148). Figure 1 below shows the location of the PoP highlighted in red, with STSL's cables shown in red. Third party cables are shown in blue. Typically, the cables are located approximately 500mm to 600mm below ground level. There are existing Wayleave agreements in place which set out STSL's rights and obligations to protect the existing network in this location including unrestricted access to the PoP and associated kit.



**Figure 1-** Extent of STSL and third-party Fibre Optic infrastructure within DCO boundary

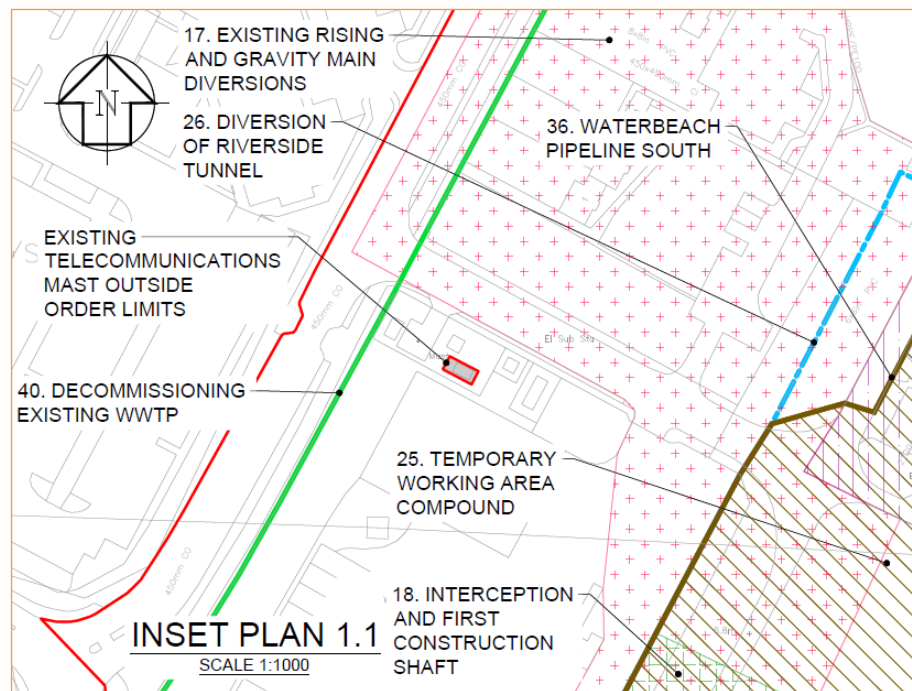
Having regard to the Book of Reference (document AS-145) and the Land Plan (document AS-151) the PoP is identified within parcel 003e. “Sky UK” (as identified within the Book of Reference) are identified as a Lessees, tenants, reputed lessees or reputed tenants and occupier under parcel 003e and will be subject to permanent new rights or restrictive covenants which will affect STSL’s ability to maintain 24 hour access to the PoP for the benefit of the network. Access to the existing apparatus may also be affected by Article 17 temporary traffic regulation measures to be applied to Cowley Road along with the intention to use Cowley Road for construction and operational access.

The below ground infrastructure falls within parcel 001a, 001b and parcel 005c. STSL should be included within the Book of Reference as an “other persons with interests” having regard to below ground infrastructure which STSL own.



**Figure 2-** Land plan showing extent of land parcel 003e, 001a, 001b and 005c (Anglian Water, 2023)

In reviewing the Works plan (Document AS-150), drawing number 00001-100006-CAMEST-ZZZ-LAY-Z-9001 the cables fall within work no.17 Rising and shows that gravity main diversion rights and the PoP falls within work no.40 Decommissioning works rights (Figure 3 below).



**Figure 3-** Submitted Works Plan showing extent of works affecting land parcel 003e, 001a, 001b and 005c ( Anglian Water 2023)

Schedule 1 of the Draft DCO (Ddco) sets out the authorised development, with communication and control infrastructure identified under the further works section. Works to install, divert, repair, replace, maintain and decommission gas, potable water, waste water, electricity and telecommunications services and apparatus is set out part u.

Under schedule 10 of the Ddco, the intention to carry out diversion works to existing utilities within land parcel 003e and 005c is set out at part h of work no,40 and the carrying out diversion works to existing utilities within land parcel 001a is set out in part f of work no.17.

STSL are in communication with Anglian Water and have previously requested the preference for the telecommunications cables to be maintained in their current location to avoid any disturbance to the network as a whole. If any changes are required, these would need to be identified within the Street Works Schedule, and STSL would undertake the works with costs passed on to the requestor.

Anglian Water have identified that the PoP will need to be relocated to facilitate drainage works within Cowley Road. As such, STSL maintain their previous request to identify any changes to the telecommunications network in the Street Work Schedule to enable STSL to undertake the necessary works.

## Examining Authority First Questions

The Examining Authority (ExA) published a detailed set of first questions on the 24<sup>th</sup> October. STSL's responses to questions 8.4, 8.18 and 8.20 are set out below.

**Table 1)** - Questions on the matter of Compulsory Acquisition (CA) and Temporary Possession (TP)

Question no:	Question directed to:	Question:	STSL Response
<b>Book of Reference (BoR), Statement of Reasons (SoR), Land Plans, diligent enquiry and updates</b>			<b>STSL Response</b>
<b>8.4</b>	Affected Persons, IPs	Are any Affected Persons or Interested Parties aware of any inaccuracies in the BoR [AS-145], SoR [AS-143] or on the Land Plans [AS-151]? If so, please set out what these are and provide the correct details.	STSL to be included within "other persons with interest" under parcel 001a,001b and 005c as it owns underground cables within the Order Limits.
<b>Individual objections, issues and agreements</b>			<b>STSL Response</b>
<b>8.18</b>	Affected Persons	Does any Affected Person have any concerns that they have not yet raised about the legitimacy, proportionality or necessity of the compulsory acquisition or temporary possession powers sought by the Applicant that would affect their land or their rights in land?	Parcel 003e and will be subject to permanent new rights or restrictive covenants which will affect Sky's ability to maintain 24 hour access to the PoP for the benefit of the network.  Access to the existing apparatus may also be affected by Article 17 temporary traffic regulation measures to be applied to Cowley Road along with the intention to use Cowley Road access for construction and operational access.

Statutory Undertakers		STSL Response
8.20	Applicant Cadent Gas Limited, Network Rail Infrastructure Limited, National Highways, CCoC, Conservators of the River Cam	<p>The BoR [AS-145] includes several Statutory Undertakers with interests in land and equipment that would be affected by CA / TP.</p> <p><b>The Applicant:</b> a) Provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR, with an estimate of the timescale for securing agreement with them; b) Indicate whether there are any envisaged impediments to the securing of such agreements; and c) State whether any additional Statutory Undertakers have been identified since the submission of the BoR with the application.</p> <p><b>To Statutory Undertakers (and others subject to protective provisions):</b> Where Statutory Undertakers (and others subject to protective provisions) have concerns regarding the current drafting of the Protective Provisions within the dDCO [AS-139], either provide copies of preferred wording or if you have provided it, signpost where it can be found and explain why you do not consider the wording as currently drafted to be appropriate.</p>

STSL would request amendments to the protective provisions part 8 to rectify errors:

“electronic communications code network” means— (a) so much of an electronic communications network or infrastructure system provided by an electronic communications code operator as is not excluded from the application of the electronic communication code by a direction under section ~~2016~~ 106 of the 2003 Act; and ...

3. The exercise of the powers conferred by ~~this Order~~ article 41 (statutory undertakers) is subject to Part 10 (undertaker’s works affecting electronic communications apparatus) of the electronic communications code.

STSL would request the inclusion of specific details relating to the diversion and relocation of the PoP and underground fibre optic cables within the Street Works Schedule so that these works can be undertaken by Sky accordingly.

We look forward to receiving acknowledgement of our request to become an Interested Party.

Should you require any further information, please do not hesitate to contact me.

Yours sincerely,



Kathryn Waldron  
Associate Director  
07521391379