



SCOTTISHPOWER
RENEWABLES



East Anglia ONE North Offshore Windfarm

ExQ1.3.5 Statutory Undertakers Apparatus etc.

Applicant: East Anglia ONE North Limited

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**Applicable to
East Anglia ONE North**



| Revision Summary | | | | |
|------------------|-------------------|-------------------|----------------------|----------------------|
| Rev | Date | Prepared by | Checked by | Approved by |
| 001 | 20/10/2020 | Harry Hyde | Alianis Sloan | Kieran Mirner |
| 002 | 17/11/2020 | Harry Hyde | Alianis Sloan | Kieran Mirner |
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| <u>006</u> | <u>22/02/2021</u> | <u>Harry Hyde</u> | <u>Alianis Sloan</u> | <u>Kieran Mirner</u> |

| Description of Revisions | | | |
|--------------------------|------------|------------|---|
| Rev | Page | Section | Description |
| 001 | n/a | n/a | Response to ExA Q1.3.5 Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations |
| 002 | n/a | n/a | Final for Deadline 2 submission |
| 003 | n/a | n/a | Final for Deadline 3 submission |
| 004 | n/a | n/a | Final for Deadline 4 submission |
| 005 | n/a | n/a | Final for Deadline 5 submission |
| <u>006</u> | <u>n/a</u> | <u>n/a</u> | <u>Final for Deadline 6 submission</u> |



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1 Introduction

1. At the request of the ExA, the Applicant will continually review its proposals relating to the Compulsory Acquisition or Temporary Possession of land and/or rights and provide a table identifying if these proposals affect the relevant rights or relevant apparatus of any statutory undertakers to which section 138 Planning Act 2008 applies. This table will be submitted at each successive deadline.
2. Regarding the onshore cable route, it is not envisaged that the Applicant's proposals relating to the Compulsory Acquisition or Temporary Possession of land and/or rights will require statutory undertakers' relevant rights to be extinguished and/or relevant apparatus removed. Furthermore, it is the view of Applicant that protective provisions safeguard the undertaker's interest and thus the test set out section 138 of the PA 2008 would be satisfied.
3. The Applicant does acknowledge that at the onshore substation site, there may be the potential for statutory undertakers' relevant rights to be extinguished or relevant apparatus removed and these are detailed in the table below. It should be noted that the extent to which the rights and apparatus are affected will be determined at the detailed design stage. Again, it is the view of Applicant that protective provisions safeguard the undertaker's interest and thus the test set out section 138 of the PA 2008 is satisfied.

2 ExQ1.3.5 Statutory Undertakers Apparatus etc.

| Version 65 ExQ1.3.5: PA2008 s138 Statutory Undertakers Apparatus EA1N | | | | | | | | | | |
|---|---|--|---------------|--|--|---|--|----------------------|---|--------------------------------------|
| Name/ Organisation (Name of Statutory Undertaker) | Nature of Undertaking | Plot Nos | Work Nos | Relevant rights to be extinguished | Relevant apparatus to be removed | PA2008 s.138(4) can be met - The order may include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus, only if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the order relates | Protective Provisions and/or Commercial Agreement | Agreement reached | Representation withdrawn | Documenting Agreement Provided |
| AWG Group Limited | Water supply and wastewater treatment | 100, 104, 104A | 33 | There is the potential that rights may be required to be extinguished. | There is the potential that apparatus may be removed. | It is the view of Applicant that the bespoke protective provisions agreed with AWG Group Limited safeguard the undertaker's interest and therefore the test set out section 138 of the PA 2008 is satisfied. | Protective Provisions | Yes | No | No |
| British Telecommunications PLC | Telecommunications | 99, 100, 101, 104, 112, 127, 135 | 33, 34, 43 | There is the potential that rights may be required to be extinguished. | There is the potential that apparatus may be removed. | It is the view of Applicant that protective provisions safeguard the undertaker's interest and thus the test set out section 138 of the PA 2008 is satisfied. | Protective Provisions | No | Currently, no representation has been made. | No |
| Essex and Suffolk Water Limited | Water supply and wastewater treatment | 98, 100, 108, 111, 112, 113, | 31,33,43 | There is the potential that rights may be required to be extinguished. | There is the potential that apparatus may be removed. | It is the view of Applicant that protective provisions safeguard the undertaker's interest and thus the test set out section 138 of the PA 2008 is satisfied. | Protective Provisions | No | Currently, no representation has been made. | No |

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| Version 65 ExQ1.3.5: PA2008 s138 Statutory Undertakers Apparatus EA1N | | | | | | | | | | |
|---|---|-----------------------------|---------------------------|--|--|--|--|---|-----------------------------|--------------------------------------|
| Name/ Organisation (Name of Statutory Undertaker) | Nature of Undertaking | Plot Nos | Work Nos | Relevant rights to be extinguished | Relevant apparatus to be removed | PA2008 s.138(4) can be met - The order may include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus, only if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the order relates | Protective Provisions and/or Commercial Agreement | Agreement reached | Representation withdrawn | Documenting Agreement Provided |
| | | 127, 134, 135 | | | | | | | | |
| National Grid Electricity Transmission PLC | Electricity Transmission owner and operator | 113, 114, 115, 134 | 33, 34, 38, 39, 40, 43 | There is the potential that rights may be required to be extinguished. | There is the potential that apparatus may be removed. | <u>It is the view of Applicant that the bespoke protective provisions agreed with National Grid Electricity Transmission PLC and the commercial agreement that is now in negotiation will safeguard the undertaker's interest and thus the test set out section 138 of the PA 2008 is satisfied.</u> It is the view of Applicant that the bespoke protective provisions being agreed with National Grid Electricity Transmission PLC and the crossing agreement being negotiated will safeguard the undertaker's interest and thus the test set out section 138 of the PA 2008 is satisfied. | <u>Protective Provisions and Commercial Agreement</u> Protective Provisions and Crossing Agreement | <u>Yes</u> <u>(Protective Provisions)</u> No | No | No |

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| Version 65 ExQ1.3.5: PA2008 s138 Statutory Undertakers Apparatus EA1N | | | | | | | | | | |
|---|---|---|---|--|--|---|--|----------------------|-----------------------------|--------------------------------------|
| Name/ Organisation (Name of Statutory Undertaker) | Nature of Undertaking | Plot Nos | Work Nos | Relevant rights to be extinguished | Relevant apparatus to be removed | PA2008 s.138(4) can be met - The order may include provision for the extinguishment of the relevant right, or the removal of the relevant apparatus, only if the Secretary of State is satisfied that the extinguishment or removal is necessary for the purpose of carrying out the development to which the order relates | Protective Provisions and/or Commercial Agreement | Agreement reached | Representation withdrawn | Documenting Agreement Provided |
| Eastern Power Networks PLC (Represented by UK Power Networks (Operation) Limited) | Electricity distribution network operator | 98, 99, 100, 101, 104, 112, 113, 127, 128, 130, 135 | 30, 31, 32, 33, 34, 38, 39, 40, 41, 42, 43 | There is the potential that rights may be required to be extinguished. | There is the potential that apparatus may be removed. | It is the view of Applicant that protective provisions and the Compromise Agreement and Asset Protection Agreement currently being negotiated with Eastern Power Networks PLC will it safeguard the undertaker's interest and thus the test set out section 138 of the PA 2008 is satisfied. | Protective Provisions and Commercial Agreement | No | No | No |