



East Anglia TWO Offshore Windfarm

ExQ1.3.5 Statutory Undertakers Apparatus etc.

Applicant: East Anglia TWO Limited

Document Reference: ExQ1.3.5 [\(Tracked\)](#)

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Date: ~~15th December 2020~~[13th January 2021](#)

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**Applicable to
East Anglia TWO**



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
003	15/12/2020	Harry Hyde	Alianis Sloan	Kieran Mirner
<u>004</u>	<u>13/01/2021</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
<u>004</u>	<u>n/a</u>	<u>n/a</u>	<u>Final for Deadline 4 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 34		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
Eastern Power Networks PLC	Electricity Distribution owner and operator	112, 113	30, 31, 32, 33, 34, 38, 39, 40,	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 safeguard the undertaker's interest and thus the test set out section 138 of the PA 2008 is satisfied.	Commercial Agreement	No	Currently, no representation has been made.	No

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Version 34 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
			41, 42, 43							
Essex and Suffolk Water Limited	Water supply and wastewater treatment	98, 100, 108, 111, 112, 113, 127, 134, 135	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
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.	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.	Protective Provisions and Crossing Agreement	No	No	No

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Version 34 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
UK Power Networks (Operations) Limited	Electricity Transmission owner and operator	98, 99, 100, 101, 104, 113, 127, 128, 130, 135	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 UK Power Networks (Operations) Limited 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	Currently, no representation has been made.	No