

Gate Burton Energy Park EN010131

S.127 Statutory Undertakers Tracker (Revision 45)

Document Reference: 8.8 November December 2023



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1. Statutory Undertakers Objection Schedule

Statutory undertaker	Nature of the undertaking.	Land and/ or rights affected, identified with reference to the most recent version of the Book of Reference (BoR) and Land Plan available at that time;	in relation to land, whether and if so how the tests in PA2008 s127(3)(a) or (b) can be met;	in relation to rights, whether and if so how the tests in s127(6)(a) or (b) can be met; and	in relation to these matters, whether any protective provisions and /or commercial agreements are anticipated, and if so whether these are already available to the ExA in draft or final form; whether a new document describing them is attached to the response to this question: or whether further work is required before they can be documented; and	in relation to a statutory undertaker named in an earlier version of the table but in respect of which a settlement has been reached: whether the settlement has resulted in that statutory undertaker's representation(s) being withdrawn in whole or part; and identifying any documents providing evidence of agreement and withdrawal.
Canal & River Trust	Navigation Authority for the River Trent.	Plot 13/4 Leaseholder of the River Trent	N/A	N/A - Agreed protective provisions for the benefit of Canal & River Trust are included within Part 11 of Schedule 15 of the draft DCO at Deadline 3.	Agreed protective provisions for the benefit of Canal & River Trust are included within Part 11 of Schedule 15 of the draft DCO at Deadline 3.	

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				1		
EDF Energy	Electricity Generation and Transmission.	1/2, 2/4, 17/5, 17/6, 17/7, 17/8	N/A	The Applicant will monitor the situation and, mindful of the Examination timetable, make representations pursuant to \$127 of the Planning Act 2008 in sufficient time to allow those to be examined, if necessary provide a closing submission on \$127 if necessary to do so. The Applicant is confident that it can satisfy \$127 if it is necessary to do so, in light of the protective protections offered by the draft DCO.	The Applicant has continued to engage with EDF to reach technical and commercial solutions to coexistence. Subject to certain provisions relating to powers of compulsory acquisition (which remain subject to relevant voluntary agreements being in place), the protective provisions are in agreed form. The Applicant has inserted protective provisions at Deadline 5 at Part 15 of Schedule 15 to reflect the agreed set.	
Anglican Water Services	Water and Sewage Services.	1/2, 1/3, 1/4, 1/6, 2/2, 2/5, 2/6, 3/3, 4/3, 5/1, 5/4, 7/6, 7/7, 8/7, 9/1, 11/1, 11/2, 11/3, 11/4, 11/6, 11/7, 12/24, 14/11, 14/20, 14/9, 15/10, 16/1, 16/2, 16/3	N/A	N/A - Agreed protective provisions for the benefit of Anglian Water Limited are included at Part 6 of the draft DCO.	Agreed protective provisions for the benefit of Anglian Water Limited are included at Part 6 of the draft DCO.	

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				The Applicant will		
				monitor the		
				situation and,		
				mindful of the		
				Examination		
				timetable, make		
				representations		
				pursuant to s127 of		
				the Planning Act		
				2008 in sufficient		
				time to allow those		
				to be examined, if		
				necessary. The		
				Applicant is		
				confident that it can		
				satisfy s127 if it is		
				necessary to do so,		
				in light of the		
				protective		
				protections offered		
				by the draft DCO.		
Exolum	Fuel distributor	10/7, 11/8, 12/25	N/A	N/A - The Applicant	The Applicant has included	
Pipeline				has included	agreed protective provisions	
Systems				agreed protective	for the benefit of Exolum	
				provisions for the	Pipeline Systems Limited at	
				benefit of Exolum	Part 12 of Schedule 15 of the	
				Pipeline Systems	draft DCO.	
				Limited at Part 12	The Applicant has been	
				of Schedule 15 of	engaging with Exolum Pipeline	
				the draft DCO.	Systems Limited (Exolum)	
					regarding protective	
				The Applicant will	provisions. The protective	
				monitor the	provisions at Part 1 of	
				situation and,	Schedule 15 draft DCO	
				mindful of the	provide protection to Exolum	
				Examination	however the Applicant has	
				timetable, make	added a placeholder for	
				representations	provisions for the benefit of	



				pursuant to s127 of	Exolum in the draft DCO at	
				the Planning Act	Deadline 1, to confirm its	
				2008 in sufficient	intention that bespoke	
				time to allow those	protections will be provided	
				to be examined, if	once further negotiated.	
				necessary. The		
				Applicant is		
				confident that it can		
				satisfy s127 if it is		
				necessary to do so,		
				in light of the		
				protective		
				protections offered		
				by the draft DCO.		
Upper	Supervision of all	6/15, 7/2, 8/2	N/A	N/A - The protective	The protective provisions for	
Witham	matters relating			provisions for the	the benefit of drainage	
Internal	to drainage of			benefit of drainage	authorities at Part 3 of	
Drainage	land in this area.			authorities at Part 3	Schedule 15 of the draft DCO	
Board				of Schedule 15 of	operate to protect Upper	
				the draft DCO	Witham Internal Drainage	
				operate to protect	Board's interests.	
				Upper Witham		
				Internal Drainage		
				Board's interests.		
				The Statement of		
				Common Ground		
				with Upper Witham		
				IDB confirms that		
				this is agreed.		
				The Applicant will		
				monitor the		
				situation and,		
				mindful of the		
				Examination		
				timetable, make		
				representations		
				pursuant to s127 of		
				the Planning Act		



				2008 in sufficient		
				time to allow those		
				to be examined, if		
				necessary. The		
				Applicant is		
				confident that it can		
				satisfy s127 if it is		
				necessary to do so,		
				in light of the		
				protective		
				protections offered		
				by the draft DCO.		
Network Rail	Ownership,	3/2, 5/11, 6/3, 6/6,	N/A	The Applicant will	The protective provisions are	
Limited	operation and	6/8	14/7	monitor the	in an agreed form and have	
	maintenance of	0,0		situation and	been included at Part 10 of	
	existing and			provide a closing	Schedule 15 of the draft DCO	
	former railway			submission on s127	at Deadline 1, save for one	
	lines.			if necessary to do	outstanding point which has	
				so, mindful of the	been included as a	
				Examination	placeholder to confirm the	
				timetable, make	Applicant's intention to include	
				representations	once discussions are finalised.	
				pursuant to s127 of	once diseasement are infanced.	
				the Planning Act		
				2008 in sufficient		
				time to allow those		
				to be examined, if		
				necessary. The		
				Applicant is		
				confident that it can		
				satisfy s127-if it is		
				necessary to do so,		
				in light of the		
				protective		
				protections offered		
				by the draft DCO.		



Environment	Conservation of	13/4	N/A	N/A - Agreed	Agreed protective provisions	
Agency	River Trent.	13/4	IN/A	N/A - Agreed protective	for the benefit of the	
Agency	Niver Hellt.			provisions for the		
				benefit of the	included within Part 8 of	
				<u>Environment</u>	Schedule 15 of the draft DCO	
				Agency are	at Deadline 5.	
				included within Part		
				8 of Schedule 15 of		
				the draft DCO.		
				The Applicant will		
				monitor the		
				situation and,		
				mindful of the		
				Examination		
				timetable, make		
				representations		
				pursuant to s127 of		
				the Planning Act		
				2008 in sufficient		
				time to allow those		
				to be examined, if		
				necessary. The		
				Applicant is		
				confident that it can		
				satisfy s127 if it is		
				necessary to do so,		
				in light of the		
				protective		
				protections offered		
				by the draft DCO.		



NI-41	F14.1.11	4/0 5/4 0/4 40/5	NI/A	NI/A TI. A II (TI - A 12 1	
National	Electricity	4/3, 5/1, 9/1, 12/7,	N/A	N/A – The Applicant	The Applicant has submitted	
Grid	Distributor	12/9, 12/17,		has submitted an	an agreed set of protective	
Electricity		12/18, 12/19/		agreed set of	provisions in Part 7 of	
Distribution		12/21, 13/4, 14/2,		<u>protective</u>	Schedule 15 of the draft DCO	
(East		14/4, 14/5, 14/6,		provisions in Part 7	at Deadline 2.	
Midlands)		14/9, 14/11,		of Schedule 15 of		
Plc		14/12, 14/20,		the draft DCO at		
		15/6, 15/7, 15/10,		Deadline 2.		
		17/4, 17/7				
		,		The Applicant will		
				monitor the		
				situation and,		
				mindful of the		
				Examination		
				timetable, make		
				representations		
				pursuant to s127 of		
				the Planning Act		
				2008 in sufficient		
				time to allow those		
				to be examined, if		
				necessary. The		
				Applicant is		
				confident that it can		
				satisfy s127 if it is		
				necessary to do so,		
				in light of the		
				protective		
				protections offered		
				by the draft DCO.		
Northern	Electricity	1/1, 1/2, 1/3, 1/4,	N/A	N/A - The Applicant	The Applicant has included	
Powergrid	Distributor	1/5, 1/6, 2/2, 2/4,		has included	agreed protective provisions	
(Yorkshire)		2/5, 2/6, 2/7, 2/8,		agreed protective	for the benefit of Northern	
Plc		3/1, 3/2, 3/3, 3/4,		provisions for the	Powergrid (Yorkshire) Plc	
		3/5, 3/6, 3/7, 4/3,		benefit of Northern	(NPG) at Part 16 of Schedule	
		5/1, 5/3, 5/4, 5/5,		Powergrid	15 of the draft DCO.The	
		5/6, 5/7, 5/9, 5/10,		(Yorkshire) Plc	protective provisions at Part 1	
		5/11, 5/12, 6/1,		(NPG) at Part 16 of	of Schedule 15 apply to protect	



		6/2, 6/3, 6/6, 6/8,		Schedule 15 of the	NPG's interests however	
		6/9, 6/11, 6/12,		draft DCO.	negotiations on a bespoke set	
		6/13, 6/15, 6/16,		The Applicant will	of provisions are underway.	
		7/1, 7/2, 7/3, 7/5,		monitor the	The provisions have been	
		7/6, 8/1, 8/2, 8/3,		situation and,	negotiated, are well	
		8/4, 8/7, 9/1, 9/2,		mindful of the	progressed and agreement on	
		9/3, 10/1, 10/2,		Examination	them is expected soon.	
		10/3, 10/4, 10/5,		timetable, make	<u>'</u>	
		10/6, 10/7, 10/10,		representations		
		10/15, 10/16,		pursuant to s127 of		
		11/1, 11/2, 11/3,		the Planning Act		
		11/4, 11/5, 11/6,		2008 in sufficient		
		11/7, 11/8, 12/2,		time to allow those		
		12/3, 12/4, 12/5,		to be examined, if		
		12/6, 12/7, 12/9,		necessary. The		
		12/16, 12/17,		Applicant is		
		12/18, 12/19,		confident that it can		
		12/20, 12/21,		satisfy s127 if it is		
		12/22, 12,23,		necessary to do so,		
		12/24, 12/25		in light of the		
				protective		
				protections offered		
				by the draft DCO.		
National	Electricity	12/1, 12/2, 12/3,	N/A	N/A - Agreed	Agreed protective provisions	
Grid	Distributor	12/4, 12/5, 12/16,		protective	for the benefit of National Grid	
Electricity		13/7, 13/8, 14/5,		provisions for the	Electricity Transmission plc are	
Transmissio		14/9, 14/11,		benefit of National	included within Part 9 of	
n Plc.		14/20, 15/2, 15/6,		Grid Electricity	Schedule 15 of the draft DCO.	
		15/7, 15/8, 15/10,		Transmission plc		
		15/14, 16/3, 17/5,		are included within	Subject to certain provisions	
		17/6, 17/7, 17/8		Part 9 of Schedule	relating to powers of	
				15 of the draft	compulsory acquisition (which	
				DCO.	remain subject to relevant	
				The Applicant will	voluntary agreements with	
				monitor the	EDF as freeholder being in	
				situation and,	place), the protective	
				mindful of the	provisions at Part 9 of	
				Examination		



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			timetable, make	Schedule 15 are in agreed	
			representations	form.	
			pursuant to s127 of		
			the Planning Act		
			2008 in sufficient		
			time to allow those		
			to be examined, if		
			necessary. The		
			Applicant is		
			confident that it can		
			satisfy s127 if it is		
			necessary to do so,		
			in light of the		
			protective		
			protections offered		
			by the draft DCO.		
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