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**BY EMAIL ONLY**

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21 November 2019

**Email**

**Our ref** KALG/RBHU/CAP/129163.01290

Dear

**The M42 Junction 6 Development Consent Order 202[] (the "Order")  
Written Statement of Cadent Gas Limited**

We are writing on behalf of our client, Cadent Gas Limited (**Cadent**). Cadent is an interested party in the examination of the Order.

Further to our previous correspondence, we write to update the Examining Authority at close of Examination.

Cadent has reached agreement with the Promoter regarding a side agreement to be entered into. The side agreement has been sealed by Cadent. Regrettably the Promoter has informed us that it is not able to execute its counterpart today. This means that Cadent is not in a position to withdraw its objection to the DCO.

The side agreement addresses important further matters between the parties to ensure that Cadent's interests as identified in its objection and written representations are sufficiently addressed.

For the avoidance of doubt Cadent's deadline 9 submission dated 15 November 2019 still stands.

Cadent reiterates its request (as fully justified in its deadline 9 submission) that the Secretary of State:

1. does not include paragraph 53(3)(c) of Schedule 12, Part 5 within the Order (if made) (which in Cadent's deadline 9 submission was referred to as paragraph 11(3)(c));
2. includes paragraph 57 (Arbitration) of Schedule 12, Part 5 within the Order (if made) in the form requested by Cadent in its deadline 9 submission (which in the deadline 9 submission was referred to

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as paragraph 15);

3. includes the definition of “Acceptable Insurance” and paragraphs 53(5) and 53(6) of Schedule 12, Part 5 within the Order (if made) (which in our deadline 9 submission was referred to as paragraphs 11(5) and 11(6)); and
4. includes paragraph 49(3) of Schedule 12, Part 5 within the Order (if made) in the form requested by Cadent in its deadline 9 submission (which in the deadline 9 submission was referred to as paragraph 7(3)).

Further to our deadline 6 submission dated 11 October 2019, Cadent requests that at Schedule 8 of the dDCO, the “purpose for which rights over land may be acquired” column be amended to read as follows against the rows including gas diversion works:

“To construct, operate, access, **protect** and maintain a diversion to an existing high pressure gas main (Work No. [ ])”.

These rows are:

<b>Plot Reference Number shown on Land Plans</b>
2/2c, 2/3c
2/3u, 2/3ah
2/3aa
3/4b
3/87a
4/1c, 4/1bf, 4/3b, 4/3c, 4/3s, 4/3x, 4/3ai, 4/3aj, 4/6n, 4/6p, 4/9, 4/10, 4/158, 4/159
4/1k
4/ln, 4/1r, 4/82
4/6a, 4/156
4/6d
5/1b, 5/29h
5/29c, 5/2h and 5/29u

This is a requirement specific to gas apparatus to ensure that it is adequately protected. The reasons for this are further outlined at paragraph 5 and Schedule 1 of the Cadent’s deadline 6 submissions.

We should be grateful if you would confirm receipt.

Yours sincerely



**CMS Cameron McKenna Nabarro Olswang LLP**