

# **A585 Windy Harbour to Skippool Improvement Scheme**

**TR010035**

## **7.15 ExQ1.1.10: PA2008 s138 Statutory Undertakers Apparatus etc.**

APFP Regulation 5(2)(q)

Planning Act 2008

Infrastructure Planning (Applications: Prescribed  
Forms and Procedure) Regulations 2009

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Infrastructure Planning

Planning Act 2008

The Infrastructure Planning  
(Applications: Prescribed Forms and  
Procedure) Regulations 2009

**A585 Windy Harbour to Skippool  
Improvement Scheme**  
Development Consent Order 20[ ]

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**EXQ1.1.10: PA2008 S138 STATUTORY UNDERTAKERS APPARATUS ETC.**

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|-----------------------------------------------|----------------------------------------------------------------------------------|
| <b>Regulation Number:</b>                     | Regulation 5(2)(q)                                                               |
| <b>Planning Inspectorate Scheme Reference</b> | TR010035                                                                         |
| <b>Application Document Reference</b>         | TR010035/APP/7.15                                                                |
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| <b>Version</b> | <b>Date</b> | <b>Status of Version</b> |
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| Rev 0          | May 2019    | Deadline 2 Submission    |
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## **1 EXQ 1.1.10 PA2008 S138 STATUTORY UNDERTAKERS APPARATUS ETC**

- 1.1.1 The purpose of this document is to set out the Statutory Undertakers Apparatus in relation to Section 138 of the Planning Act 2008.
- 1.1.2 These can be found in Table 1-1 below.

Table 1-1: PA20018 s138 Statutory Undertakers Apparatus etc

| Statutory Undertaker          | Undertaking           | Relevant rights to be extinguished                                                                                                                                                   | Relevant apparatus to be removed                                                                                                   | PA2008 s138(4) has been met?                                                                                                                                                                                                                                                                            | Protective Provisions/or Commercial agreement                                                                                                                               |
|-------------------------------|-----------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>United Utilities</i>       | Water and Waste Water | All rights as defined by s138(2)(a) are to be extinguished for all plots in relation to United Utilities as stated in the Book Reference (document reference TR010035/APP/4.3)       | Apparatus as defined by s138(3)(a) to be removed are related to the following Works Nos. 3, 7, 34, 36, 51, 53, 60, 61, 73, 77, 116 | The extinguishment of rights and/or the removal of apparatus is necessary to carry out the development as there would be a conflict between the development and the rights/apparatus. All diversion works will be programmed to be carried out alongside the main construction works without detriment. | Protective provisions are yet to be agreed. Ongoing discussions with United Utilities                                                                                       |
| <i>Electricity North West</i> | Electricity           | All rights as defined by s138(2)(a) are to be extinguished for all plots in relation to Electricity North West as stated in the Book Reference (document reference TR010035/APP/4.3) | Apparatus as defined by s138(3)(a) to be removed are related to the following Works Nos.6, 8, 26, 30, 31, 42, 64, 71, 72, 112      | The extinguishment of rights and/or the removal of apparatus is necessary to carry out the development as there would be a conflict between the development and the rights/apparatus. All diversion works will be                                                                                       | Protective provisions set out within the dDCO are agreed by both parties. Refer to Electricity North West Statement of Common Ground (document reference TR010035/APP/8.11) |



| Statutory Undertaker | Undertaking | Relevant rights to be extinguished                                                                                                                                   | Relevant apparatus to be removed                                                                                   | PA2008 s138(4) has been met?                                                                                                                                                                                                                                                         | Protective Provisions/or Commercial agreement                               |
|----------------------|-------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
|                      |             |                                                                                                                                                                      |                                                                                                                    | programmed to be carried out alongside the main construction works without detriment.                                                                                                                                                                                                |                                                                             |
| <i>Cadent</i>        | Gas         | All rights as defined by s138(2)(a) are to be extinguished for all plots in relation to Cadent as stated in the Book Reference (document reference TR010035/APP/4.3) | Apparatus as defined by s138(3)(a) to be removed are related to the following Works Nos.16, 27, 54, 67, 69, 76, 80 | The extinguishment of rights and/or the removal of apparatus is necessary to carry out the development as there would be a conflict between the development and the rights/apparatus. All diversion works will be programmed to be carried out alongside the main construction works | Protective provisions are yet to be agreed. Ongoing discussions with Cadent |

| Statutory Undertaker | Undertaking        | Relevant rights to be extinguished                                                                                                                                          | Relevant apparatus to be removed                                                                                        | PA2008 s138(4) has been met?                                                                                                                                                                                                                                                                            | Protective Provisions/or Commercial agreement                                                                                                                         |
|----------------------|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                      |                    |                                                                                                                                                                             |                                                                                                                         | without detriment.                                                                                                                                                                                                                                                                                      |                                                                                                                                                                       |
| <i>GTC</i>           | Gas                | All rights as defined by s138(2)(a) are to be extinguished for all plots in relation to GTC as stated in the Book Reference (document reference TR010035/APP/4.3)           | Apparatus as defined by s138(3)(a) to be removed are related to the following Works No.120                              | The extinguishment of rights and/or the removal of apparatus is necessary to carry out the development as there would be a conflict between the development and the rights/apparatus. All diversion works will be programmed to be carried out alongside the main construction works without detriment. | Protective provisions set out within the dDCO are agreed by both parties. Refer to GTC Statement of Common Ground (document reference TR010035/APP/8.15)              |
| <i>Openreach Ltd</i> | Telecommunications | All rights as defined by s138(2)(b) are to be extinguished for all plots in relation to Openreach Ltd as stated in the Book Reference (document reference TR010035/APP/4.3) | Apparatus as defined by s138(3)(b) to be removed are related to the following Works Nos.15, 24, 32, 33, 65, 75, 81, 121 | The extinguishment of rights and/or the removal of apparatus is necessary to carry out the development as there would be a conflict between the development and the rights/apparatus. All                                                                                                               | Protective provisions set out within the dDCO are agreed by both parties agreed. Refer to Openreach Statement of Common Ground (document reference TR010035/APP/8.13) |

| Statutory Undertaker | Undertaking | Relevant rights to be extinguished | Relevant apparatus to be removed | PA2008 s138(4) has been met?                                                                                  | Protective Provisions/or Commercial agreement |
|----------------------|-------------|------------------------------------|----------------------------------|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------|
|                      |             |                                    |                                  | diversion works will be programmed to be carried out alongside the main construction works without detriment. |                                               |

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