

## **A1 in Northumberland: Morpeth to Ellingham**

**Scheme Number: TR010059**

### **7.8.7 Applicant's Written Summaries of Oral Submissions at Hearings – Appendix D – s138 Statutory Undertaker Apparatus (Clean)**

Planning Act 2008

Rule 8(1)(c)

The Infrastructure Planning (Examination Procedure) Rules 2010

April 2021

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning  
(Examination Procedure Rules) 2010**

The A1 in Northumberland:  
Morpeth to Ellingham  
Development Consent Order 20[xx]

---

**APPLICANT'S WRITTEN SUMMARIES OF ORAL SUBMISSIONS AT  
HEARINGS – APPENDIX D – S138 STATUTORY UNDERTAKER  
APPARATUS (CLEAN)**

---

<b>Rule Number:</b>	Rule 8(1)(c)
<b>Planning Inspectorate Scheme Reference</b>	TR010059
<b>Document number</b>	7.8.7
<b>Author:</b>	A1 in Northumberland Project Team Highways England

<b>Version</b>	<b>Date</b>	<b>Status of Version</b>
Rev 0	January 2021	Deadline 1 submission
Rev 1	April 2021	Deadline 6 submission

Table 1 - s138 Statutory Undertaker Apparatus – Part A

Statutory Undertaker Name	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Test in s138(4) can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
British Gas Limited	Gas distribution	No relevant rights to be extinguished nor relevant apparatus to be removed.	The test in s138(4) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking	The draft DCO contains standard protective provisions which apply to gas transporters. Bespoke provisions have not been requested.	N/A	No representation received
CityFibre Limited	Telecommunications	Rights to be extinguished and relevant apparatus to be moved. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through C3 design and costing process.	The test in s138(4) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking	The draft DCO contains standard protective provisions which apply to telecommunications code operators. Bespoke provisions have not been requested.	No	No representation received
GTC Pipelines Limited	Utilities	Relevant rights to be extinguished and relevant apparatus to be removed. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through C3 design and costing process.	The test in s138(4) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking	The draft DCO contains standard protective provisions which apply to gas transporters. Bespoke provisions have not been requested.	No	No representation received
National Grid Gas plc	Gas distribution	No relevant rights to be extinguished nor relevant apparatus to be	The test in s138(4) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking, and NG	Standard protective provisions for gas transporters are included in the draft Order. Current negotiations will be set out in the Statement of Common	No	Representation received.  Status: not withdrawn

Statutory Undertaker Name	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Test in s138(4) can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
		removed. Diversionary works completed in 2020 as advance contract.	have not raised any concerns to this effect in their relevant representations or written representations.	Ground between the Applicant and National Grid Gas Plc, and submitted shortly after Deadline 1.		
Northern Gas Networks Limited	Gas distribution	Relevant rights to be extinguished and relevant apparatus to be moved. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through C3 design and costing process. Limited diversionary works completed in 2020 as advance contract to facilitate National Grid plc diversion works.	The test in s138(4) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking, and NGN have not raised any concerns specific to this effect in their relevant representations or written representations.	Standard protective provisions for gas transporters are included in the draft Order. Current negotiations will be set out in the Statement of Common Ground between the Applicant and Northern Gas Networks Limited, and submitted shortly after Deadline 1.	No	Representation received.  Status: not withdrawn
Northern Powergrid Holdings Company	Utilities	Relevant rights to be extinguished and relevant apparatus to be removed. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through	The test in s138(4) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking	The draft DCO contains standard protective provisions which apply to power transmission. Bespoke provisions have not been requested.	No	No representation received

Statutory Undertaker Name	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Test in s138(4) can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
		C3 design and costing process. Limited diversionary works completed in 2020 as advance contract to facilitate National Grid plc diversion works.				
Northumbrian Water Limited	Utilities	Relevant rights to be extinguished and relevant apparatus to be moved. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through C3 design and costing process.	The test in s138(4) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking	Not applicable. The draft DCO contains standard protective provisions which apply to water and drainage undertakers. Bespoke provisions have not been requested.	No	No representation received
Openreach Limited	Telecommunication	Relevant rights to be extinguished and relevant apparatus to be moved. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions agreed to be through C3 design and costing process.	The test in s138(4) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking	The draft DCO contains standard protective provisions which apply to telecommunications code operators. Bespoke provisions have not been requested.	No	No representation received

Statutory Undertaker Name	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Test in s138(4) can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
Sky UK Limited	Telecommunication	Relevant rights to be extinguished and relevant apparatus to be moved. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through C3 design and costing process.	The test in s138(4) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking	The draft DCO contains standard protective provisions which apply to telecommunications code operators. Bespoke provisions have not been requested.	No	No representation received
Virgin Media	Telecommunication	Relevant rights to be extinguished and relevant apparatus to be moved. Diversionary works required at various locations across scheme, subject to detailed design. Principle of diversions to be agreed through C3 design and costing process.	The test in s138(4) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking	The draft DCO contains standard protective provisions which apply to telecommunications code operators. Bespoke provisions have not been requested.	No	No representation received
Vodafone Limited	Telecommunication	Relevant rights to be extinguished and relevant apparatus to be removed. Diversionary works required at various locations across Scheme, subject to detailed design. Principle	The test in s138(4) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking	The draft DCO contains standard protective provisions which apply to telecommunications code operators. Bespoke provisions have not been requested.	No	No representation received



Statutory Undertaker Name	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Test in s138(4) can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
		of diversions to be agreed through C3 design and costing process.				

Table 12 - s138 Statutory Undertakers Apparatus – Part B

Statutory Undertaker Name	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Test in s138(4) can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
Arqiva Limited	Telecommunication	No relevant rights to be extinguished nor relevant apparatus to be removed.		The draft DCO contains standard protective provisions which apply to telecommunications code operators. Bespoke provisions have not been requested.	No	No representation received
Highways England Company Limited	Transport	No relevant rights to be extinguished nor relevant apparatus to be removed.			N/A	No representation received
Hutchison 3G UK Limited	Telecommunication	Relevant rights to be extinguished and relevant apparatus to be moved. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through C3 design and costing process.	The test in s138(4) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking	The draft DCO contains standard protective provisions which apply to telecommunications code operators. Bespoke provisions have not been requested.	No	No representation received
RWE Renewables UK Swindon Limited	Utilities	Relevant rights to be extinguished and relevant apparatus to be moved. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through C3	The test in s138(4) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking	The draft Order contains standard protective provisions which apply to electricity undertakers. Bespoke provisions have not been requested.	No	No representation received

Statutory Undertaker Name	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Test in s138(4) can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
		design and costing process.				
Northern Gas Networks Limited	Gas distribution	Relevant rights to be extinguished and relevant apparatus to be moved. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through C3 design and costing process.	The test in s138(4) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking, and NGN have not raised any concerns to this effect in their relevant representations or written representations	Standard protective provisions which apply to gas transporters have been included in the draft Order. Current negotiations will be set out in the Statement of Common Ground between the Applicant and Northern Gas Networks Limited, and submitted shortly after Deadline 1.	No	Representation received.  Status: not withdrawn
Northern Powergrid Holdings Company	Utilities	Relevant rights to be extinguished and relevant apparatus to be moved. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through C3 design and costing process.	The test in s138(4) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking	The draft DCO contains standard protective provisions which apply to power transmission. Bespoke provisions have not been requested.	No	No representation received
Northumbrian Water Limited	Utilities	Relevant rights to be extinguished and relevant apparatus to be moved. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through C3 design and costing process.	The test in s138(4) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking	The draft DCO contains standard protective provisions which apply to water and drainage undertakers. Bespoke provisions have not been requested.	No	No representation received
Openreach Limited	Telecommunication	Relevant rights to be extinguished and relevant apparatus to be moved. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through C3	The test in s138(4) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking	The draft DCO contains standard protective provisions which apply to telecommunications code operators. Bespoke provisions have not been requested.	No	No representation received



Statutory Undertaker Name	Nature of the Undertaking	Relevant Rights to be Extinguished; and / or the Relevant Apparatus to be Removed	Whether the Test in s138(4) can be met	Status of any Protective Provisions and / or Commercial Agreements	Settlement Reached	Representation(s) Withdrawn in Whole or Part
		design and costing process.				
Virgin Media Limited	Telecommunication	Relevant rights to be extinguished and relevant apparatus to be moved. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through C3 design and costing process.	The test in s138(4) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking	The draft DCO contains standard protective provisions which apply to telecommunications code operators. Bespoke provisions have not been requested.	No	No representation received
Vodafone Limited	Telecommunication	Relevant rights to be extinguished and relevant apparatus to be moved. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through C3 design and costing process.	The test in s138(4) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking	The draft DCO contains standard protective provisions which apply to telecommunications code operators. Bespoke provisions have not been requested.	No	No representation received
British Telecommunications plc	Telecommunication	Relevant rights to be extinguished and relevant apparatus to be moved. Diversionary works required at various locations across Scheme, subject to detailed design. Principle of diversions to be agreed through C3 design and costing process.	The test in s138(4) can be met. The compulsory acquisition of rights would not result in serious detriment to the carrying on of the undertaking	The draft DCO contains standard protective provisions which apply to telecommunications code operators. Bespoke provisions have not been requested.	No	No representation received