

M5 Junction 10 Improvements Scheme

**Applicant's case under section 127 and 138
Planning Act 2008 – Statutory Undertakers' Land**

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M5 Junction 10 Improvements Scheme Development Consent Order 202[x]

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1. Introduction

1.1.1. Gloucestershire County Council (“the Applicant”) submitted in December 2023 an application for development consent order (“DCO”) to the Secretary of State for the M5 Junction 10 Improvements Scheme (“the Scheme”). The application was accepted by the Planning Inspectorate on the 16 January 2024.

1.1.2. The DCO includes provision for the compulsory acquisition of rights in land, including the acquisition of interest and rights in “statutory undertakers’ land”, as defined by Section 127 of the Planning Act 2008 (“the **2008 Act**”). As the DCO will affect statutory undertakers’ interests in land, the Applicant believes that section 127 of the 2008 Act is engaged by the DCO. Section 138 of the 2008 Act is also engaged as there are relevant rights benefitting statutory undertakers and relevant apparatus belonging to those undertakers.

1.1.3. This document is the Applicant’s case to demonstrate that there is no serious detriment arising from the acquisition of any land where statutory undertakers have an interest and that the extinguishment and relocation of the relevant rights is necessary for the purpose of carrying out the development.

Section 127 of the 2008 Act

1.1.4. Section 127 applies to land (statutory undertakers’ land) if:

The land has been acquired by a statutory undertaker for the purpose of its undertaking;

A representation has been made and not withdrawn about an application for development consent order;

The Secretary of State is satisfied that

The land used for the purposes of carrying out the statutory undertaker’s undertaking; or

An interest in land is held for those purposes; and

For the purposes of section 127 “land” includes any interest in or right over land (as defined in section 159 of the 2008 Act).

1.1.5. If the representations have not been withdrawn and the Secretary of State is satisfied that the land or an interest in the land is used for the purposes of carrying on a statutory undertaking, then the DCO may include provisions authorising the compulsory acquisition of land or right over statutory undertakers’ land by the creation of a new right over and only to the extent that the Secretary of State is satisfied that the requirements of section 127 have been met.

1.1.6. In these circumstances the DCO may only include a provision authorising the compulsory acquisition of statutory undertakers’ land or of a right over statutory undertakers’ land by creation of a new right over land where the Secretary of State is satisfied that:

The land or right may be purchased and not replaced without serious detriment of the carrying on of the undertaking; or

It can be replaced with other land belonging to, or available for acquisition by, the undertaker without serious detriment to the carrying on of the undertaking.

Section 138 of the 2008 Act

- 1.1.7. Section 138 applies to land if:

There subsists over the land a relevant right; or

There is on, under or over the land relevant apparatus.

- 1.1.8. Section 138 also provides that a DCO 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 DCO relates.

- 1.1.9. The DCO also includes the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to the statutory undertakers, and as such the Applicant believes that section 138 of the 2008 Act is also engaged.

Planning Act 2008: Content of a Development Consent Order required for Nationally Significant Infrastructure Projects (DLUHC, April 2024)

- 1.1.10. Government guidance from the Department for Levelling Up, Housing and Communities on the content of a development consent order required for a nationally significant infrastructure project states that [emphasis added]:

“Applicants should expect to agree the form of protective provisions with the relevant parties for inclusion in the draft DCO prior to submitting the application for development consent. Where agreement on protective provisions has not been reached during the pre-application stage, applicants should include their preferred drafting taking into account the standard protective provisions commonly used by the relevant party (usually statutory undertakers) and endorsed in recent DCO decisions. [...]

*Most statutory undertakers have now developed their own preferred form of protective provisions which is very helpful to the preparation of the draft DCO. However, these must be adapted as necessary, so they accurately reflect the proposed development. **They should also not simply negate other provisions of the DCO, particularly concerning proposed compulsory acquisition of statutory undertakers’ land.***

Examining Authorities are expected to ensure that the final form of a recommended DCO contains protective provisions which are bespoke to the application under consideration.”

2. Position with statutory undertakers

- 2.1.1. Since the inception of the Scheme, the Applicant has been working with various statutory undertakers whose interests are affected, to seek to agree protection for their interests.
- 2.1.2. The Land Rights Tracker [REP5-026] contains a summary of the most up to date position in relation to the engagement with statutory undertakers.
- 2.1.3. The relevant statutory undertakers for the purposes of this application are:
- 2.1.4. **National Grid Electricity Distribution (West Midlands PLC) PLC (“NGED”)**: has interests affected by the Scheme. NGED submitted both relevant and written representation [REP1-057] and the Applicant has been engaging with NGED with a view to agreeing protective provisions. All points in the proposed protective provisions have been agreed between the parties, save for three points that remain outstanding. Further details are contained in Section 6 of this document.
- 2.1.5. Outstanding points of disagreement:
- (i) **Definition of “specified works”**: NGED’s position is that the definition of “specified works” should refer to any part of the authorised development that is carried out within a 6-metre radius of their apparatus. This is a definition NGED have used previously but it does not align with the Health & Safety Executive Guidance (“HSE Guidance”). During the course of negotiations, the Applicant set out the reasons why this could have serious implications in the implementation and completion of the Scheme.
 - (ii) **Approvals process for specified works**: the timeframes proposed by NGED for the approval of specified works could cause severe delays in the implementation of the Scheme.
 - (iii) **NGED’s liability for negligence / breach**: the cap NGED propose in terms of their liability for negligence and/or breach of contract is not acceptable and would pose a high risk that the Applicant should not accept.
- 2.1.6. **Wales and West (“W&W”)**: has interests affected by the Scheme. W&W submitted a relevant representation [RR-044] and the Applicant has been engaging with W&W with a view to agreeing protective provisions. All points in the proposed protective provisions have been agreed between the parties, save for three points that remain outstanding. Further details are contained in Section 6 of this document.
- **Definition of “specified works”**: W&W’s position is that “specified works” should be defined as any part of the authorised development that is carried out within a 15-metre radius of their apparatus and that a single distance should be applied regardless of the type of apparatus. A single distance of 15 metres is not acceptable due to the practical complications this would carry and is also not aligned with best practice guidance.
 - **Acquisition of land**: W&W seek to maintain approval over the Applicant’s exercise of any compulsory acquisition powers needed for the implementation of the order. This is against Government Guidance (as set out above) and the Applicant could face a serious detriment and delay in the implementation of the order if approval prior to using CA powers was required from any third party.
- 2.1.7. **Severn Trent Water (“STW”)** has interests affected by the Scheme. STW have not submitted a relevant or written representation, but the Applicant has been engaging with them with a view to agreeing protective provisions. All points in the proposed protective provisions have been agreed between the parties, save for two that remain outstanding. Further details are contained in Section 6 of this document.

2.1.8. Outstanding points of disagreement:

- **Access to apparatus in stopped-up streets-** We proposed a requirement for STW to give GCC reasonable notice (except in case of emergency) before taking access to streets which are temporarily stopped up but contain STW apparatus. STW have rejected this requirement to give notice on the basis that STW must have access at all times.
- **Restrictions on Compulsory Acquisition** – As previously discussed, paragraph 6 unacceptably seeks to prevent the compulsory acquisition of STW land interests without STW's agreement. We will continue to resist STW's position on the basis of the Scheme's requirements, Government Guidance, and the PPs accepted by other water undertakers in recent DCOs.

2.1.9. Together, all three statutory undertakers are identified as "SU" throughout this document.

2.1.10. The Applicant proposes to acquire freehold and rights in land, such land or interest in the land having been acquired by the SUs ("SUs Land") for the purposes of their undertaking as set out in Appendices 1, 2 and 3 to this document.

2.1.11. NGED and W&W have made representations to the Planning Inspectorate in relation to the DCO. The Applicant is in ongoing discussions with the SUs regarding the DCO application, but their representations have not currently been withdrawn.

2.1.12. If the representations are not withdrawn and the Secretary of State is satisfied that the land or interests in the land are used for the purpose of carrying on the SUs statutory undertakings, then the DCO may include provisions authorising the compulsory acquisition of land and rights over statutory undertakers' land to the extent that the Secretary of State is satisfied that the requirements of section 127 have been met.

2.1.13. The DCO also includes the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to statutory undertakers, and as such the Applicant believes that section 138 of the 2008 Act is engaged by the DCO.

2.1.14. For the purposes of section 127, the Applicant's position is that, whilst this is engaged, adequate protection for the benefit of the affected statutory undertakers is provided for as set out above. The draft DCO submitted by the Applicant at Deadline 7 [REP7-002] includes bespoke protective provisions for the benefit of NGED, W&W and STW which reflect the result of negotiations with the SUs and follow recent precedents for other similar linear schemes.

2.1.15. As such, the Applicant's position is that section 127(3) is engaged in that the statutory undertaker land subject to compulsory acquisition can be purchased from the SU with no need for it to be replaced as it does not cause serious detriment to the carrying on of the undertaking. As such, under section 127(2) the development consent order may include provisions authorising the compulsory acquisition of that statutory undertaker's land.

2.1.16. The Applicant's position in relation to the SU is set out in further detail in this statement.

2.1.17. The following documents were submitted as part of the DCO application, have been updated throughout the examination, and are relied upon to support submission under sections 127 and 138:

- Statement of Reasons [REP4-014];
- Draft Development Consent Order [REP7-002];
- Land Plans [REP5-002];
- Works Plans [REP4-003 and REP4-004];

- Book of Reference [REP4-016]; and
- Land rights tracker [REP5-026].

2.1.18. The DCO, if made, would grant compulsory acquisition powers (Part 5 of the DCO). The Statement of Reasons sets out the justification for seeking compulsory acquisition powers within the DCO.

3. Need Case

3.1.1. The need for the Scheme has been established in the Planning Statement and Schedule of Accordance with National Policy Statement [REP1-028] and the Need for the Scheme Technical Note [REP4-042] and is underpinned by the NN NPS.

3.1.2. The objectives for the Scheme are to:

- Support economic growth and facilitate growth in jobs and housing by providing improved transport network connections in west and north-west Cheltenham.
- Enhance the transport network in the west and north-west of the Cheltenham area with the resilience to meet current and future needs.
- Improve the connectivity between the SRN and the local transport network in west and north-west Cheltenham.
- Deliver a package of measures which is in keeping with the local environment, establishes biodiversity net gain and meets climate change requirements.
- Provide safe access to services for the local community, including for users of sustainable transport modes within and to west and north-west Cheltenham.

3.1.3. The NN NPS (December 2014) and the revised NN NPS (March 2024) provide the primary basis for decision-making for the Scheme, although all relevant national, regional and local policies are important and relevant. As stated by government guidance, 'The 2024 NN NPS has effect for any applications for development consent accepted for examination after the designation of the revised NNNPS'. This does not apply to this application as it was accepted for examination 16 January 2024. As such, 2014 NN NPS has effect. The Planning Statement provides a broad overview confirming the Scheme's compliance with the NN NPS and a commentary on how each of the relevant provisions of the NN NPS Chapters 3, 4 and 5 are met.

3.1.4. Paragraph 1.1 of the 2014 NN NPS sets out the need for, and Government policies to deliver, the development of NSIPs on the national road network and the following sections of this Planning Statement demonstrate the case for the Scheme.

3.1.5. Significant population and household growth is expected to take place in the area over the next 10-15 years. The Joint Core Strategy adopted in December 2017 includes two Strategic Allocations and one area of land which is safeguarded for development:

Policy A4 'Land at North West Cheltenham' – allocated land for 4,285 new homes, 10ha for office, and 13 ha for employment-generating land.

Policy A7 'Land at West Cheltenham' – allocated land for 1,100 homes, 45ha of B-class led employment land.

JCS Policy SD5 'Area of Restraint Safeguarded Area' – safeguards land directly east of M5 Junction 10 and north of the A4019 to meet longer-term development needs.

3.1.6. Regarding the Land at West Cheltenham, the Golden Valley Development Supplementary Planning Document (SPD) adopted in July 2020, including the preparation of a development capacity study which highlights that, informed by the strategic master planning work undertaken for the SPD, the allocated site is likely to present the opportunity for a housing capacity of 2,370 dwellings. This assessment supplements rather than updates the provisions of the adopted policy in the JCS.

- 3.1.7. The volume and dispersed origin and destinations of trips anticipated to be generated by these developments will present significant challenges in terms of accommodating all new trips via public transport or active travel modes. This coupled with uncompetitive journey times offered by public transport options, means that there will be a residual number of trips generated by the new developments that will need to be accommodated through highways-based solutions. This means that even with allowances for some changes in travel behaviour or changes in-car technology, the pressures on M5 Junction 10 and on the A4019 are unlikely to diminish. Road improvements are essential to respond to future development and to accommodate the extra journeys that new residential and commercial developments will create. Further details and modelling of forecast growth can be found in the Transport Assessment [REP5-012].
- 3.1.8. The ability of the Applicant, Cheltenham Borough Council and Tewkesbury Borough Council ("the Joint Councils") to deliver the planned housing and economic growth is partly contingent upon finding solutions to facilitate the smooth flow of traffic through this area. While the constraint on growth in the event of the Scheme not going ahead cannot be precisely quantified, the Joint Councils, Local Transport Plan, Infrastructure Delivery Plan, Tewkesbury Borough Plan and Cheltenham Borough Plan state that the Scheme is necessary to enable the planning authorities to deliver their planned growth. The planned employment uses within the allocated Development Sites will be of importance to the UK as a whole, as evidenced through the provision of the proposed cyber security hub as part of the Land at West Cheltenham strategic allocation. This will provide support industries to the nationally important GCHQ facility, therefore not delivering the Scheme would have national consequences.
- 3.1.9. The monetisation of benefits and the economic case of the Scheme are set out in detail in the Planning Statement and Schedule of Accordance with National Policy Statement [REP1-028].
- 3.1.10. In conclusion, the Scheme is needed to support planned housing and economic growth around Cheltenham as the current highway provision would not be able to accommodate the additional journeys.

4. Proposed Works

4.1. NGED

- 4.1.1. The diversionary works which are proposed over land on which NGED have rights in connection with the proposed development include the following as shown in the Work Plans:

Work No. 19 – the diversion of 202 metres of electric cable and associated apparatus and equipment at the location shown on sheet 5 of the works plans.

Work No. 20 – the diversion of 444 metres of electric cable and associated apparatus and equipment at the location shown on sheets 4 and 5 of the works plans.

Work No. 21 – the diversion of 129 metres of electric cable and associated apparatus and equipment at the location shown on sheet 12 of the works plans.

Work No. 22 – the diversion of 68 metres of electric cable and associated apparatus and equipment at the location shown on sheet 13 of the works plans.

Work No. 23 – the diversion of 76 metres of electric cable and associated apparatus and equipment at the location shown on sheet 13 of the works plans.

Work No. 24 – the diversion of 760 metres of electric cable and associated apparatus and equipment at the location shown on sheets 13 and 14 of the works plans.

Work No. 25 – the diversion of 68 metres of electric cable and associated apparatus and equipment at the location shown on sheet 16 of the works plans.

Work No. 26 – the diversion of 70 metres of electric cable and associated apparatus and equipment at the location shown on sheet 16 of the works plans.

4.2. W&W

- 4.2.1. The diversionary works which are proposed over land on which W&W have an interest in connection with the proposed development include the following as shown in the Work Plans:

Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.

Work No. 17 – the diversion of 55 metres of gas main at the location shown on sheet 13 of the works plans.

Work No. 18 – the diversion of 1108 metres of gas main at the location shown on sheets 13 and 14 of the works plans.

Work No. 35 – the diversion of 170 metres of gas main at the location shown on sheet 15 of the works plans.

4.3. STW

- 4.3.1. The diversionary works which are proposed over STW's land in connection with the proposed development include the following as shown in the Work Plans:

Work No. 14 – the diversion of 459 metres of water pipeline at the location shown on sheet 16 of the works plans.

Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.

5. Section 127 Application

- 5.1.1. Section 127 applies where a statutory undertaker makes a representation (which is not withdrawn). In these circumstances the DCO may only include a provision authorising the compulsory acquisition of statutory undertakers' land where the Secretary of State is satisfied that the land may be purchased and not replaced without serious detriment to the carrying on of the undertaking or it can be replaced with other land belonging to or available for acquisition by the undertaking without serious detriment to the carrying on of the undertaking. Section 127(2) and (3) are set out below:

(2) An order granting development consent may include provision authorising the compulsory acquisition of statutory undertakers' land only to the extent that the Secretary of State is satisfied of the matters set out in subsection (3).

(3) The matters are that the nature and situation of the land are such that—

*(a) it can be purchased and not replaced **without serious detriment** to the carrying on of the undertaking, or*

*(b) if purchased it can be replaced by other land belonging to, or available for acquisition by, the **undertakers without serious detriment** to the carrying on of the undertaking.*

- 5.1.2. Section 127(5) and (6) of the Act contain equivalent wording in respect of acquiring rights over statutory undertaker's land:

(5) An order granting development consent may include provision authorising the compulsory acquisition of a right over statutory undertakers' land by the creation of a new right over land only to the extent that the Secretary of State is satisfied of the matters set out in subsection (6).

(6) The matters are that the nature and situation of the land are such that—

*(a) the right can be purchased **without serious detriment** to the carrying on of the undertaking, or*

(b) any detriment to the carrying on of the undertaking, in consequence of the acquisition of the right, can be made good by the undertakers by the use of other land belonging to or available for acquisition by them.

- 5.1.3. There is no statutory definition of "serious detriment". The test for "serious detriment" is wide and holistic and is more than a mere disadvantage. In the Examiner's Recommendation Report in the Lake Lothing (Lowestoft) Third Crossing Development Consent Order 2020, the inspector recognised at paragraph 8.5.138 "*that serious detriment is a matter of judgement on the scale of impact on the undertaking and that the decision maker should take a holistic approach.*"

6. Considerations in respect of each SU

6.1. NGED

- 6.1.1. NGED is not the freehold owner of any land affected by the Scheme and, therefore, there is no need for compulsory acquisition of any of NGED's land. NGED does, however, have category 2 rights and access rights over some of the plots contained within the Book of Reference and Land Plans, over which compulsory acquisition of freehold and new rights and temporary possession powers are being sought by the Applicant and are necessary for the implementation of the Scheme. In addition, section 127 is engaged as NGED's apparatus needs to be diverted as shown in the Work Plans.
- 6.1.2. The Applicant has been negotiating with landowners to acquire their land, or rights in land by agreement and has also included provisions within the dDCO which, if made, would give the Applicant the necessary powers to acquire land and rights compulsorily for the purpose of implementing the works proposed to divert NGED's apparatus.
- 6.1.3. Please see Appendix A which lists those plots in which the Applicant is seeking:
- Permanent acquisition of land;
 - Acquisition of new rights; and
 - Temporary possession of land.
- 6.1.4. At this point in the examination, there are still outstanding areas of disagreement between the Applicant and NGED in respect of the protective provisions included in Schedule 9 of the draft DCO. However, the Applicant believes that the set of protective provisions included in Schedule 9 reflect best practice, what has been agreed as protective provisions for other DCOs for linear schemes and provides the right balance between protecting NGED's assets and enabling the Applicant to implement the Scheme without tangible risks of delay.
- 6.1.5. **Definition of "specified works" (paragraph 55):** the definition of "specified works" means any of the authorised development carried out within a certain distance from the statutory undertaker's apparatus. This is relevant because any "specified works" require that the Applicant seeks consent from NGED following the procedure set out in paragraph 60 onwards (Retained apparatus).
- 6.1.6. NGED's position is that their preferred set of protective provisions should require that the definition of "specified works" captures anything within the single distance of 6 metres.
- 6.1.7. The Applicant believes that such an approach would not be practical taking into account Scheme-specific issues. For this reason, the Applicant included a graded definition in the protective provisions for the protection of NGED in Schedule 9, which follow the HSE Guidance, Note 6 on "Avoiding danger from overhead power lines".
- 6.1.8. **Approvals process for specified works (paragraph 60):** NGED's preferred drafting required the Applicant to give 60 days' notice (together with works plans) to NGED before starting any specified works. NGED is entitled to make "reasonable requirements" during that 60-day period.
- 6.1.9. Under NGED's preferred draft, where the Applicant submits revised plans, the 60-day notice period set out above resets. The Applicant proposed to reduce the 'reset' period to 40 days. The Applicant also sought to reduce the 'reset' period from 60 to 40 days where the Applicant submits a revised works plan in response to a reasonable requirement of NGED.

- 6.1.10. The Applicant maintains that the timescales set out in the protective provisions included in the dDCO [REP7-002] provide appropriate protection to NGED whilst also minimising approval periods so that unnecessary delays would not obstruct the implementation of the Scheme.
- 6.1.11. **NGED's liability for negligence / breach:** In their preferred set of protective provisions, NGED sought to limit their liability to the Applicant for negligence or breach of contract in respect of any diversion to the value of that diversion. This could pose significant risks to the Applicant where the result of NGED's not only negligence but also breach of contract would have a much greater impact and value than the works in question. The fact that this has been agreed on similar highway schemes cannot justify the Applicant assuming a risk of this quantity.
- 6.1.12. On this basis, ***the Applicant's view is that there would be no serious detriment to NGED, and any interference can be minimised through the protective provisions to be included in the DCO.***
- 6.1.13. The Applicant considers that there would be no serious detriment to NGED's undertaking if it were to acquire these rights and interests in the land and that the criteria in section 127 is satisfied.

6.2. W&W

- 6.2.1. W&W is not the freehold owner of any land affected by the Scheme and, therefore, there is no need for compulsory acquisition of any of W&W's land. W&W does, however, have category 2 rights and access rights over some of the plots contained within the Book of Reference and Land Plans, over which compulsory acquisition of freehold and new rights and temporary possession powers are being sought by the Applicant and are necessary for the implementation of the Scheme. In addition, section 127 is engaged as W&W's apparatus needs to be diverted as shown in the Work Plans.
- 6.2.2. The Applicant has been negotiating with landowners to acquire their land, or rights in land by agreement and has also included provisions within the dDCO which, if made, would give the Applicant the necessary powers to acquire land and rights compulsorily for the purpose of implementing the works proposed to divert W&W's apparatus.
- 6.2.3. Please see Appendix B which lists those plots in which the Applicant is seeking:
- Permanent acquisition of land;
 - Acquisition of new rights; and
 - Temporary possession of land.
- 6.2.4. At this point in the examination, there are still outstanding areas of disagreement between the Applicant and W&W in respect of the protective provisions included in Schedule 9 of the draft DCO. However, the Applicant believes that the set of protective provisions included in Schedule 9 reflect best practice, what has been agreed as protective provisions for other DCOs for linear schemes and provides the right balance between protecting W&W's assets and enabling the Applicant to implement the Scheme without tangible risks of delay.
- 6.2.5. The Applicant maintains that the timescales set out in the protective provisions included in the dDCO [REP7-002] provide appropriate protection to W&W whilst also minimising approval periods so that unnecessary delays would not obstruct the implementation of the Scheme.
- 6.2.6. **Definition of "specified works":** W&W's proposal for protective provisions meant that any works comprised in the authorised development or activities undertaken in association with the authorised development within 15 metres of W&W assets would require separate consents from W&W.

- 6.2.7. The Applicant's proposal is to include the definition of "specified works" as submitted in the dDCO [REP7-002] to incorporate a non-distance-specific definition of "specified works" and instead incorporate reference to the WWU Guidance (WW/SP/SSW/22), which contains graded definitions. The effect of the wording is that the specified works process will only be triggered where works are not compliant with safe digging practice and WWU Guidance.
- 6.2.8. **Restrictions on the exercise of CA powers:** W&W's proposed protective provisions included a limitation on the Applicant's exercise of compulsory acquisition powers included in the dDCO.
- 6.2.9. The Applicant is of the view that such limitation in its ability to exercise compulsory acquisition powers could hinder the ability to carry out works in line with programme and can lead to delays or obstructions if the Applicant is unable to secure consent from W&W.
- 6.2.10. Paragraph 1.10 (above) sets out the most up-to-date Guidance issued by DLUHC in April 2024, and is clear on this point: *"Most statutory undertakers have now developed their own preferred form of protective provisions which is very helpful to the preparation of the draft DCO. However, these must be adapted as necessary, so they accurately reflect the proposed development. They should also not simply negate other provisions of the DCO, particularly concerning proposed compulsory acquisition of statutory undertakers' land."*
- 6.2.11. As set out above, no land owned by W&W would need to be compulsorily acquired, only rights over land, and given that the Applicant seeks rights to divert W&W apparatus, no detriment to their undertaking will take place. The Applicant seeks to acquire rights which are either being transferred to W&W for their benefit or can co-exist alongside those of W&W with minimum interference.
- 6.2.12. Throughout the negotiation of protective provisions, W&W were unable to provide any evidence to substantiate the need for such restriction.
- 6.2.13. Any works required for the interface with W&W's assets could be carried out by W&W by virtue of Article 10 of the DCO (which transfers the benefit of the order to W&W to the extent required to carry out the diversion works).
- 6.2.14. On this basis, ***the Applicant's view is that there would be no serious detriment to W&W, and any interference can be minimised through the protective provisions to be included in the DCO.***
- 6.2.15. The Applicant considers that there would be no serious detriment to W&W's undertaking if it were to acquire these rights and interests in the land and that the criteria in section 127 is satisfied.
- 6.2.16. The Applicant's acquisition of rights are limited in nature and are only to taken in so far as necessary for the development. For example, any right of entry is granted only for the purposes of construction, installation, operation, maintenance and decommissioning of the authorised development.
- 6.2.17. In addition, the Applicant will continue to work with W&W regarding its operational requirements and has included protective provisions at Schedule 9 of the draft DCO [REP7-002].
- 6.2.18. The procedure and test under section 127(5) only applies to the compulsory acquisition of a right, so is not engaged by plots subject to Articles 31 and 32 of the DCO (temporary use). Therefore, any plots in which W&W has an interest and which are to be temporarily possessed do not need to meet the test in section 127(5) and section 127(6) and accordingly there is no need for the Secretary of State to be satisfied that there is no serious detriment.

6.3. STW

- 6.3.1. STW is not the freehold owner of any land affected by the Scheme and, therefore, there is no need for compulsory acquisition of any of STW's land. STW does, however, have category 2 rights and access rights over some of the plots contained within the Book of Reference and Land Plans, over which compulsory acquisition of freehold and new rights and temporary possession powers are being sought by the Applicant and are necessary for the implementation of the Scheme. In addition, section 127 is engaged as STW's apparatus needs to be diverted as shown in the Work Plans.
- 6.3.2. The Applicant has been negotiating with landowners to acquire their land, or rights in land by agreement and has also included provisions within the dDCO which, if made, would give the Applicant the necessary powers to acquire land and rights compulsorily for the purpose of implementing the works proposed to divert STW's apparatus.
- 6.3.3. Please see Appendix C which lists those plots in which the Applicant is seeking:
- Permanent acquisition of land;
 - Acquisition of new rights; and
 - Temporary possession of land.
- 6.3.4. The Applicant is of the view that the land in which STW has an interest can be purchased or rights acquired over the land without serious detriment to the carrying out of STW's undertaking for the reasons set out below.
- 6.3.5. The Applicant's position is that the protective provisions included in the dDCO afford STW with the protection to their apparatus required to ensure that no serious detriment is caused by the implementation of the Scheme.
- 6.3.6. **CA Powers:** STW's proposed protective provisions included a limitation on the Applicant's exercise of compulsory acquisition powers included in the dDCO.
- 6.3.7. The Applicant is of the view that this such limitation in its ability to exercise compulsory acquisition powers could hinder the ability to carry out works in line with programme and could lead to delays or obstructions if the Applicant is unable to secure consent from STW.
- 6.3.8. Paragraph 1.10 (above) sets out the most up-to-date Guidance issued by DLUHC in April 2024 and is clear on this point: *"Most statutory undertakers have now developed their own preferred form of protective provisions which is very helpful to the preparation of the draft DCO. However, these must be adapted as necessary, so they accurately reflect the proposed development. They should also not simply negate other provisions of the DCO, particularly concerning proposed compulsory acquisition of statutory undertakers' land."*
- 6.3.9. As set out above, no land owned by STW would need to be compulsorily acquired, only rights over land, and given that the Applicant seeks rights to divert STW apparatus, no detriment to their undertaking will take place. The Applicant seeks to acquire rights which are either being transferred to STW for their benefit or can co-exist alongside those of STW with minimum interference.
- 6.3.10. Throughout the negotiation of protective provisions, STW were unable to provide any evidence to substantiate the need for such restriction.
- 6.3.11. Any works required for the interface with STW's assets could be carried out by STW by virtue of Article 10 of the DCO (which transfers the benefit of the order to STW to the extent required to carry out the diversion works).
- 6.3.12. On this basis, ***the Applicant's view is that there would be no serious detriment to STW, and any interference can be minimised through the protective provisions to be included in the DCO.***

- 6.3.13. The Applicant considers that there would be no serious detriment to STW's undertaking if it were to acquire these rights and interests in the land and that the criteria in section 127 is satisfied.
- 6.3.14. The Applicant's acquisition of rights are limited in nature and are only to taken in so far as necessary for the development. For example, any right of entry is granted only for the purposes of construction, installation, operation, maintenance and decommissioning of the authorised development.
- 6.3.15. In addition, the Applicant will continue to work with STW regarding its operational requirements and has included protective provisions at Schedule 9 of the draft DCO [REP7-002].
- 6.3.16. The procedure and test under section 127(5) only applies to the compulsory acquisition of a right, so is not engaged by plots subject to Articles 31 and 32 of the DCO (temporary use). Therefore, any plots in which STW has an interest and which are to be temporarily possessed do not need to meet the test in section 127(5) and section 127(6) and accordingly there is no need for the Secretary of State to be satisfied that there is no serious detriment.
- 6.3.17. **Access to apparatus on stopped up roads:** The Applicant proposed at paragraph 42 (2) of Schedule 9 of the dDCO that STW is required to give reasonable notice to the Applicant of its intention to access the stopped-up highways for the purpose of maintaining any of their apparatus. Access is not restricted in any way but the requirement to give the Applicant reasonable notice is necessary due to the stopped-up highways being a construction site and the Applicant or its principal contractor must ensure that anyone accessing the construction site follows and adheres with health and safety regulations and guidance.

7. Section 138 Application

- 7.1.1. Section 138 is relevant as the DCO authorises the acquisition of land and there is: (a) relevant rights over the land; or (b) relevant apparatus is on, under or over the land.
- 7.1.2. Section 138(4) provides that the DCO may include provisions 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 DCO relates.
- 7.1.3. In the Applicant's view, extinguishing the SUs rights or removal of SUs apparatus is necessary and the proposed development and works could not be completed without the extinguishment of the rights and/or removal or repositioning of apparatus.
- 7.1.4. However, the Applicant is proposing diversion works to replace any extinguished rights and replace the SUs apparatus. In addition to that, the Applicant has included bespoke protective provisions for each of the SUs within the draft DCO to ensure that the SUs rights and apparatus are protected and there is no detriment to their ability to carry out its undertaking.

8. Conclusion

- 8.1.1. Given the need for the proposed development (please see the case as set out in the Statement of Reasons [REP4-014]), it is considered that there is a compelling case in the public interest for the inclusion of the compulsory purchase powers within the DCO. This document sets out that no freehold acquisition of statutory undertaker land is required to implement the Scheme, and that the Applicant only seeks to coexist in rights alongside those of the SUs.
- 8.1.2. For the reasons set out in this application, it is the Applicant's position that:
- pursuant to section 127 of the Act, the Secretary of State can be satisfied that the prescribed tests of section 127 have been met and that the land in which STW, NGED and W&W have interests may be included for compulsory acquisition in the DCO.
 - pursuant to section 138 of the Act, the Secretary of State can be satisfied that the power for the Applicant to extinguish the rights of, remove or reposition the apparatus belonging to STW, NGED and W&W is necessary for the purpose of carrying out the proposed development but for which each of these SUs has protection in the form of protective provisions and the Applicant seeks alternative land to divert and replace their apparatus, and the test of section 138 has therefore been met.
- 8.1.3. The procedure and test under section 127(5) only applies to the compulsory acquisition of a right, so is not engaged by plots subject to Articles 31 and 32 of the DCO (temporary use). Therefore, any plots in which the SUs have an interest, and which are to be temporarily possessed do not need to meet the test in section 127(5) and section 127(6) and accordingly there is no need for the Secretary of State to be satisfied that there is no serious detriment.

Appendices



Appendix A. Plots in which National Grid Electricity Distribution has an interest

Diversion Work No.	Impacted Land Plan Plots	Possession	Existing or Proposed Occupier	Plot Impacts	Reasons for Diversion - Work No.	Additional Rights Required if not in local highway
Work No. 19 – the diversion of 202 metres of electric cable and associated apparatus and equipment at the location shown on sheet 5 of the works plans.	5/2n	RIGHTS	Existing	Existing to be diverted within this plot	Work No 19	No - to be withinin local highway
Work No. 19 – the diversion of 202 metres of electric cable and associated apparatus and equipment at the location shown on sheet 5 of the works plans.	5/6a	PERMANENT	Existing	Existing to be diverted within this plot	Work No 19	No - to be withinin local highway
Work No. 19 – the diversion of 202 metres of electric cable and associated apparatus and equipment at the location shown on sheet 5 of the works plans.	5/5b	RIGHTS	Existing	Existing to be diverted within this plot	Work No 19	Yes - diversion withinin Sheldion Nuseries area
Work No. 19 – the diversion of 202 metres of electric cable and associated apparatus and equipment at the location shown on sheet 5 of the works plans.	5/10b	PERMANENT	Existing	Existing to be diverted within this plot	Work No 19	Yes - diversion proposed within access track to Attenuation Basin 3
Work No. 19 – the diversion of 202 metres of electric cable and associated apparatus and equipment at the location shown on sheet 5 of the works plans.	5/5a	RIGHTS	Existing	Existing to be diverted within this plot	Work No 19	Yes - diversion withinin Sheldion Nuseries area
Work No. 19 – the diversion of 202 metres of electric cable and associated apparatus and equipment at the location shown on sheet 5 of the works plans.	5/10a	PERMANENT	Existing	Existing to be diverted within this plot	Work No 19	No - to be withinin local highway
Work No. 19 – the diversion of 202 metres of electric cable and associated apparatus and equipment at the location shown on sheet 5 of the works plans.	5/2o	RIGHTS	Existing	Existing to be diverted within this plot	Work No 19	No - to be withinin local highway
Work No. 19 – the diversion of 202 metres of electric cable and associated apparatus and equipment at the location shown on sheet 5 of the works plans.	5/2p	RIGHTS	Existing	Existing to be diverted within this plot	Work No 19	No - to be withinin local highway
Work No. 19 – the diversion of 202 metres of electric cable and associated apparatus and equipment at the location shown on sheet 5 of the works plans.	5/2r	RIGHTS	Existing	Existing to be diverted within this plot	Work No 19	No - to be withinin local highway
Work No. 20 – the diversion of 444 metres of electric cable and associated apparatus and equipment at the location shown on sheets 4 and 5 of the works plans.	4/1d	RIGHTS	Existing	Existing to be diverted within this plot	Work No 20	Yes - diversion withinin SRN
Work No. 20 – the diversion of 444 metres of electric cable and associated apparatus and equipment at the location shown on sheets 4 and 5 of the works plans.	4/3f	PERMANENT	Existing	Existing to be diverted within this plot	Work No 20	Yes - diversion withinin SRN
Work No. 20 – the diversion of 444 metres of electric cable and associated apparatus and equipment at the location shown on sheets 4 and 5 of the works plans.	4/3a	RIGHTS	Existing	Existing to be diverted within this plot	Work No 20	Yes - diversion withinin Barn Farm
Work No. 20 – the diversion of 444 metres of electric cable and associated apparatus and equipment at the location shown on sheets 4 and 5 of the works plans.	5/1d	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 20	Yes - diversion withinin SRN
Work No. 21 – the diversion of 129 metres of electric cable and associated apparatus and equipment at the location shown on sheet 12 of the works plans.	12/2s	TEMPORARY	Existing	Existing to be diverted within this plot	Work No 21	Yes - diversion in land either side of the link road
Work No. 21 – the diversion of 129 metres of electric cable and associated apparatus and equipment at the location shown on sheet 12 of the works plans.	12/2i	PERMANENT	Existing	Existing to be diverted within this plot	Work No 22	No - to be withinin local highway
Work No. 21 – the diversion of 129 metres of electric cable and associated apparatus and equipment at the location shown on sheet 12 of the works plans.	12/2x	RIGHTS	Existing	Existing to be diverted within this plot	Work No 21	Yes - diversion in land either side of the link road
Work No. 21 – the diversion of 129 metres of electric cable and associated apparatus and equipment at the location shown on sheet 12 of the works plans.	12/2u	TEMPORARY	Existing	Existing to be diverted within this plot	Work No 21	Yes - diversion in land either side of the link road

[illegible]

Work No. 24 – the diversion of 760 metres of electric cable and associated apparatus and equipment at the location shown on sheets 13 and 14 of the works plans.	14/1b(ii)	PERMANENT	Existing	Existing to be diverted within this plot	Work No 24	No - to be withinin local highway
Work No. 24 – the diversion of 760 metres of electric cable and associated apparatus and equipment at the location shown on sheets 13 and 14 of the works plans.	14/1a(ii)	TEMPORARY	Existing	Existing to be diverted within this plot	Work No 24	Yes - diversion in land north of the A4019
Work No. 25 – the diversion of 68 metres of electric cable and associated apparatus and equipment at the location shown on sheet 16 of the works plans.	16/1c	PERMANENT	Existing	Existing to be diverted within this plot	Work No 25	No - to be withinin local highway
Work No. 25 – the diversion of 68 metres of electric cable and associated apparatus and equipment at the location shown on sheet 16 of the works plans.	16/8c	PERMANENT	Existing	Existing to be diverted within this plot	Work No 25	No - to be withinin local highway
Work No. 25 – the diversion of 68 metres of electric cable and associated apparatus and equipment at the location shown on sheet 16 of the works plans.	16/6d	RIGHTS	Existing	Existing to be diverted within this plot	Work No 25	Yes - diversion in Elm Cottage but may be private connection only and possible to do under temp access
Work No. 25 – the diversion of 68 metres of electric cable and associated apparatus and equipment at the location shown on sheet 16 of the works plans.	16/8a	RIGHTS	Existing	Existing to be diverted within this plot	Work No 25	Yes - diversion in land south of the B4634
Work No. 25 – the diversion of 68 metres of electric cable and associated apparatus and equipment at the location shown on sheet 16 of the works plans.	16/5b	TEMPORARY	Existing	Existing to be diverted within this plot	Work No 25	Yes - diversion in House in the Tree land but may be private connection only and possible to do under temp access
Work No. 25 – the diversion of 68 metres of electric cable and associated apparatus and equipment at the location shown on sheet 16 of the works plans.	16/5e(i)	PERMANENT	Existing	Existing to be diverted within this plot	Work No 25	No - to be withinin local highway
Work No. 26 – the diversion of 70 metres of electric cable and associated apparatus and equipment at the location shown on sheet 16 of the works plans.	16/1c	PERMANENT	Existing	Existing to be diverted within this plot	Work No 26	No - to be withinin local highway
Work No. 26 – the diversion of 70 metres of electric cable and associated apparatus and equipment at the location shown on sheet 16 of the works plans.	16/4k	PERMANENT	Existing	Existing to be diverted within this plot	Work No 26	No - to be withinin local highway
Work No. 26 – the diversion of 70 metres of electric cable and associated apparatus and equipment at the location shown on sheet 16 of the works plans.	16/2f	PERMANENT	Existing	Existing to be diverted within this plot	Work No 26	No - to be withinin local highway
Work No. 26 – the diversion of 70 metres of electric cable and associated apparatus and equipment at the location shown on sheet 16 of the works plans.	16/10C	RIGHTS	Existing	Existing to be diverted within this plot	Work No 26	Yes - diversion in land south of the B4634
Work No. 26 – the diversion of 70 metres of electric cable and associated apparatus and equipment at the location shown on sheet 16 of the works plans.	16/10a	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 26	No - to be withinin local highway
Work No. 26 – the diversion of 70 metres of electric cable and associated apparatus and equipment at the location shown on sheet 16 of the works plans.	16/9a	PERMANENT	Existing	Existing to be diverted within this plot	Work No 26	No - to be withinin local highway

Appendix B. Plots in which Wales and West has an interest

Diversion Work No.	Impacted Land Plan Plots	Possession	Existing or Proposed Occupier	Plot Impacts	Reasons for Diversion - Work No.	Additional Rights Required if not in local highway
Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.	5/6a	PERMANENT	Existing	Existing to be diverted within this plot	Work No 16	No - to be withinin local highway
Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.	5/7b	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 16	Yes - diversion proposed within access track to Attenuation Basin 2
Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.	5/1e	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 16	Yes - diversion across SRN
Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.	5/4b	RIGHTS	Proposed	New diverted equipment to be constructed	Work No 16	Yes - diversion proposed within access track to Travellers Site
Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.	5/4a	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 16	Yes - diversion across SRN
Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.	5/31d	RIGHTS	Proposed	New diverted equipment to be constructed	Work No 16	Yes - diversion proposed within access track to Travellers Site
Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.	5/1g	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 16	Yes - diversion across SRN
Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.	12/2c	RIGHTS	Proposed	New diverted equipment to be constructed	Work No 16	Yes - diversion proposed within access track to Travellers Site
Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.	12/1c	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 16	No - to be withinin local highway
Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.	12/1e	RIGHTS	Proposed	New diverted equipment to be constructed	Work No 16	Yes - diversion proposed within access track to Travellers Site
Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.	5/2d	RIGHTS	Proposed	New diverted equipment to be constructed	Work No 16	Yes - diversion across SRN
Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.	5/5c	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 16	Yes - diversion across SRN
Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.	12/7d	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 17	No - to be withinin local highway
Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.	12/2e	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 16	No - to be withinin local highway
Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.	13/3b	PERMANENT	Existing	Existing to be diverted within this plot	Work No 16	No - to be withinin local highway
Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.	13/1d	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 16	No - to be withinin local highway
Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.	5/5d	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 16	Yes - diversion proposed within access track to Attenuation Basin 2
Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.	5/5h	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 16	Yes - diversion proposed within access track to Attenuation Basin 2
Work No. 16 – the diversion of 1622 metres of gas main at the location shown on sheets 5, 12 and 13 of the works plans.	5/4a(i)	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 16	Yes - diversion across SRN

[illegible]

Work No. 18 – the diversion of 1108 metres of gas main at the location shown on sheets 13 and 14 of the works plans.	14/1e	PERMANENT	Existing	Existing to be diverted within this plot	Work No 18	No - to be withinin local highway
Work No. 18 – the diversion of 1108 metres of gas main at the location shown on sheets 13 and 14 of the works plans.	14/8b	PERMANENT	Existing	Existing to be diverted within this plot	Work No 18	No - to be withinin local highway
Work No. 18 – the diversion of 1108 metres of gas main at the location shown on sheets 13 and 14 of the works plans.	13/3x	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 18	No - to be withinin local highway
Work No. 18 – the diversion of 1108 metres of gas main at the location shown on sheets 13 and 14 of the works plans.	14/1c	TEMPORARY	Existing	Existing to be diverted within this plot	Work No 18	No - to be withinin local highway
Work No. 18 – the diversion of 1108 metres of gas main at the location shown on sheets 13 and 14 of the works plans.	13/3s	TEMPORARY	Existing	Existing to be diverted within this plot	Work No 18	No - to be withinin local highway
Work No. 18 – the diversion of 1108 metres of gas main at the location shown on sheets 13 and 14 of the works plans.	13/3x(iii)	PERMANENT	Existing	Existing to be diverted within this plot	Work No 18	No - to be withinin local highway
Work No. 18 – the diversion of 1108 metres of gas main at the location shown on sheets 13 and 14 of the works plans.	13/3x(v)	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 18	No - to be withinin local highway
Work No. 18 – the diversion of 1108 metres of gas main at the location shown on sheets 13 and 14 of the works plans.	14/1c(i)	TEMPORARY	Proposed	New diverted equipment to be constructed	Work No 18	No - to be withinin local highway
Work No. 18 – the diversion of 1108 metres of gas main at the location shown on sheets 13 and 14 of the works plans.	14/8c(i)	PERMANENT	Existing	Existing to be diverted within this plot	Work No 18	No - to be withinin local highway
Work No. 18 – the diversion of 1108 metres of gas main at the location shown on sheets 13 and 14 of the works plans.	14/1c(iii)	TEMPORARY	Existing	Existing to be diverted within this plot	Work No 18	No - to be withinin local highway
Work No. 35 – the diversion of 170 metres of gas main at the location shown on sheet 15 of the works plans.	15/8d(i)	PERMANENT	Existing	Existing to be diverted within this plot	Work No 35	No - to be withinin local highway
Work No. 35 – the diversion of 170 metres of gas main at the location shown on sheet 15 of the works plans.	15/8l	RIGHTS	Existing	Existing to be diverted within this plot	Work No 35	Yes - diversion in land either side of the link road
Work No. 35 – the diversion of 170 metres of gas main at the location shown on sheet 15 of the works plans.	15/8n	RIGHTS	Existing	Existing to be diverted within this plot	Work No 35	Yes - diversion in land either side of the link road
Work No. 35 – the diversion of 170 metres of gas main at the location shown on sheet 15 of the works plans.	15/8m	RIGHTS	Existing	Existing to be diverted within this plot	Work No 35	Yes - diversion in land either side of the link road
Work No. 35 – the diversion of 170 metres of gas main at the location shown on sheet 15 of the works plans.	15/8a(i)	RIGHTS	Existing	Existing to be diverted within this plot	Work No 35	Yes - diversion in land either side of the link road
Work No. 35 – the diversion of 170 metres of gas main at the location shown on sheet 15 of the works plans.	15/8c(ii)	RIGHTS	Existing	Existing to be diverted within this plot	Work No 35	Yes - diversion in land either side of the link road

Appendix C. Plots in which Severn Trent Water has an interest

Diversion Work No.	Impacted Land Plan Plots	Possession	Existing or Proposed Occupier	Plot Impacts	Reasons for Diversion - Work No.	Additional Rights Required if not in local highway
Work No. 14 – the diversion of 459 metres of water pipeline at the location shown on sheet 16 of the works plans.	16/3d	PERMANENT	Existing	Existing to be diverted within this plot	Work No 14	No - to be withinin local highway
Work No. 14 – the diversion of 459 metres of water pipeline at the location shown on sheet 16 of the works plans.	16/1c	PERMANENT	Existing	Existing to be diverted within this plot	Work No 14	No - to be withinin local highway
Work No. 14 – the diversion of 459 metres of water pipeline at the location shown on sheet 16 of the works plans.	16/2f	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 14	No - to be withinin local highway
Work No. 14 – the diversion of 459 metres of water pipeline at the location shown on sheet 16 of the works plans.	16/4e	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 14	No - to be withinin local highway
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	13/3c	TEMPORARY	Existing	Existing to be diverted within this plot	Work No 15	No - to be withinin local highway
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	13/3j	TEMPORARY	Proposed	New diverted equipment to be constructed	Work No 15	No - to be withinin local highway
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	14/1d	TEMPORARY	Proposed	New diverted equipment to be constructed	Work No 15	No - to be withinin local highway
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	13/14a	RIGHTS	Existing	Existing to be diverted within this plot	Work No 15	No - to be withinin local highway
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	13/16a	RIGHTS	Existing	Existing to be diverted within this plot	Work No 15	No - to be withinin local highway
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	5/6a	PERMANENT	Existing	Existing to be diverted within this plot	Work No 15	No - to be withinin local highway
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	13/3v	PERMANENT	Existing	Existing to be diverted within this plot	Work No 15	No - to be withinin local highway
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	14/1g	PERMANENT	Existing	Existing to be diverted within this plot	Work No 15	No - to be withinin local highway
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	14/1e	PERMANENT	Existing	Existing to be diverted within this plot	Work No 15	No - to be withinin local highway
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	13/3n	PERMANENT	Existing	Existing to be diverted within this plot	Work No 15	No - to be withinin local highway
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	5/7b	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 15	Yes - diversion proposed within access track to Attenuation Basin 2
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	5/1e	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 15	Yes - diversion across SRN
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	5/4b	RIGHTS	Proposed	New diverted equipment to be constructed	Work No 15	Yes - diversion proposed within access track to Travellers Site
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	5/4a	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 15	Yes - diversion across SRN
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	13/3x	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 15	No - to be withinin local highway
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	5/31d	RIGHTS	Proposed	New diverted equipment to be constructed	Work No 15	Yes - diversion proposed within access track to Travellers Site
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	13/3g	TEMPORARY	Existing	Existing to be diverted within this plot	Work No 15	No - to be withinin local highway
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	5/1g	PERMANENT	Existing	Existing to be diverted within this plot	Work No 15	Yes - diversion across SRN

[illegible]

Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	5/5d(i)	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 15	Yes - diversion proposed within access track to Attenuation Basin 2
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	13/3x(iii)	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 15	No - to be withinin local highway
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	5/7d	PERMANENT	Proposed	New diverted equipment to be constructed	Work No 15	Yes - diversion proposed within access track to Attenuation Basin 2
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	14/1c(i)	TEMPORARY	Existing	Existing to be diverted within this plot	Work No 15	No - to be withinin local highway
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	14/1c(iii)	TEMPORARY	Existing	Existing to be diverted within this plot	Work No 15	No - to be withinin local highway
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	13/3g(i)	TEMPORARY	Existing	Existing to be diverted within this plot	Work No 15	No - to be withinin local highway
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	13/3r	TEMPORARY	Existing	Existing to be diverted within this plot	Work No 15	No - to be withinin local highway
Work No. 15 – the diversion of 7090 metres of water pipeline at the location shown on sheets 5, 12, 13 and 14 of the works plans.	5/11b	RIGHTS	Proposed	New diverted equipment to be constructed	Work No 15	Yes - diversion proposed within access track to Travellers Site

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