

THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010

THE SIZEWELL C PROJECT DEVELOPMENT CONSENT ORDER

PINS REFERENCE EN010012

**WRITTEN REPRESENTATION ON BEHALF OF
CADENT GAS LIMITED**



1 INTRODUCTION

- 1.1 Cadent Gas Limited ("Cadent") is a licensed gas transporter under the Gas Act 1986, with a statutory responsibility to operate and maintain the gas distribution networks in North London, Central and North West England. Cadent's primary duties are to operate, maintain and develop its networks in an economic, efficient and coordinated way.
- 1.2 Cadent have made a relevant representation in this matter on 29 September 2020 in order to protect apparatus owned by Cadent. Cadent does not object in principle to the development proposed by the Promoter.
- 1.3 Cadent has, however, low and medium pressure gas pipelines and associated below and above ground apparatus located within the order limits which are affected in multiple locations by works proposed. There are two medium pressure gas pipelines and one low pressure gas pipeline which require diversions. To the extent that Cadent's apparatus is remaining in situ rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the order limits need to be maintained at all times and access to inspect such apparatus must not be restricted.
- 1.4 Cadent has identified that it will require adequate protective provisions to be included within the DCO to ensure that its apparatus and land interests are adequately protected and to include compliance with relevant safety standards. Cadent has been liaising with the Promoter in respect of potential impacts to its apparatus however an adequate form of protective provisions has yet to be agreed, to which see further at paragraph 3.
- 1.5 Cadent wish to ensure appropriate land rights are available for any diversion of their assets sitting outside the adopted highway boundary and will require consent to be granted where there are proposals to work within the easement strip of any existing Cadent's Apparatus.
- 1.6 Cadent is holder of a licence under Section 7 of the Gas Act 1986 and operates four gas distribution networks in North London, Central England (West and East) and the North West.
- 1.7 Cadent is required to comply with the terms of its Licence in the delivery of its statutory responsibilities. It is regulated by the Network Code which contains relevant conditions

as to safe transmission of gas and compliance with industry standards on transmission, connection and safe working in the vicinity of its Apparatus, to which see paragraph 2.

2 REGULATORY PROTECTION FRAMEWORK

2.1 Cadent require all Promoters carrying out Authorised Development in the vicinity of their Apparatus to comply with:

- (a) TSP/SSW/22 - Safe Working in the vicinity of Cadent's High Pressure Gas Pipelines;
- (b) ICE (institution of Gas Engineers) recommendations IGE/SR/18 Edition 2 Safe Working Practices to Ensure the Integrity of Gas Pipelines and Associated Installations, and
- (c) the HSE's guidance document HS(G)47 Avoiding Danger from Underground Services.

2.2 The industry standards referred to above have the specific intention of protecting:

- (a) the integrity of the pipelines and thus the distribution of gas;
- (b) the safety of the area surrounding gas pipelines;
- (c) the safety of personnel involved in working with gas pipelines.

2.3 Cadent requires specific protective provisions in place for an appropriate level of control and assurance that the industry regulatory standards will be complied with in connection with works in the vicinity of Cadent's Apparatus.

3 PROTECTIVE PROVISIONS

3.1 Cadent seeks to protect its statutory undertaking, and insists that in respect of works in close proximity to their Apparatus as part of the authorised development the following procedures are complied with by the Applicant:

- (a) Cadent has had the opportunity to review and consent to the plans, methodology and specification for works within 15 metres of any Apparatus,

works which will adversely affect their Apparatus or otherwise breach distances/guidance set out in paragraph 2 above.

- (b) DCO works in the vicinity of Cadent's's apparatus are not authorised or commenced unless protective provisions are in place preventing compulsory acquisition of Cadent's land or rights or overriding or interference with the same.

3.2 Cadent maintain that without an agreement or qualification on the exercise of unfettered compulsory powers or its Apparatus the following consequences will arise:

- (a) Failure to comply with industry safety standards, legal requirements and Health and Safety Executive standards create a health and safety risk.
- (b) Any damage to Apparatus has potentially serious hazardous consequences for individuals/property located in the vicinity of the pipeline/apparatus if it were to fail.
- (c) Potentially significant consequences arising from lack of continuity of supply;

3.3 Insufficient property rights have the following safety implications:

- (a) Inability for qualified personnel to access apparatus for its maintenance, repair and inspection.
- (b) Risk of strike to pipeline if development occurs within the easement zone in respect of which an easement/restrictive covenant is required to protect the pipeline from development.
- (c) Risk of inappropriate development within the vicinity of the pipeline increasing the risk of the above.

3.4 The proposed Order does not yet contain fully agreed Protective Provisions expressed to be for the protection of Cadent to Cadent's satisfaction, making it currently deficient from Cadent's perspective nor does it address fully how property rights will be made available for the diversion of Cadent's assets to their satisfaction where compulsion, rather than agreement with a third party land owner is necessary.

- 3.5 Cadent contend that it is essential that these issues are addressed to their satisfaction to ensure adequate protection for their Apparatus and that Protective Provisions on their standard terms are provided.
- 3.6 The generic protective provisions aimed at protecting water, electricity and gas are not adequate for the protection of Cadent's operations. Cadent is required to comply with the terms of its Licence in the delivery of its statutory responsibilities. It is regulated by the Network Code which contains relevant conditions as to safe transmission of gas and compliance with industry standards on transmission, connection and safe working in the vicinity of its Apparatus. Damaging a water main and damaging a gas main have very different consequences and Cadent's protective provisions reflect the nature of its apparatus.
- 3.7 It is essential that Protective Provisions on Cadent's standard terms are agreed and included in the Order or a side agreement. We will continue our discussions with the Promoter but should it not be possible to agree the Protective Provisions then Cadent may wish to be attend a Compulsory Acquisition Hearing or Issue Specific Hearing. Cadent reserve the right to provide further written information in advance in support of any detailed issues remaining in dispute between the parties at that stage once they have received a substantive response from the Promoter.