

**Planning Act 2008
Hirwaun Power (Gas Fired Power Station) Order
(PINS reference EN010059)**

**WRITTEN REPRESENTATIONS AND RESPONSES TO FIRST WRITTEN
QUESTIONS OF NATIONAL GRID GAS PLC (NGG)**

UNIQUE REFERENCE: 10027336

**Deadline 1
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1	INTRODUCTION.....	2
2	COMPULSORY ACQUISITION	2
3	PROTECTION OF APPARATUS	3
4	RESPONSES TO FIRST WRITTEN QUESTIONS.....	5

1. **INTRODUCTION**

- 1.1 These written representations are submitted pursuant to rule 10 of the 2010 Rules and in accordance with the Examining Authority's procedural decisions dated 29 July 2014.
- 1.2 NGG is the statutory undertaker for the National Transmission System for gas transmission and distribution ("NTS"), and has the following apparatus and interests within the proposed order limits which is proposed to be affected as described below:
 - 1.2.1 Feeder Main 2 Dowlais to Dyffryn Clydach high pressure gas transmission pipeline: proposed connection to the new above-ground installation comprised in Work No 4A;
 - 1.2.2 Subject to confirmation, rights under an easement over plots numbered 10_GR and 10a_GR to lay, construct, inspect, maintain, protect, use, replace, remove or render unusable a gas main or pipe and to pass over the land for the purposes of access to be compulsorily acquired.
- 1.3 NGG will be responsible for the design, construction, ownership, operation and maintenance of the minimum offtake connection ("MOC") connecting the proposed PIG facility ("PTF") to the NTS.
- 1.4 Hirwaun Power Ltd ("HPL") will be responsible for the design, construction, ownership, operation and maintenance of the PTF.
- 1.5 The Parties have not yet entered into a Design and Build Agreement for NGG to design and construct the MOC.

2. **COMPULSORY ACQUISITION**

- 2.1 The Book of Reference identifies "British Gas Trading Limited" as the owner of easements in relation to a gas pipeline across plots numbered 10_GR and 10a_GR on the Land Plans as follows:
 - 2.1.1 Deed of Grant dated 31 December 1981 registered under title CYM58677
 - 2.1.2 Deed of Grant dated 24 July 1978 registered under title CYM58677.
- 2.2 NGG confirms that it owns the Feeder Main 2 pipeline and that this is likely to be the pipeline referred to in the above easements. However it is still undertaking searches to confirm this and will update the applicant and the Examining Authority as soon as this information is to hand. These

representations are based on the assumption that NGG does benefit from these easements for the purposes of Feeder Main 2.

- 2.3 Article 29 of the draft Development Consent Order ("DCO") provides that, subject to protective provisions, the developer may acquire, extinguish or create compulsorily interests in and rights over the order land belonging to statutory undertakers.
- 2.4 The DCO does not provide for the replacement or reinstatement of extinguished rights, nor for the qualification on the exercise of CPO powers, unless included within protective provisions.
- 2.5 NGG's rights over the order land are essential for access to and maintenance of the NTS.
- 2.6 Accordingly protective provisions are necessary to ensure that any rights required by NGG for its undertaking which are extinguished or removed are adequately replaced or reinstated.
- 2.7 In particular, protective provisions should be included which provide for reasonable consultation with NGG prior to exercise of CPO powers to obtain its agreement (which must not be unreasonably withheld) and allow reasonable conditions to be placed on the exercise of powers in order to protect its undertaking.
- 2.8 In the absence of such prior agreement on the terms of the exercise of CPO powers, NGG will be exposed to unfettered rights to extinguish its access to its high-pressure gas transmission pipeline, thereby potentially leaving it without the legally-protected arrangements it requires to fulfil its statutory duties to maintain the NTS.

3. **PROTECTION OF APPARATUS**

- 3.1 HPL will be carrying out Work No 3 and 4B in the vicinity of high-pressure pipeline Feeder 2.
- 3.2 Protective provisions are therefore required to ensure that any works are carried out in accordance with T/SP/SSW/22 'Safe Working in the Vicinity of National Grid HP pipelines'.
- 3.3 NGG maintains that without appropriate protective provisions there would be an unacceptable risk of damage to the high-pressure gas pipeline and other apparatus. Damage to or failure of that apparatus may have serious hazardous consequences for individuals located in the vicinity of the project, the assets of NGG and security of supply to the NTS.

Objections to the Application

- 3.4 NGG does not object to the application in principle.
- 3.5 NGG continues to liaise with HPL in relation to the impacts of the Order upon its apparatus and interests but as yet no agreement has been reached with respect to satisfactory protective provisions.
- 3.6 NGG therefore registers a holding objection until such time as the protective provisions are agreed and included in Schedule 9 of the draft DCO or in a confidential commercial side agreement between the parties.

4. **RESPONSES TO FIRST WRITTEN QUESTIONS**

Question CA.08

Can National Grid confirm what working widths and permanent easements it normally applies on its National Transmission System?

- 4.1 NGG's working widths and permanent easements vary depending on the type and size of apparatus in situ, and further project specific conditions. For example, a standard permanent easement for a High Pressure transmission pipeline would be 24.4 meters in width with a working width of greater than this area dependant on ground conditions, constraints or project specific requirements at a particular location. Until detailed design is undertaken at an appropriate time NGG will be unable to confirm the specific route alignment for the pipeline and therefore a wider working corridor is required to provide design flexibility.