

**THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010
ABERGELLI POWER PROJECT**

**WRITTEN REPRESENTATION ON BEHALF OF NATIONAL GRID ELECTRICITY
TRANSMISSION PLC AND NATIONAL GRID GAS PLC**



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Ref: AW/1051879-11

WRITTEN REPRESENTATION

1. INTRODUCTION

- 1.1 National Grid Plc have made a relevant representation in this matter on 2nd August 2018 in order to protect apparatus owned by National Grid Gas Plc (“NGG”) and National Grid Electricity Transmission PLC (“NGET”). National Grid Plc does not object in principle to the development proposed by the Promoter.
- 1.2 National Grid does, however, object to the Authorised Works, which include connection to their Electricity Transmission Network and Gas Transmission Network being carried out in close proximity to their extensive apparatus in the area unless and until suitable protective provisions and related agreements have been secured to their satisfaction, to which see further at paragraph 6 and 7. They also object to any compulsory acquisition powers for land or rights or other related powers to acquire land temporarily, override easements or rights or stop up public or private rights of access being invoked which would affect their land interests, apparatus, or right to access and maintain their apparatus. This is unless and until suitable protective provisions and any necessary related amendments to the wording of the DCO have been agreed.
- 1.3 NGG is the licensed gas transporter under section 7 of the Gas Act 1986 and owner of the National Transmission System in England, Wales and Scotland, with a statutory responsibility to transport gas throughout the UK. It is responsible for balancing supply and demand and delivering gas to the distribution networks to supply the UK.
- 1.4 NGG is required to comply with the terms of its Gas Transmission Licence in the delivery of its statutory responsibility. 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.
- 1.5 NGET own and operate the electricity transmission network in England and Wales, with day-to-day responsibility for balancing supply and demand. NGET operate but do not own the Scottish networks. NGET is required to comply with the terms of its Electricity Transmission Licence in the delivery of its statutory responsibility. Under Section 9 of the Electricity Act 1989, NGET have a statutory duty to maintain ‘an efficient, co-ordinated and economical’ system of electricity transmission.

2 NGG ASSETS AND CONNECTION

- 2.1 NGG has high pressure gas assets within close proximity to the proposed Gas Powered Generation Plant including the Felindre Compressor Station and the following high pressure gas pipelines:
 - (a) Feeder 28 – Felindre to Cilfrew
 - (b) Feeder 28 – Herbrandston to Felindre
 - (c) Feeder 28 – Felindre to Three Cocks

- 2.2 The NGG assets and HP pipelines form an essential part of NGG's transmission network transmitting gas from Millford Haven to the Gas Compressor Station and then transmitting gas to serve southern Wales. ("the HP mains"). The Gas assets sit within and adjoining the Order Land/Order Limits and NGG has land interests in land included within the Order Limits and affected by Compulsory Acquisition powers.
- 2.3 Feeder 28 is an essential part of the gas transmission network as it forms a key cross country link. The HP main has a maximum operating pressure of over 7 bar and is 1.2m in diameter. A gas main of this nature is classified as a Major Accident Hazard Pipeline (see further paragraph 4.1), and a specific regulatory framework is applicable to its operation and maintenance, as well as development in its vicinity.
- 2.4 The Order seeks the land acquisition rights to facilitate connection to NGG's Feeder 28 pipelines set out above. The promoter is proposing to separately consent the connection works via a planning application as such works are not associated development in Wales. NGG was provided with a copy of the planning application for the Gas Connection Works on 30th October 2018 and has not yet approved the planning application. APL has not yet entered into a Gas Connection Agreement with NGG. The design of the Gas Connection Works and the associated land rights required to deliver this will be agreed with APL and secured for NGG's benefit through the Gas Connection Agreement process in due course.
- 2.5 NGG object to connection to and work in the vicinity of a high pressure main of this nature unless Connection Work will be carried out by NGG under a Gas Connection Agreement and until suitable protective provisions and related agreements have been secured to their satisfaction, to which see paragraph 6 and 7. NGG will require the Undertaker to enter into crossing agreements in respect of crossings of the crossings of Feeder 28, which occurs in at least two places.
- 2.6 As envisaged by the Promoter connection to the Gas Main must be carried out by National Grid and in accordance with a Gas Connection Agreement. As such National Grid wish to ensure that Protective Provisions are in place along with appropriate amendments to the wording of the Order to ensure that there can be no acquisition of land or rights affecting NGG's interest in the HP Mains or other NGG apparatus.

3. NGET ASSETS AND CONNECTION

- 3.1 National Grid Electricity Transmission PLC ("NGET") has high voltage electricity overhead transmission lines (OHL) within close proximity to the proposed gas fired generation station and related connection works. Details of the overhead transmission lines are as follows:
- (a) 4YW Route - 400kV – including towers 4YW249 and 4YW 250 (both within temporary construction areas)
 - (b) 4YV Route 400kV
- 3.2 In addition, NGET's Swansea North 400kV GIS S/S electricity substation and Swansea North B 400kV GIS S/S electricity substation adjoin the Order Limits/Order Land and NGET's has land interests in land included within the order limits and affected by Compulsory Acquisition powers. The overhead lines and substation form an essential part of the electricity transmission network in England and Wales.

- 3.3 The Order seeks the land acquisition rights to facilitate connection to NGET's substation. The promoter is proposing to separately consent the connection works via a planning application as such works are not associated development in Wales. NGET was provided with a copy of the planning application for the Gas Connection Works on 30th October 2018 and has not yet approved the planning application.
- 3.4 NGET may require the Undertaker to enter into crossing agreements in respect of crossings of their OHL's. NGET require appropriate agreements to be entered into with the Promoter in relation to the Electricity Connection works into their existing sub-station, as all connections must be made by NGET. A connection agreement was entered into on the 23 May 2018. .
- 3.5 In respect of all NGET infrastructure located within the DCO boundary, or in close proximity to the proposed project and associated works, NGET will require protective provisions to be put in place to ensure (i) that all NGET interests and rights of access are unaffected by the power of compulsory acquisition, grant and extinguishment of rights and temporary use powers and (ii) to ensure that appropriate protection for the retained apparatus is maintained during and after construction of the project. This includes compliance with all relevant standards on safety clearances EN 43 -8, Development near overhead lines and HSE Guidance Note GS6 Avoiding Danger from Overhead Electric Lines.

4. NGG - REGULATORY PROTECTION FRAMEWORK

- 4.1 By virtue of its situation, and its high pressure nature, the HP Main is categorised as a "major accident hazard pipeline" by the Health and Safety Executive. Major Accident Hazard pipelines are regulated by the Pipeline Safety Regulations 1996. Under Regulation 15, it is an offence to cause damage to a pipeline as may give rise to a danger to persons and could result in enforcement action by the HSE.
- 4.2 The Pipeline Safety Regulations 1996 requires that pipelines are designed, constructed and operated so that the risks are as low as is reasonably practicable. In judging compliance with the Regulations, the HSE expects duty- holders to apply relevant good practice as a minimum.
- 4.3 Well established National Grid standards and protocols for major accident hazard pipelines assist the HSE in ascertaining whether the risks incurred in working with such pipelines have been mitigated as much as reasonably practicable. The following standards are relevant to the HP main:

IGEM/TD/1: Steel Pipelines for High Pressure Gas Transmission (Pipeline over 16 bar).

- (a) This Standard applies to the design, construction, inspection, testing, operation and maintenance of pipelines and associated installations, designed after the date of publication. It sets out engineering requirements "for the safe design, construction, inspection, testing, operation and maintenance of pipelines and associated installations, in accordance with current knowledge."
- (b) This Standard is intended to protect from possible hazards members of the public and those who work with pipelines and associated installations, as well as the environment, so far as is reasonably practicable. It is also intended to ensure that the security of gas is maintained.

T/SP/SSW/22 'Safe Working in the Vicinity of National Grid HP pipelines'

- (a) This specification manages industry protection of plant.
- (b) It is aimed at third parties carrying out work in the vicinity of National Grid high pressure gas pipelines (above 7 bar gauge) and associated installations and is provided to ensure that individuals planning and undertaking work take appropriate measures to prevent damage.
- (c) It states that "*any damage to a high pressure gas pipeline or its coating can affect its integrity and can result in failure of the pipeline with potential serious hazardous consequences for individuals located in the vicinity of the pipeline if it were to fail*". The requirements in this document are in line with the requirements of the IGE (Institution of Gas Engineers) recommendations IGE/SR/18 Edition 2 - Safe Working Practices To Ensure The Integrity Of Gas Pipelines And Associated Installations, and the HSE's guidance document HS(G)47 Avoiding Danger from Underground Services.

4.4 The Industry Standards referred to above have the specific intention of protecting:

- (a) The integrity of the pipelines and thus the transmission of gas;
- (b) The safety of the area surrounding a major accident hazard pipeline;
- (c) The safety of personnel involved in working with major accident hazard pipelines.

4.5 National Grid has a statutory duty under its Gas Transmission Licence to ensure that these Regulations and protocols are complied with. National Grid requires specific provisions in place for an appropriate level of control and assurance that the industry regulatory standards will be complied with in connection with works to connect to and in the vicinity of the HP main.

5 NGET - REGULATORY PROTECTION FRAMEWORK

5.1 NGET have issued guidance in respect of standards and protocols for working near to Electricity Transmission equipment in the form of:

5.1.1 Third Party Working near National Grid Electricity Transmission equipment, in the form of Technical Guidance Note 287. This document gives guidance and information to third parties working close to National Grid Electricity Transmission assets. This cross refers to statutory electrical safety clearances which are used as the basis for ENA (TA) 43-8, which must be observed to ensure safe distance is kept between exposed conductors and those working in the vicinity of electrical assets,

5.1.2 HSE's guidance note 6 "Avoidance of Danger of Overhead lines" must also be complied with when working in close proximity to Overhead Lines.

5.2 National Grid requires specific protective provisions in place to provide for an appropriate level of control and assurance that industry standards will be complied with in connection with works to and in the vicinity of their electricity assets.

6 PROTECTIVE PROVISIONS

6.1 National Grid seeks to protect its statutory undertaking, and insists that in respect of connections and work in close proximity to their Apparatus as part of the authorised development the following procedures are complied with by the Applicant:

- (a) National Grid is in control of the plans, methodology and specification for works within 15 metres of any Apparatus,
- (b) NGG carries out the works to provide its own AGI and associated apparatus to facilitate connection to the HP Main, subject to the Gas Connection Agreement being put in place and to approval of such works and their detailed design,
- (c) NGET carries out works to connect to NGET's existing substation, in accordance with the Electricity Connection Agreement and subject to detailed design.,
- (d) DCO works in the vicinity of NGET and NGG's apparatus are not authorised or commenced unless protective provisions are in place preventing compulsory acquisition of National Grid's land or rights and including appropriate insurance and indemnity provisions to protect National Grid.

6.2 National Grid maintain that without an agreement or qualification on the exercise of unfettered compulsory powers or connection to its apparatus the following consequences will arise:

- Failure to comply with industry safety standards, legal requirements and Health and Safety Executive standards create a health and safety risk;
- Any damage to apparatus has potentially serious hazardous consequences for individuals located in the vicinity of the pipeline/apparatus if it were to fail.

6.3 The proposed Order does not yet contain protective provisions expressed to be for the protection of National Grid to National Grids satisfaction, making it currently deficient from National Grid's perspective.

6.4 National Grid contend that it is essential that these provisions are addressed to their satisfaction to ensure adequate protection for their Assets and that protective provisions on their standard terms are provided. The parties are continuing negotiations and seek to reach agreement on the terms of protective provisions. Should this not be possible and attendance at a Compulsory Acquisition Hearing is necessary then National Grid 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.

7 PROPERTY ISSUES

7.1 Connection to NGG's Feeder 28 Gas Main from APLs Authorised Development will be secured via a Connection Agreement. Subject to entering into the Gas Connection Agreement and obtaining all necessary approvals thereunder works will be carried out by NGG to construct the MOC (which facilitates the APL pipeline

connection to the National Transmissions System). The design and connection of work which will be secured by way of a separate planning application has not been approved by NGG and this will be addressed by NGG through the Gas Connection Agreement process to be entered into in future.

- 7.2 As this is new apparatus NGG will also require all necessary property interests and rights including freehold ownership of the land on which the AGI sits and rights to construct, access, maintain, inspect and repair the apparatus and any necessary connection pipework. Subject to approval of the design and location of the MOC, it is intended by the promoter that the necessary property rights, can be obtained under the DCO and will be governed/secured by NGG through the Gas Connection Agreement, subject to the parties entering into such agreement.
- 7.3 Connection to the Electricity Sub Station must be made by NGET and will be secured via the Electricity Connection Agreement which has been entered into between the parties.
- 7.4 The existing property rights and corresponding physical access to the NGG and NGET compressor/substations and other access is required to be maintained at all times for all types of vehicles with priority given to NGG/NGET use. It is proposed that the access road from the B4489 to NGET and NGG's assets and parts of the car parking areas will be shared with the promoter, subject to agreement between the parties as to the grant of necessary property rights to facilitate this including addressing priority for National Grid access, security, use and maintenance/re-instatement post construction
- 7.5 Appropriate Protective Provisions restricting compulsory acquisition of NGET/NGG's interests other than by agreement and resolving the above issues in respect of shared access are essential because insufficient property rights have the following safety implications:
 - Inability for qualified personnel to access apparatus for its maintenance, repair and inspection.
 - Risk of strike to pipeline if development occurs within the easement zone which seeks to protect the pipeline from development.
 - Risk of inappropriate development within the vicinity of the pipeline increasing the risk of the above.