

**From:** [REDACTED]  
**To:** [Immingham OCGT](#)  
**Cc:** [REDACTED]  
**Subject:** VPI Immingham OCGT - Written Representations of Cadent Gas Limited [CMCK-UK.FID14234943]  
**Date:** 12 September 2019 09:57:28  
**Attachments:** [REDACTED]

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Good morning,

Please see the attached.

Kind regards,  
Katy

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**Associate**

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**THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2010**

**VPI IMMINGHAM OCGT DEVELOPMENT CONSENT ORDER 202[ ]**

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

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**12 SEPTEMBER 2019**

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## WRITTEN REPRESENTATION ON BEHALF OF CADENT GAS LIMITED

### 1. INTRODUCTION

- 1.1 Cadent Gas Limited (“**Cadent**”) made a relevant representation in respect of the VPI Immingham OCGT 20[ ] (the “**Draft Order**”) on 24 June 2019 in order to protect apparatus owned by Cadent.
- 1.2 VPI Immingham B Ltd (the “**Promoter**”) is seeking to acquire rights over Cadent’s operational land at Thornton Curtis PRS, identified by Plots 107 and 111.
- 1.3 Cadent also has intermediate pressure and high pressure (major accident hazard) gas pipelines, and associated below and above ground apparatus (“**Apparatus**”) located within the order limits which are affected by the proposals to acquire rights compulsorily. See the plan at appendix 2 which shows Cadent’s Apparatus to the south of Thornton Curtis which are affected by the Draft Order (in addition to the pipelines close to the PRS).
- 1.4 Cadent does not object in principle to the development proposed by the Promoter. Cadent does however, object to:
  - (a) the inclusion of Plots 107 and Plot 111 within the Land Plans to the extent that they fall within the fence line and 3m restrictive zone as shown on the plan attached at appendix 1;
  - (b) the inclusion of Plots 78, 79, 80, 86, 107, 108, 109, 110, 111 within the Draft Order unless and until suitable protective provisions have been secured to its satisfaction, to which see further at paragraph 4.
- 1.5 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 (the “**Licence**”).
- 1.6 Cadent is required to comply with the terms of its Licence in the delivery of its statutory duties. 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 3.

### 2. THORNTON CURTIS

- 2.1 The Promoter is seeking to acquire rights over Cadent’s operational land at Thornton Curtis PRS, identified by Plots 107 and 111. The plan at appendix 1 shows the extent of the land which falls within the fence line at the operational Thornton Curtis PRS site over which the Promoter is seeking to acquire rights.
- 2.2 The rights that the Promoter is seeking to acquire are:
  - (a) to pass and repass on foot, with or without vehicles, plant and machinery; and
  - (b) to retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve an underground gas pipeline, control systems and cables and any other ancillary apparatus and any other works as necessary.
- 2.3 Cadent is currently undertaking essential and costly security fence upgrades at this site. Due to operational and security concerns, Cadent strongly objects to the compulsory acquisition of rights over land within its operational site.

- 2.4 If these plots remain within the DCO then serious detriment to the carrying on of Cadent's undertaking would be caused in terms of security, health and safety, compliance, commercial issues and operational effects in respect of the apparatus at Thornton Curtis.
- 2.5 Additionally, Cadent requires a 3m restrictive zone around the fence line of its operational site for security reasons.
- 2.6 Cadent requires that land within the fence line of its operational site, and a 3m restrictive zone around the fence line, (both as shown on the plan at appendix 1) be removed from the Land Plans.

### **3. REGULATORY PROTECTION FRAMEWORK**

- 3.1 Cadent require all Promoters carrying out works in the vicinity of their Apparatus to comply with:
- (a) GD/SP/SSW22 – Safe Working in the vicinity of Cadent High Pressure's Gas Pipelines and Associated Installations;
  - (b) 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
  - (c) the HSE's guidance document HS(G)47 Avoiding Danger from Underground Services.
- 3.2 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; and
  - (c) the safety of personnel involved in working with gas pipelines.
- 3.3 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.

### **4. CADENT APPARATUS**

- 4.1 Cadent's Apparatus is affected by the Draft Order. The Promoter is seeking to acquire rights over Plots 78, 79, 80, 86, 107, 108, 109, 110, 111. The rights are the same as those noted at paragraph 2.2 above.
- 4.2 Cadent is not satisfied that the acquisition of rights over land, within which Cadent has an interest, can be undertaken without there being serious detriment to Cadent's undertaking. Appropriately worded protective provisions for the benefit of Cadent will secure this and prevent serious detriment to Cadent's undertaking.
- 4.3 In respect of all Cadent infrastructure located within the Order limits, or in close proximity to the proposed project and associated works, Cadent will therefore require protective provisions to be put in place to ensure that:
- (a) all of Cadent's interests and rights of access are unaffected by the power of compulsory acquisition; and
  - (b) appropriate protection for the Apparatus is put in place. This includes compliance with all relevant standards on safety as set out in paragraph 3 above.

- 4.4 Cadent maintain that the exercise of unfettered compulsory powers in respect of 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; and
  - (c) potentially significant consequences arising from lack of continuity of supply.
- 4.5 Cadent has sought to engage with the Promoter since April 2019. The purpose of Cadent's engagement has been to seek to agree the form of protective provisions in respect of its Apparatus. Cadent provided the Promoter with its standard form protective provisions on 24 May 2019. The Promoter is taking the stance that a crossing agreement, rather than protective provisions, be provided. A crossing agreement would require Cadent to accept new obligations, potentially including giving indemnities. This is wholly inappropriate given that it is the Promoter who is seeking to acquire land rights from Cadent. The Promoter is entitled to apply for a DCO which includes powers to compulsorily acquire Cadent's land and rights, and Cadent is not objecting (other than parts of plot 107 and 111) subject to the inclusion of protective provisions to protect its undertaking. The Promoter cannot compel, through the DCO, Cadent to accept new obligations through a crossing agreement, and Cadent is not minded to accept new obligations. Market practice is that protective provisions are entered into to protect undertakers, and Cadent considers that this is entirely appropriate in these circumstances. The Promoter has to date not provided comments on Cadent's standard protective provisions.
- 4.6 As such, the Draft Order does not yet contain agreed protective provisions expressed to be for the protection of Cadent to Cadent's satisfaction, making it currently deficient from Cadent's perspective.
- 4.7 Cadent contend that it is essential that these issues are addressed to its satisfaction to ensure adequate protection for their Apparatus and that protective provisions on its standard terms are provided.
- 4.8 Should this not be possible and attendance at a Compulsory Acquisition Hearing or Issue Specific Hearing is necessary then 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.

**APPENDIX 1 -  
PLAN SHOWING THE EXTENT OF THE LAND WHICH FALLS WITHIN THE FENCE LINE  
AND 3M RESTRICTIVE ZONE AT THE OPERATIONAL THORNTON CURTIS PRS SITE  
OVER WHICH THE PROMOTER IS SEEKING TO ACQUIRE RIGHTS**

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513000

513100

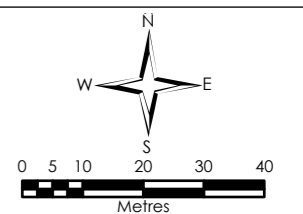
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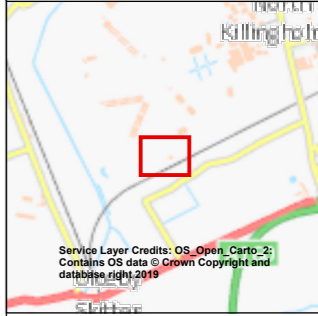
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416100



OVERVIEW WINDOW



LEGEND:

-  Proposed Fence Line/Sill
-  DCO Boundary
-  3m Restrictive Zone

REVISION: A

CLIENT:  **Cadent**  
Your Gas Network

SCHEME: Thornton Curtis AGI

TITLE: Interaction Plan

FP: 105118-360

SCALE: 1:1,250 @ A3

DATE: 04/09/2019

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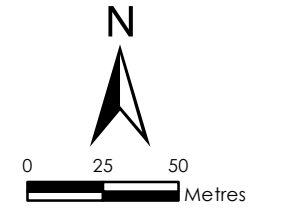
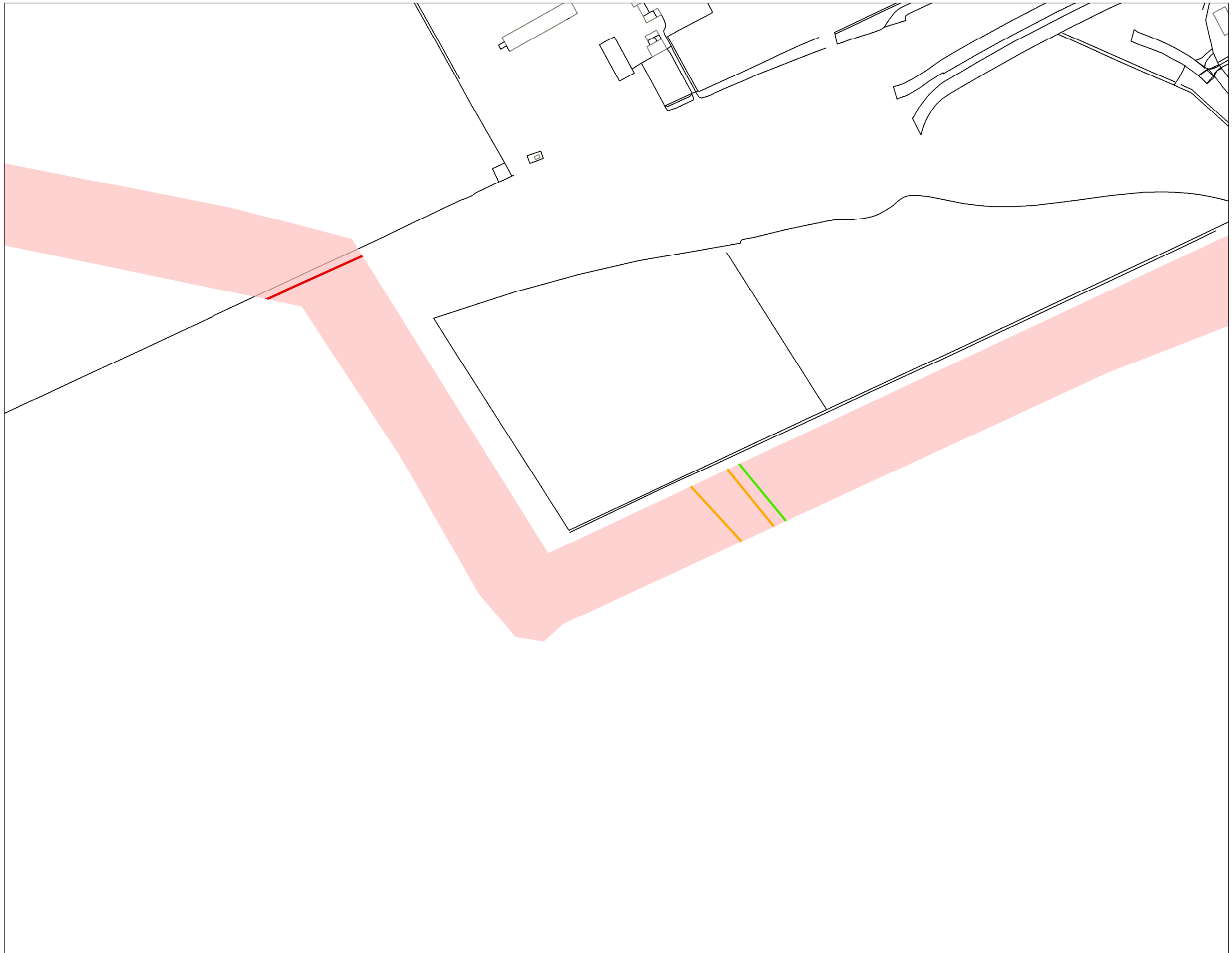
01530 412821  
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ashby@fishergerman.co.uk

**DRAWING REF:**  
**CADENT-2019-09-RW-OV-Thornton  
Curtis VPI Immingham Interaction**

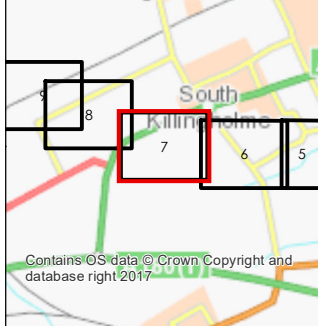




**APPENDIX 2 -  
DCO INTERACTION PLAN**



OVERVIEW WINDOW



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- LEGEND:
- Pressure\_Type**
- HP Pipeline
  - IP Pipeline
  - LP Pipeline
  - DCO Interaction Area

REVISION: A



SCHEME:  
VPI IMMINGHAM

TITLE:  
DCO INTERACTION PLAN  
**Page 7 of 9**

SCALE: 1:2,500 @ A3  
DATE: 20/06/2018

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**DRAWING NO:**  
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**VPI\_Immingham-DCO Plan**