

20 FEBRUARY 2023

THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010

The Sheringham Shoal and Dudgeon Extensions Offshore Windfarm Order

**WRITTEN REPRESENTATION ON BEHALF OF NATIONAL GAS TRANSMISSION
PLC**

REF: TWHI/MLOF/20T0726.149



WRITTEN REPRESENTATION ON BEHALF OF NATIONAL GAS TRANSMISSION PLC

1 INTRODUCTION

- 1.1 BCLP made a relevant representation on behalf of National Grid Gas Plc ("**NGG**") in this matter on 11 November 2022 in order to protect apparatus owned by NGG.
- 1.2 As a result of a sale to a consortium between Macquarie Infrastructure and Real Assets (Europe) Limited and British Columbia Investment Management Corporation, National Grid Gas Plc has changed its name to National Gas Transmission Plc ("**NGT**"), effective 6 February 2023. Therefore, all further engagement in respect of this matter will be on behalf of NGT.
- 1.3 NGT does not object in principle to the development proposed by Equinor New Energy Limited ("**the Promoter**") and as defined as the "**Authorised Development**" in the draft Development Consent Order (the "**Draft Order**").
- 1.4 NGT does however, object to:
- (a) the Authorised Development being carried out in close proximity to its apparatus in the area unless and until suitable protective provisions and related agreements have been secured to its satisfaction, to which see further at Paragraph 5 of this Written Representation; and
 - (b) any compulsory acquisition powers for land or rights or other related powers to acquire land temporarily, override or otherwise interfere with easements or rights or stop up public or private rights of access being invoked which would affect its land interests, rights, apparatus, or right to access and maintain its apparatus. This is unless and until suitable protective provisions and any necessary related amendments have been agreed and included in the Draft Order.
- 1.5 NGT owns, manages and operates the national gas transmission infrastructure in Great Britain. NGT has licences to operate the gas transmission network, and is required to comply with the terms of these licences in the delivery of their statutory responsibilities. NGT has a statutory duty (under Section 9 of the Gas Act 1986) to develop, maintain, and operate an efficient and economical network for and to facilitate competition in the supply of gas in Great Britain.

2 NGT ASSETS

- 2.1 NGT owns and operates four High Pressure Gas Transmission Pipelines located within or in close proximity to the current Order Limits as follows:
- (a) Feeder 4: Suffield to Little Barningham;
 - (b) Feeder 27: Bacton to Kings Lynn;
 - (c) Feeder 2: Erpingham to Guestwick; and
 - (d) Feeder 3: Bacton to Roundham Heath (together, the "**NGT Assets**").
- 2.2 The NGT Assets form an essential part of the gas transmission network in England, Wales and Scotland.

2.3 In respect of the NGT Assets (and any other NGT infrastructure located within the current Draft Order limits or in close proximity to the proposed Authorised Development and associated works), NGT will require protective provisions to be put in place to ensure that:

- (a) all NGT interests and rights, including rights of access both to the NGT Assets and any other NGT apparatus, are unaffected by the powers of compulsory acquisition, temporary possession, and the grant and/or extinguishment of rights as set out in the Draft Order; and
- (b) appropriate protection for the NGT Assets and any other retained apparatus is maintained during and after construction of the Authorised Development in accordance with the Protective Provisions and the relevant safety standards as set out below.

2.4 NGT also require 24 hour access to all assets listed at 2.1 and 2.3 throughout the construction and operation of the Authorised Development and will liaise with the Promoter to ensure this is maintained.

2.5 Discussions regarding site-specific interactions and impacts are ongoing between NGT and the Promoter, and NGT reserves the right to raise further issues as these discussions progress.

3 **NGT REGULATORY PROTECTION FRAMEWORK**

3.1 Relevant guidance in respect of standards and protocols for working in the vicinity of high pressure gas pipelines applies in the form of National Grid Guidance for Safe Working in the vicinity of High Pressure Pipelines T/SP/SSW/22 which is aimed at parties carrying out work in the vicinity of high pressure gas pipelines and associated installations and is provided to ensure that those planning and undertaking work take appropriate measures to prevent damage.

3.2 The requirements in T/SP/SSW/22 are also in line with the IGE (Institution of Gas Engineers) recommendations in IGE/SE/18 Edition 2 – Safe Working Practices to Ensure the Integrity of Gas Pipelines and Associated Installations and HSE’s guidance document HS (G) 47 Avoiding Danger from Underground Services.

3.3 NGT requires specific protective provisions to be put in place to provide for an appropriate level of control and protection for all retained assets (including the NGT Assets) and assurance that industry standards will be complied with in connection with works to and in the vicinity of the same.

4 **PROPERTY ISSUES**

4.1 NGT asserts that maintaining appropriate property rights to support its assets and protecting these from compulsory acquisition and related powers in the Draft Order is a fundamental safety issue.

4.2 Insufficient property rights would have the following safety implications:

- (a) inability for qualified personnel to access apparatus for its maintenance, repair and inspection;
- (b) risk of strike to buried assets if development occurs within the easement zone which seeks to protect such buried assets; and

- (c) risk of inappropriate development within the vicinity of the assets, thereby increasing the risk of damage to the asset and to the integrity of the gas transmission network.

5 PROTECTIVE PROVISIONS

5.1 NGT seeks to protect its statutory undertaking, and insists that in respect of connections and work in close proximity to its apparatus (including the NGT Assets) as part of the Authorised Development the following procedures are complied with by the Promoter:

- (a) NGT is in control of the plans, methodology and specification for works within 15 metres of any retained Apparatus; and
- (b) works in the vicinity of NGT's apparatus are not authorised or commenced unless protective provisions are in place preventing compulsory acquisition of NGT's land or rights or the overriding or interference of the same. Any acquisition of rights must be subject to NGT's existing interests and rights and not contradict with or cut across such rights.

5.2 While discussion remains ongoing, the Draft Order does not yet contain fully agreed protective provisions expressed to be for the protection of NGT to NGT's satisfaction, making it currently deficient from NGT's perspective.

5.3 NGT contends that it is essential that these provisions are addressed to its satisfaction to ensure adequate protection for the NGT Assets and that protective provisions on its standard terms are provided. Negotiations between the parties in respect of the form of the Protective Provision to be included within the Order are well advanced but not concluded and a there remain a few outstanding issues. Should it not be possible to reach agreement with the Promoter, NGT reserves the right to attend a Compulsory Acquisition Hearing or Issue Specific Hearing to address the required format of the Protective Provisions. If this is necessary NGT 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.

Bryan Cave Leighton Paisner LLP

For and on behalf of National Gas Transmission Plc

20 February 2023