



Your reference TR010025
Our reference SECTG/MARSD/338056-7

8 July 2019

The Planning Inspectorate
National Infrastructure Planning
Temple Quay House
2 The Square
Bristol,
BS1 6PM
A303Stonehenge@planninginspectorate.gov.uk

Dear Sirs

**Representation by SGN plc (SGN)
The Planning Act 2008 and the Infrastructure Planning (Examination Procedure) Rules 2010
Application by Highways England for an Order granting Development Consent for the A303
Amesbury to Berwick Down (Order)**

Addleshaw Goddard LLP has very recently been instructed by SGN in relation to Highways England's proposals for the A303 Amesbury to Berwick Down proposals (Project). SGN is a statutory undertaker in its capacity as the licensed Gas Transporter for the region within which the Project is located.

SGN's undertaking is impacted by the proposed acquisition of land and rights affecting its apparatus. Accordingly, both the Examining Authority and the Secretary of State will need to be satisfied that the Project shall not have a serious detriment to the carrying on of SGN's undertaking.

Whilst SGN does not take issue with the principle of the Project, SGN does **object** to the interference with, extinguishment or suspension of the land rights relating to its apparatus, and any activity related to the Project which will impact on the operation of its undertaking.

In light of SGN's objection, there are two distinct areas where Highways England will need to reach agreement with SGN:

1. the protective provisions to be included within the proposed DCO to control how Highways England will proceed in relation to SGN's land, rights and apparatus;
2. securing the necessary property and commercial arrangements to secure the required diversions of SGN's apparatus over or within the Order land. We would note that any diversions required to facilitate the Project will need to allow for the continued operation of SGN's undertaking during the construction and commissioning of any diverted apparatus.

SGN expects the necessary works to be at Highways England's cost, and in the usual way, expects Highways England to cover its advisors costs in preparing and negotiating the necessary protective provisions and related agreements which require completion in order to enable SGN's objection to be withdrawn.

Pinsent Masons, solicitors for Highways England, contacted SGN on 15 February 2019, but regrettably this firm was only formally instructed on Monday 24th June 2019. Consequent to our instruction we have sought to urgently understand the interface between our client's apparatus and the Project. We

10-31239183-2\338056-7

Addleshaw Goddard LLP, Milton Gate, 60 Chiswell Street, London EC1Y 4AG
Tel +44 (0)20 7606 8855 Fax +44 (0)20 7606 4390 DX 47 London
www.addleshawgoddard.com

Addleshaw Goddard LLP is a limited liability partnership registered in England and Wales (with registered number OC318149) and is authorised and regulated by the Solicitors Regulation Authority and the Law Society of Scotland. A list of members is open to inspection at our registered office, Milton Gate, 60 Chiswell Street, London EC1Y 4AG. The term partner refers to any individual who is a member of any Addleshaw Goddard entity or association or an employee or consultant with equivalent standing and qualifications.

now look forward to active and positive engagement with Pinsent Masons to progress the necessary negotiations to secure the removal of SGN's objection to the Project's interference with its undertaking. We have today contacted Pinsent Masons in order to take forward the required discussions between SGN and Highways England.

Compulsory Acquisition Hearing, 9 and 10 July 2019

We are aware that the Examination's compulsory acquisition hearing is scheduled for tomorrow and Wednesday.

Given the timing of this firm's instruction on behalf of SGN, and the current status of the negotiations between Highways England and SGN, we consider that at this stage there is nothing substantive to add for the benefit of the Examining Authority beyond that set out in this letter, through SGN attending the scheduled compulsory acquisition hearing. However, SGN is taking the opportunity to append to this representation its preferred protective provisions which it would wish to see included in the draft Order, and apply in relation to its undertaking in place of those set out at Part 1 of Schedule 11 of the draft Order. We have separately sent a copy of these to Pinsent Masons.

SGN looks forward to updating the Planning Inspectorate upon the state of the negotiations which now need to be urgently progressed, and, if necessary, detailing our continued concerns in subsequent written representations to the Planning Inspectorate.

Yours faithfully



Addleshaw Goddard LLP

Direct line 020 7160 3102
Email gary.sector@addleshawgoddard.com

cc:
Edward Meers, SGN (edward.meers@sgn.co.uk)
Terry Gardner, SGN (terry.gardner@sgn.co.uk)
Nick Mansell, Pinsent Masons (nicholas.mansell@pinsentmasons.com)

enc.
SGN protective provisions dated 8 July 2019