

Good Morning,

Please find attached a representation on behalf of Cadent Gas Limited for Deadline 6, together with the appendices.

Regards,

Rob

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

**THE M42 JUNCTION 6 DEVELOPMENT CONSENT ORDER 202[ ]**

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

**DEADLINE 6**

**11 OCTOBER 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 this matter on 26 March 2019 and submitted written representations on 3 June 2019 in order to protect apparatus owned by Cadent. These written representations supplement the representations already made by Cadent and the terms used herein are the same as in Cadent’s previously representations unless notified otherwise.
- 1.2 As has previously been iterated, Cadent wishes to ensure appropriate land and rights are available for any diversion of its assets sitting outside the adopted highway boundary. It considers that the book of reference is defective for the relocation of its AGI, for the access to its AGI and for the diversion of at least one gas pipeline including high pressure. Design studies are currently being produced to confirm the proposed diversion routes and the Promoter is alive to the issue. Cadent requires amendments to the Draft DCO to ensure that serious detriment to its undertaking is not caused. This is outlined further below.
- 1.3 Appendix 1 contains three plans which show an overlay of Cadent’s proposed diversion route overlaid with the existing land plans in order to demonstrate the inadequacy of the land rights sought by the Promoter within the Draft DCO in respect of Cadent’s apparatus. By way of a summary:
- (a) Drawing 2010744 – DCO – 002 – 001, which identifies a gas pipeline diversion over which there are currently insufficient rights within the Draft DCO. Please see section 4.2 for more information;
  - (b) Drawing2010744 – DCO – 002 – 002, which identifies both a gas diversion over which there are currently insufficient rights within the Draft DCO, the AGI relocation in respect of which there are currently insufficient rights within the Draft DCO and the car park which falls outside the order limits. Please see sections 2, 3 and 4 for more information; and;
  - (c) Drawing2010744 – DCO – 002 – 003, which identifies both a gas diversion over which there are currently insufficient rights within the Draft DCO and temporary working areas/easement strips which are outside of the order limits. Please see section 4.

### **2. INSUFFICIENT PROPERTY RIGHTS FOR THE RELOCATION OF THE AGI**

- 2.1 Cadent’s AGI currently sits on plot 4/138 shown on the Land Plans and the Promoter is seeking to permanently acquire this land.
- 2.2 Detailed design studies have now been carried out and the Promoter is looking to relocate the AGI to land behind the NEC car park, which may partially fall within plot 5/29c shown on the Land Plans (however the Promoter is confirming this). This is a plot where land is to be used temporarily and rights are to be acquired permanently.
- 2.3 Temporary land rights are not sufficient to allow for the relocation of the AGI. Cadent requires the land to be acquired permanently to enable it to fully operate and maintain the infrastructure for the reasons that are noted in paragraph 5 below.
- 2.4 It is crucial that Cadent retains protection over how its network operates and how its network is protected.

### **3. INSUFFICIENT RIGHTS OF ACCESS TO THE AGI**

- 3.1 The proposed new access to Cadent's AGI will be through a car park owned by NEC which has not been included within the Draft Order. This means that Cadent would be relying on voluntary rights being obtained for Cadent to access its AGI. This is clearly not sufficient and could lead to serious detriment to Cadent's undertaking in the event that such rights are not obtained. Cadent requires that the Draft DCO includes unfettered access rights across NEC's land, to ensure that Cadent is able, at all times, to fully access its AGI.

### **4. INSUFFICIENT RIGHTS OVER GAS PIPELINES**

- 4.1 Three high pressure gas pipeline diversions are required to facilitate the Promoters proposed scheme (one as a result of the AGI being relocated). At least one diversion looks currently to fall either within land which is to be used temporarily and rights to be acquired permanently, or to land which is to be used temporary. Further reviews are being undertaken at present by Cadent to confirm, whether other diversions are also affected, as this is subject to the recent completion of the design studies. As a minimum, Cadent requires the permanent acquisition of adequate rights to Cadent's satisfaction over the land where the gas pipelines are being diverted to.
- 4.2 In addition, the purpose for which rights over land may be acquired column in Schedule 7 of the Draft DCO will need updating in respect of the diversion to read:
- (a) "To lay, relay, construct, inspect, maintain, repair, protect, use, replace, renew, supplement, connect into, remove, decommission, render unusable and access the statutory undertakers apparatus".
- 4.3 Finally, the Draft DCO should also impose restrictive covenants within the easement strip required by Cadent in order to prevent works such as the construction of buildings etc. over Cadent's apparatus in order to ensure the integrity of that apparatus.

### **5. IMPLICATIONS IF INSUFFICIENT LAND ARE RIGHTS ARE INCLUDED IN THE DRAFT DCO**

- 5.1 Cadent requires an appropriate level of control and assurance that the industry regulatory standards (noted in Schedule 1) will be complied with in connection with works in the vicinity of its apparatus. Failure to comply with industry safety standards, legal requirements or Health and Safety standards create a health and safety risk and could have potentially serious consequences for individuals or property located in proximity to the pipeline/s.
- 5.2 Cadent has the benefit of a gas transporter licence (the Licence) under section 7 of the Gas Act 1986 (the Act). Cadent has a statutory duty under its Licence to ensure that these Regulations and protocols are complied with. Cadent 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 apparatus.
- 5.3 In addition, insufficient property rights have the following safety implications:
- (a) inability for qualified personnel to access apparatus for its maintenance, repair and inspection;
- (b) risk of strike to pipeline if development occurs within the easement zone in respect of which an easement/restrictive covenant is required to protect the pipeline from development; and

(c) risk of inappropriate development within the vicinity of the pipeline increasing the risk of the above.

5.4 For these reasons, it is crucial that Cadent retains protection over how its network operates and how its network is protected.

## **6. PROTECTIVE PROVISIONS**

6.1 Cadent has continued to liaise with the Promoter to agree protective provisions to ensure that serious detriment to Cadent's undertaker is not caused. Satisfactory protective provisions remain outstanding.

6.2 Cadent maintain that the exercise of unfettered compulsory powers or connection to 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.

6.3 Cadent welcomes further engagement by the Promoter to finalise protective provisions.

## **7. CONCLUSION**

7.1 Cadent will require sufficient land and rights, as noted above, to be secured by the Promoter through the Draft Order for any diverted apparatus. Such land and rights will need to be made available to Cadent by the Promoter before any existing Apparatus is removed. This is in order to prevent an impact on the Apparatus and Cadent's undertaking, which is protected by Section 127 and s138 of the Planning Act 2008. Cadent's apparatus is required for the purposes of its undertaking and it should not be authorised for acquisition where it's replacement by way of diversion and delivery of appropriate corresponding rights cannot be secured.

7.2 Cadent requires the Promoter to amend the book of reference to include sufficient rights for the construction and maintenance of both the AGI and the diversions of all gas pipelines.

List of Appendices:

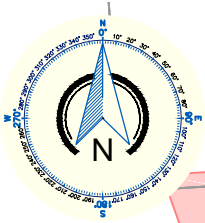
### **Appendix 1**

1. Drawing 2010744 – DCO – 002 – 001;
2. Drawing 2010744 – DCO – 002 – 002; and
3. Drawing 2010744 – DCO – 002 – 003.

## SCHEDULE 1

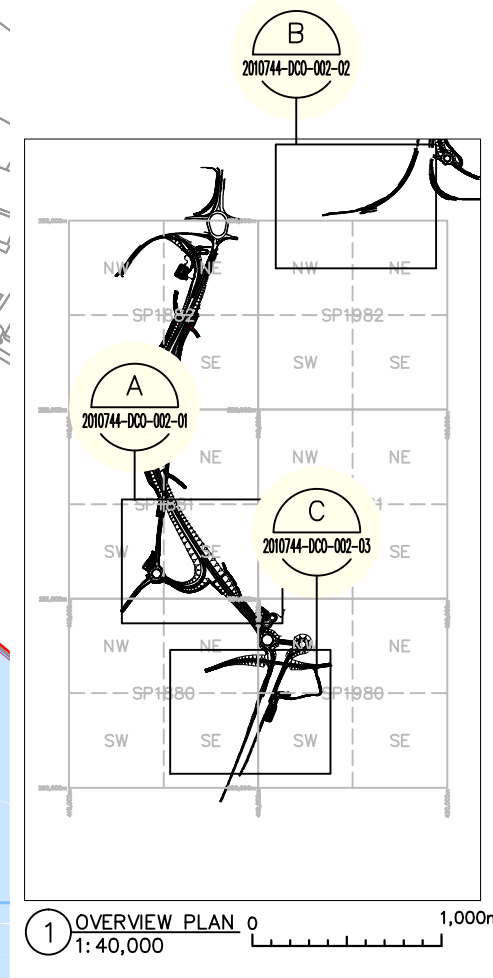
### 1. REGULATIONS, STANDARDS AND PROTOCOLS

- 1.1 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.
- 1.2 The Pipeline Safety Regulations 1996 requires that pipelines are 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.
- 1.3 Well established national 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 Cadent's apparatus:
  - 1.3.1 IGEM/TD/1: This Institution of Gas Engineers (IGE) 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." 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.
  - 1.3.2 IGE recommendations IGE/SR/18: This standard re regulates safe working practices to ensure the integrity of gas pipelines and associated installations. This standard outline management procedures and safety precautions affecting the design, construction, maintenance and demolition of services, structures and other works in the vicinity of gas plant.
  - 1.3.3 HSE's guidance document HS(G)47: This guidance document is aimed at those involved in carrying out work on or near apparatus. Its purpose is avoiding danger from underground services, and it outlines the potential dangers of working near underground services and gives advice on how to reduce any direct risks to people's health and safety, as well as the indirect risks arising through damage to apparatus.
  - 1.3.4 TSP/SSW/22: This Cadent specification manages industry protection of plant. It is aimed at third parties carrying out work in the vicinity of Cadent gas pipelines and associated installations and is provided to ensure that individuals planning and undertaking work take appropriate measures to prevent damage. The requirements in this document are in line with the requirements of the IGE 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.
- 1.4 These industry standards have the intention of protecting the:
  - 1.4.1 integrity of the pipelines, Cadent's network and distribution of gas;
  - 1.4.2 safety of the local area surrounding gas pipelines; and
  - 1.4.3 safety of personnel involved in working near to gas pipelines.



DCO LAND CLASSIFICATION  
NOT SHOWN OUTSIDE CADENT  
ASSET IMPACT AREA

EXISTING CADENT COLESHILL TO  
COPT HEATH  $\phi$ 406.4mm HIGH  
PRESSURE STEEL GAS PIPELINE




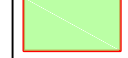






1 OVERVIEW PLAN 0  
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**NOTES**

1. DEVELOPMENT CONSENT ORDER (DCO) BOUNDARIES TAKEN FROM HIGHWAYS ENGLAND DCO APPLICATION LAND PLANS REGULATION 5(2)(i) SHEETS 2, 3 & 4 DATED DECEMBER 2018.

**LEGEND**

-  THE ORDER LIMITS
-  LAND NOT INCLUDED WITHIN THE ORDER LIMITS
-  LAND TO BE ACQUIRED PERMANENTLY
-  LAND TO BE USED TEMPORARILY
-  LAND TO BE USED TEMPORARILY & RIGHTS TO BE ACQUIRED PERMANENTLY
-  NO POWERS SOUGHT IN DCO
-  PERMANENT PIPELINE DIVERSION EASEMENT
-  TEMPORARY PIPELINE DIVERSION WORKING AREA

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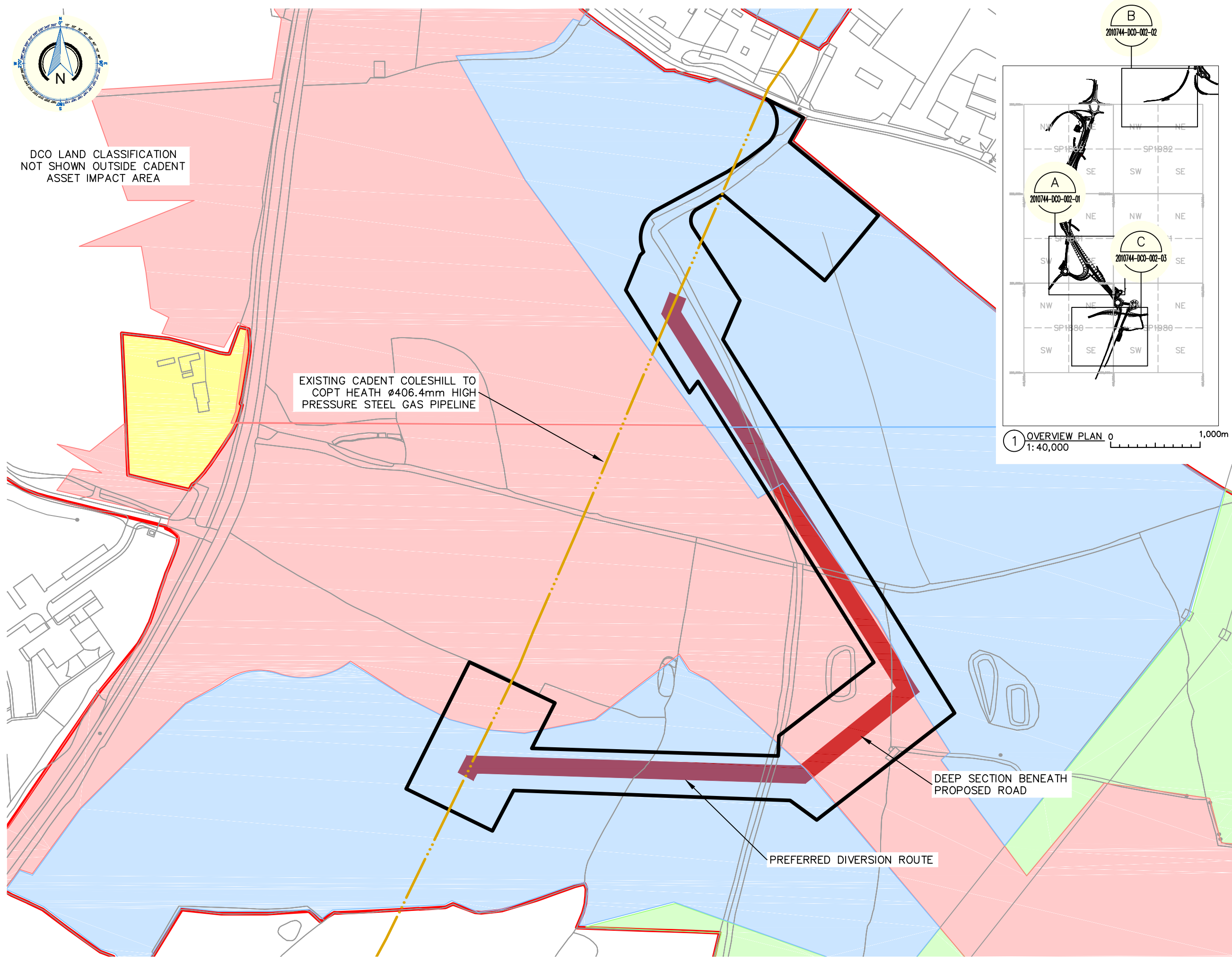
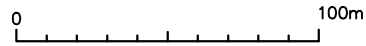
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REV	DESCRIPTION	DRN	CHK	APP	DATE

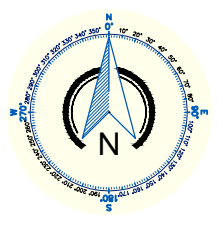
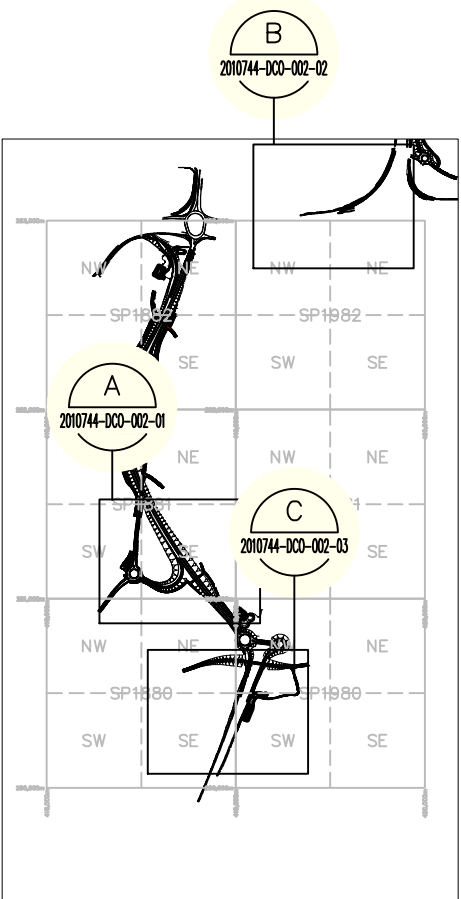


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PROJECT	M42 JCT 6 IMPROVEMENTS				
TITLE	ASSET IMPACT AREA 1				
SCALE	VARIOUS				
DRAWING NO	2010744-DCO-002-01				REV
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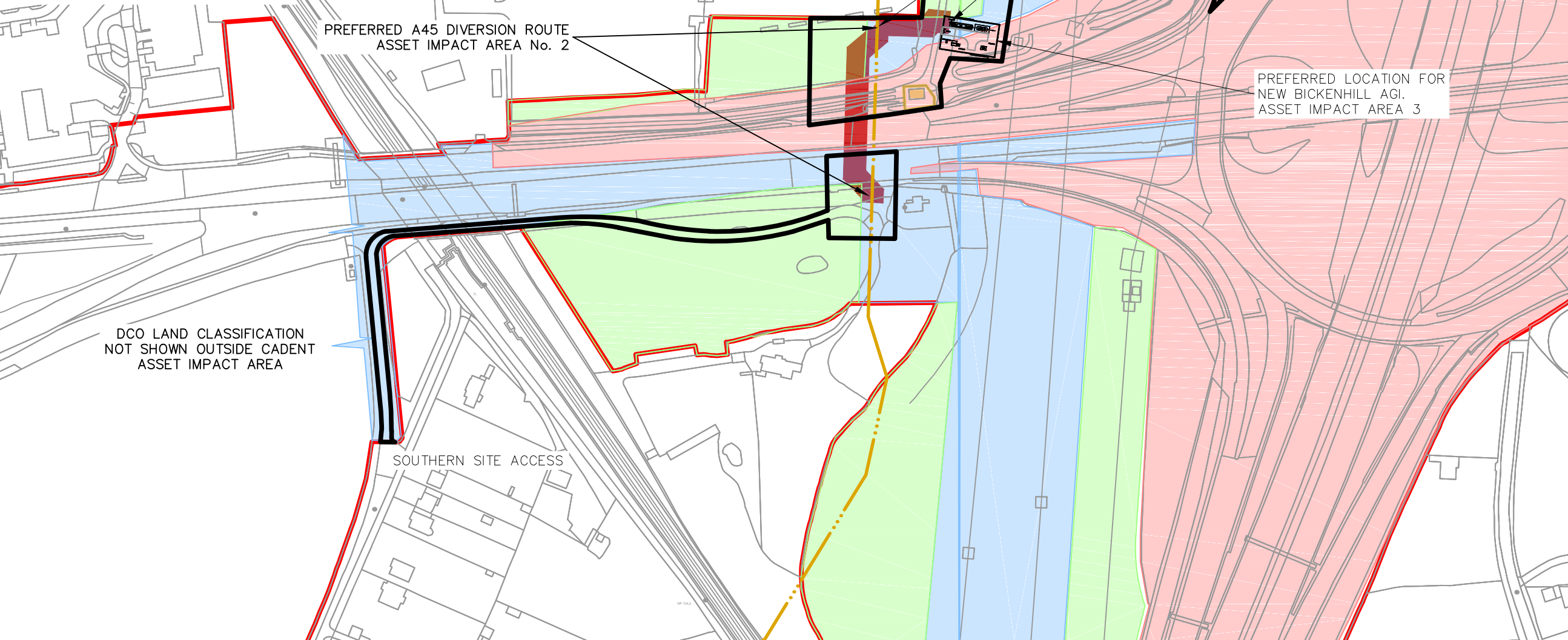
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1 OVERVIEW PLAN 0  
1: 40,000




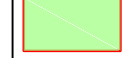
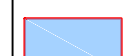





2 ASSET IMPACT AREAS 2 & 3  
1: 2,500

**NOTES**

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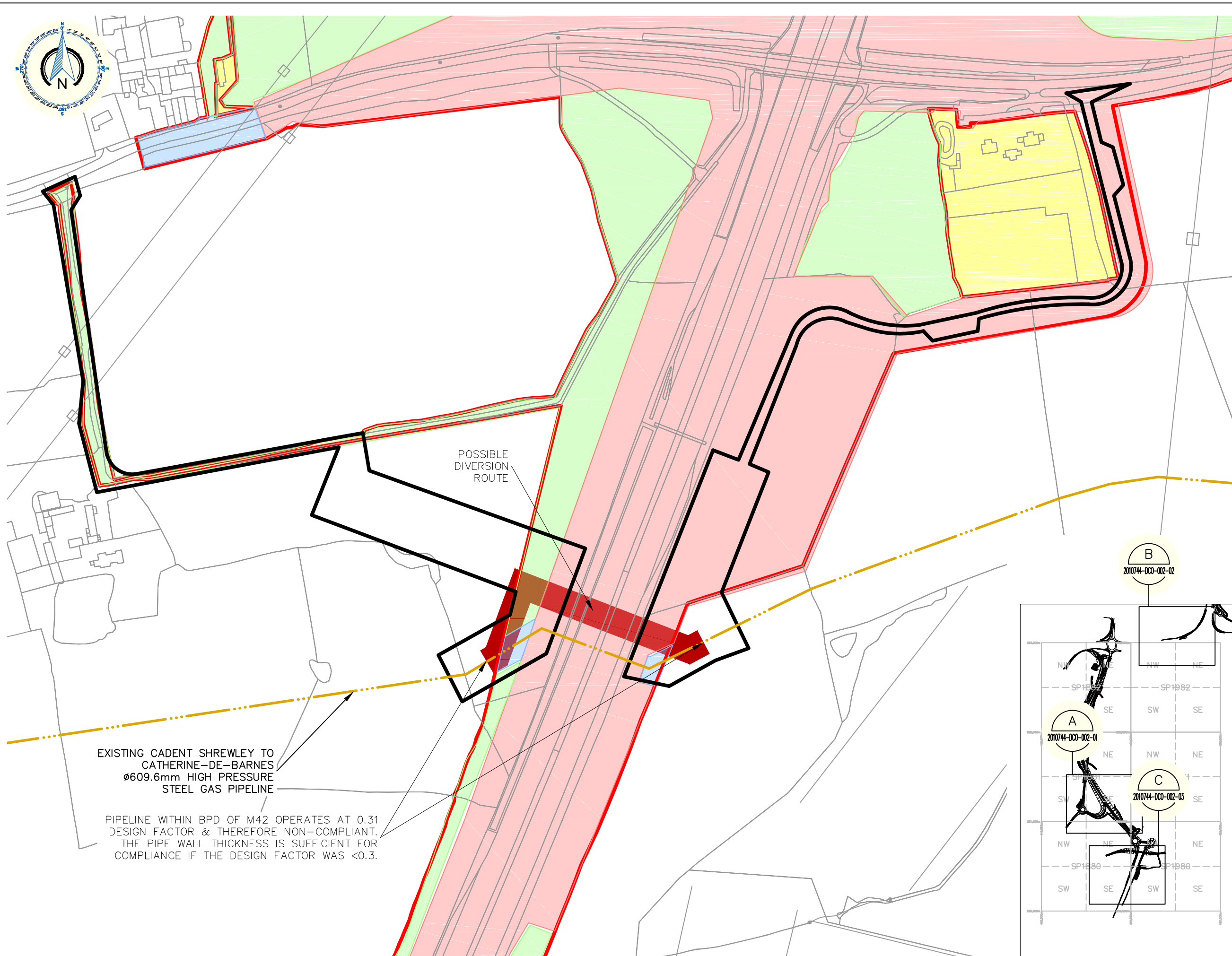
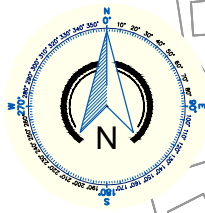
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CLIENT	CADENT				
PROJECT	M42 JCT 6 IMPROVEMENTS				
TITLE	ASSET IMPACT AREAS 2 & 3				
SCALE	VARIOUS				
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POSSIBLE DIVERSION ROUTE

EXISTING CADENT SHREWLEY TO CATHERINE-DE-BARNES Ø609.6mm HIGH PRESSURE STEEL GAS PIPELINE

PIPELINE WITHIN BPD OF M42 OPERATES AT 0.31 DESIGN FACTOR & THEREFORE NON-COMPLIANT. THE PIPE WALL THICKNESS IS SUFFICIENT FOR COMPLIANCE IF THE DESIGN FACTOR WAS <0.3.

**NOTES**

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- PERMANENT PIPELINE DIVERSION EASEMENT
- TEMPORARY PIPELINE DIVERSION WORKING AREA

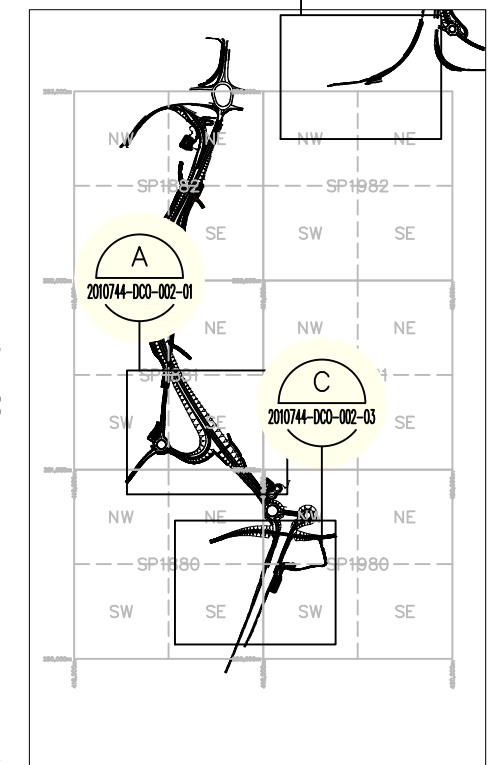
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CLIENT	CADENT				
PROJECT	M42 JCT 6 IMPROVEMENTS				
TITLE	ASSET IMPACT AREA 4				
SCALE	VARIOUS				
DRAWING NO	2010744-DCO-002-03				REV
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