

**3 February 2021**

**THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010  
PROPOSED M25 JUNCTION 28 DEVELOPMENT CONSENT ORDER**

**WRITTEN REPRESENTATION ON BEHALF OF NATIONAL GRID PLC**

**OBJECTOR REGISTRATION NO.20025614**

**REF: 2026502.000370**



## **WRITTEN REPRESENTATION ON BEHALF OF NATIONAL GRID PLC**

### **1 INTRODUCTION**

- 1.1 National Grid Plc have made a relevant representation in this matter on 7<sup>th</sup> September 2020 in order to protect its position in relation to infrastructure and land which is within or in close proximity to the proposed Order Limits. National Grid's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the Order Limits should be maintained at all times and access to inspect and maintain such apparatus must not be restricted.
- 1.2 National Grid Plc does not object in principle to the development proposed by the Promoter. National Grid does however, object to the Authorised Works being carried out in close proximity to their 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. They also object to 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 their land interests, rights, 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 and included in the Order.
- 1.3 National Grid Electricity Transmission PLC ("NGET") own and operate the electricity transmission network in England and Wales. 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.
- 1.4 National Grid Gas Plc ("NGG") owns, manages and operates the national gas transmission infrastructure in Great Britain. NGG has a statutory duty (under Section 9 of the Gas Act 1986) to develop, maintain, and operate economic and efficient networks and to facilitate competition in the supply of gas in Great Britain.

### **2 NGET AND NGG ASSETS**

- 2.1 NGET has a high voltage electricity overhead transmission line within and in close proximity to the Order Limits. Namely ZB (275kV) overhead line route – Elstree to Warley.
- 2.2 The overhead line forms an essential part of the electricity transmission network in England and Wales.
- 2.3 NGG has a high pressure gas transmission pipeline located within and in close proximity to the proposed Order Limits. Namely Feeder Main 18 (Stapleford Tawney to Horndon 'A').
- 2.4 The transmission pipeline forms an essential part of the gas transmission network in England, Wales and Scotland.
- 2.5 In respect of all NGET and NGG 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 including rights of access to their Overhead Power Lines and other apparatus 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 in accordance with the Protective Provisions and the relevant safety standards as set out in paragraph 3 and 4.

- 2.6 National Grid 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.

### 3 **NGET - REGULATORY PROTECTION FRAMEWORK**

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

- 3.1.1 Third Party Working near National Grid Electricity Transmission equipment - 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, and

- 3.1.2 Energy Network Associations Development near Overhead Lines ENA (TS) 43-8. This sets out the derivation and applicability of safe clearance distances in various circumstances including crossings of OHL and working in close proximity.

- 3.1.3 Additionally HSE's guidance note 6 "Avoidance of Danger of Overhead Lines", summarises advice to minimise risk to life/personal injury and provide guidance to those planning and engaging in construction activity in close proximity to Overhead Lines.

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

### 4 **NGG – REGULATORY PROTECTION FRAMEWORK**

- 4.1 Relevant guidance in respect of standards and protocols for working in the vicinity of high pressure gas pipelines applies in the form of:

- 4.1.1 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.

- 4.1.2 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.

- 4.2 National Grid requires specific protective provision in place to provide for an appropriate level of control and protection for retained assets and assurance that industry standards will be complied with in connection with works to and in the vicinity of their Gas Assets.

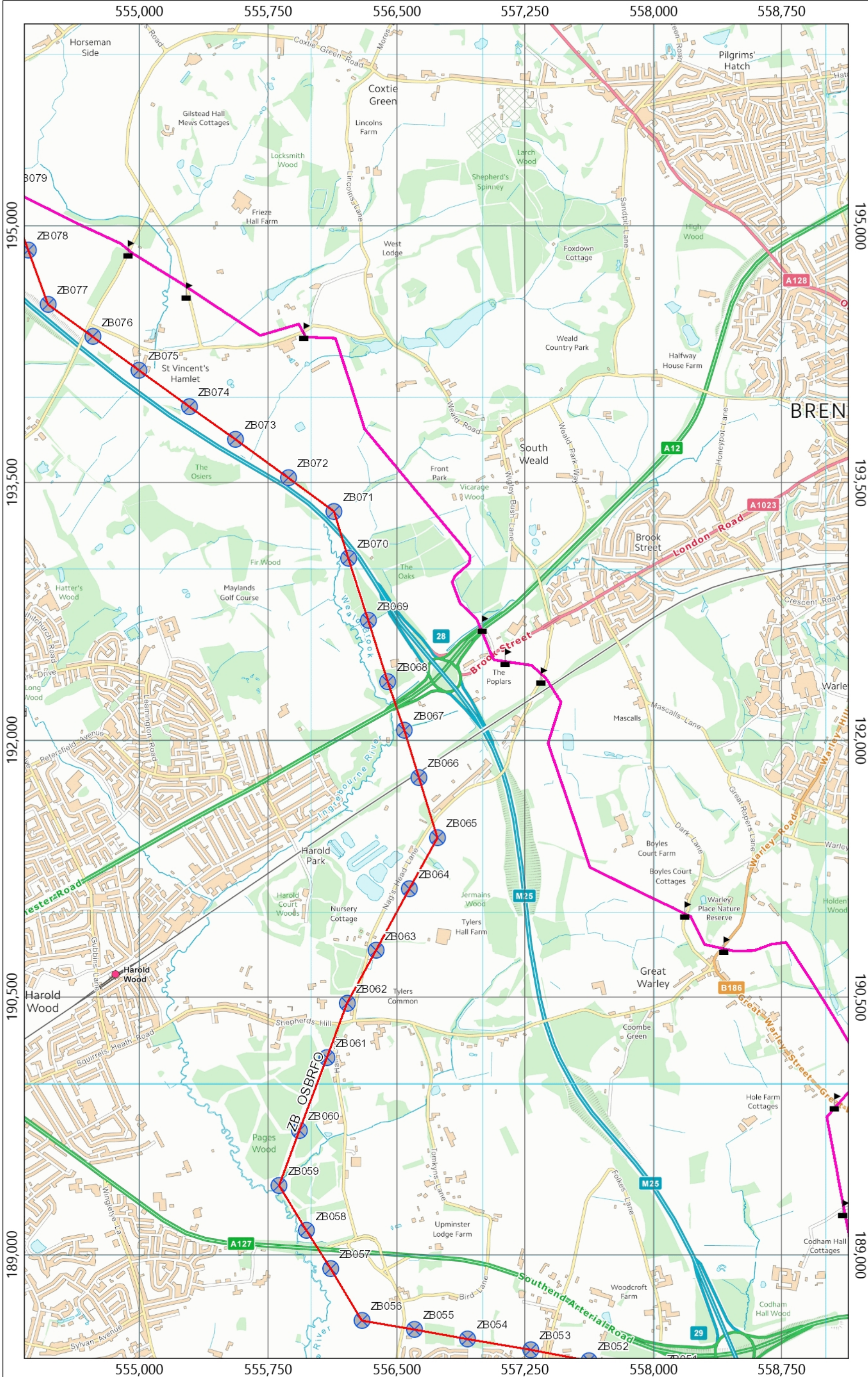
## 5 **PROPERTY ISSUES**

- 5.1 NGET assert that maintaining appropriate property rights to support their assets and protecting these from Compulsory Acquisition and related powers in the DCO is a fundamental safety issue. Insufficient property rights would have the following safety implications:
- 5.1.1 Inability for qualified personnel to access apparatus for its maintenance, repair and inspection.
- 5.1.2 Risk of strike to buried assets/cable/overhead lines if development occurs within the easement zone which seeks to protect the cable/overhead lines from development.
- 5.1.3 Risk of inappropriate development within the vicinity of the assets increasing the risk of damage to the asset and integrity of the system.
- 5.2 In light of the extent of compulsory acquisition proposed within the DCO in the vicinity of the NGET apparatus and the alterations to NGET's access, NGET require a new easement from the Applicant. NGET and the Applicants are also in liaison over (i) clearances, (ii) compliance with relevant standards in respect of the location of respective assets and (iii) maintenance of NGET and HE assets in future given close proximity. NGET are liaising with the Applicant to resolve these issues between the parties before the conclusion of the examination and the withdrawal of National Grid's relevant representation.

## 6 **PROTECTIVE PROVISIONS**

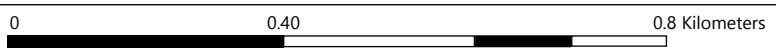
- 6.1 National Grid seeks to protect its statutory undertaking, and insists that in respect of connections and work in close proximity to their Apparatus as part of the authorised development the following procedures are complied with by the Applicant:
- (a) National Grid is in control of the plans, methodology and specification for works within 15 metres of any retained Apparatus; and
  - (b) DCO works in the vicinity of NGET apparatus are not authorised or commenced unless protective provisions are in place preventing compulsory acquisition of National Grid's land or rights or the overriding or interference of the same. Any acquisition of rights must be subject to NGET's existing interests and rights and not contradict with or cut across such rights; and
  - (c) Appropriate surety and insurance provisions are in place to back up an uncapped indemnity to protect National Grid from any damage, losses or claims arising from the Authorised Development.
- 6.2 National Grid reserves the right to make further representations as part of the examination process but is currently well advanced in terms of its negotiation with the Promoter in respect of the Protective Provisions.
- 6.3 Should it not be possible to reach agreement with the promoter, National Grid reserve the right to attend a Compulsory Acquisition Hearing or Issue Specific Hearing to address the required format of the Protective Provisions and any necessary amendments to the draft Development Consent Order. If this is necessary 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.

**Appendix 1**  
**Asset Plans**



- Legend:**
- Substations Commissioned
  - OHL 400Kv Commissioned
  - OHL 275Kv Commissioned
  - OHL 132Kv & Below Commissioned
  - Towers Commissioned
  - Buried Cable Commissioned
  - Fibre Cable Commissioned
  - Pilot Cable
  - Oil Pipe
  - Cooling Pipe
  - Cooling Station
  - RAMM
  - Gas Operational Boundary
  - Gas Site Boundary
  - Block Valve
  - Compressor
  - LNG Site
  - Multijunction
  - Minimum Offtake
  - Future Minimum Offtake
  - Offtake
  - Pressure Reduction Installation
  - Pig Trap
  - Terminal
  - Transferred Offtake
  - Aerial Marker Post
  - Transformer Rectifier
  - Gas Pipe Feeder
  - Commissioned
  - Decommissioned Group
  - Planned and Spares

**Notes:**



Scale: 1: 21,987

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Note: Any sketches on the map are approximate and not captured to any particular level of precision.