

**From:** [Garden, Robert](#)  
**To:** [A585 Windy Harbour to Skipool](#)  
**Subject:** Deadline 3 - Cadent Gas Limited  
**Date:** 31 May 2019 12:43:10  
**Attachments:** [Deadline 3 - Cadent Submission\(627191827\\_1\).PDF](#)

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Dear Sir/Madam,

Please find attached a submission on behalf of Cadent Gas Limited.

Regards,

Rob

**Robert Garden**  
**Senior Associate**

T +44 20 7367 3546  
F +44 20 7367 2000  
E [robert.garden@cms-cmno.com](mailto:robert.garden@cms-cmno.com)



CMS Cameron McKenna Nabarro Olswang LLP | Cannon Place, 78 Cannon Street | London EC4N 6AF | United Kingdom

[cms.law](http://cms.law)  
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**A585 WINDY HARBOUR TO SKIPPOOL IMPROVEMENT SCHEME (THE PROJECT)**  
**DEADLINE 3 – 31 MAY 2019**  
**CADENT GAS LIMITED**  
**COMMENTS ON ANY ADDITIONAL INFORMATION/SUBMISSIONS RECEIVED BY D2**

**1. COMMENTS**

- 1.1 Cadent Gas Limited (Cadent) has submitted a written representation and a response to Question 1.2.7 of the ExA's first round of written questions. Cadent's written representation id
- 1.2 Cadent's only comments for Deadline 3 relate to:
- 1.2.1 Document 7.14: EXQ.1.1.9: PA2008 S.127 Statutory Undertakers Land/Rights; and
- 1.2.2 Document 7.15: EXQ.1.1.10: PA2008 S.138 Statutory Undertakers Apparatus etc.
- 1.3 In relation to these documents, Cadent's position is that the dDCO does not currently contain protective provisions for the protection of Cadent's apparatus that are to Cadent's satisfaction. Further, the dDCO does not address fully how property rights would be made available for the diversion of Cadent's assets to Cadent's satisfaction.
- 1.4 It is essential that these issues are addressed to Cadent's satisfaction to ensure the protection of Cadent's apparatus.
- 1.5 At this stage, Cadent is not satisfied that the tests under section 127 of the PA 2008 can be met as Cadent is not satisfied that:
- 1.5.1 its land can be purchased and not replaced, or that any rights over its land can be acquired, without serious detriment to the carrying on of Cadent's undertaking;
- 1.5.2 (where its land is to be purchased) it can be replaced by other land belonging to, or available for acquisition by, Highways England without serious detriment to the carrying on of Cadent's undertaking; or
- 1.5.3 (where rights over its land are to be acquired) any detriment to the carrying on of Cadent's undertaking, in consequence of the acquisition of the right, can be made good by Highways England by the use of other land belonging to or available for acquisition by them.
- 1.6 Protective provisions are yet to be agreed with Highways England, but discussions are ongoing.

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**31 MAY 2019**