

**31 AUGUST 2021**

**INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010  
A428 BLACK CAT TO CAXTON GIBBET ROAD IMPROVEMENT SCHEME**

**WRITTEN REPRESENTATION ON BEHALF OF NATIONAL GRID ELECTRICITY  
TRANSMISSION PLC AND NATIONAL GRID GAS PLC (TOGETHER, NATIONAL  
GRID)**

**REF: ADEA/ECRA/2026502.367**



**WRITTEN REPRESENTATION ON BEHALF OF NATIONAL GRID ELECTRICITY  
TRANSMISSION PLC AND NATIONAL GRID GAS PLC (TOGETHER, NATIONAL  
GRID)**

**1 INTRODUCTION**

- 1.1 National Grid Electricity Transmission Plc ("**NGET**") and National Grid Gas Plc ("**NGG**") (together, "**National Grid**") made a relevant representation in this matter on 9 June 2020 in order to protect apparatus owned by NGET and NGG.
- 1.2 National Grid does not object in principle to the development proposed by Highways England (the "**Promoter**") and as defined as the "**Authorised Development**" in the draft Development Consent Order (the "**Draft Order**").
- 1.3 National Grid does however, object to 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.
- 1.4 National Grid also objects 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 its land interests, rights, apparatus, or right to access and maintain its apparatus. This is unless and until suitable protective provisions and any other necessary and related amendments have been agreed and included in the Draft Order.
- 1.5 NGET owns the electricity transmission network in England and Wales NGG is the sole owner and operator of the gas transmission system in Great Britain. NGET and NGG have licences to operate the electricity and gas transmission network, and are required to comply with the terms of these licences in the delivery of their statutory responsibilities. NGET is subject to a statutory duty (under section 9 of the Electricity Act 1989) to, inter alia, maintain 'an efficient, co-ordinated and economical' system of electricity transmission. NGG is under a statutory duty (under section 9 of the Gas Act 1986) to, inter alia, develop and maintain an efficient and economical network for the conveyance of gas.

**2 NGG ASSETS**

- 2.1 NGG owns and operates a high pressure gas transmission pipeline and above ground installation ("**AGI**"), as shown on the plan appended, located within or in close proximity to the proposed Order limits. These are Feeder Main 18 Huntingdon to St Neots; St Neots to Little Barford Power Station; St Neots to New Wimpole; and AGI Little Barford Power Station. The transmission pipeline and AGI form an essential part of the gas transmission network in England, Wales and Scotland.
- 2.2 NGG is working with the Promoter regarding a diversion of the gas main.
- 2.3 In respect of Feeder Main 18 and the AGI (and any other NGG infrastructure located within the current Order limits, or in close proximity to the Authorised Development and associated works), NGG will require protective provisions to be put in place to ensure:
- (a) that all NGG interests and rights, including rights of access to Feeder Main 18 and the AGI, 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) that appropriate protection for Feeder Main 18 and any other retained apparatus is maintained during and after construction of the Authorised Development in accordance with both the protective provisions and the relevant safety standards below.

2.4 Investigations regarding site specific interactions and impacts are ongoing between NGG and the Promoter, and NGG reserves the right to raise further issues as these discussions progress. It should be noted that NGG has specific concerns regarding protection of the gas mains at crossing points with the Authorised Development and in particular with crossing point NGO 2B where a proposed new side road crosses a bend in Feeder Main 18. This crossing should be avoided for the purposes of the Authorised Development because of the location of the gas main on a bend. NGG is also considering whether, if this is not possible, suitable asset protection measures would be sufficient and what form these would need to take.

### 3 **NGG 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 NGG requires specific protective provisions to be put in place to provide for an appropriate level of control and protection for all retained assets (including Feeder Main 18 and the AGI) and assurance that industry standards will be complied with in connection with works to and in the vicinity of the same.

### 4 **NGET ASSETS**

4.1 NGET has a high voltage electricity overhead transmission line within or in close proximity to the proposed Order limits. This is the 4VK (400kV) overhead line Eaton Socon – Wymondley Main; Cottam – Eaton Socon – Wymondley 2 (the “OHL”), as shown on the plan appended. The overhead line forms an essential part of the electricity transmission network in England and Wales. Following further investigation, the fibre cable alongside the existing A428 alignment, referred to in National Grid’s relevant representation is not considered to be a National Grid asset.

4.2 In respect of the OHL (and any other NGET infrastructure located within the current Order limits, or in close proximity to the Authorised Development and associated works), NGET will require protective provisions to be put in place to ensure:

- (a) that all NGET interests and rights, including rights of access to pylon bases, 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) that appropriate protection for the OHL and any other retained apparatus is maintained during and after construction of the Authorised Development in accordance with both the protective provisions and the relevant safety standards below.

4.3 Investigations regarding site specific interactions and impacts, including clearance requirements, are ongoing between NGET and the Promoter, and NGET reserves the right to raise further issues as these discussions progress.

## 5 **NGET REGULATORY PROTECTION FRAMEWORK**

5.1 NGET has issued guidance in respect of standards and protocols for working near to electricity transmission equipment in the form of:

- (a) Third Party Working near National Grid Electricity Transmission equipment - Technical Guidance Note 287. 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
- (b) Energy Network Associations Development near Overhead Lines ENA (TS) 43-8, which sets out the derivation and applicability of safe clearance distances in various circumstances including crossings of overhead lines and working in close proximity.
- (c) Additionally, HSE's guidance note 6 "Avoiding Danger from Overhead Power 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.

5.2 NGET requires specific protective provisions in place to provide for an appropriate level of control and assurance that industry standards will be complied with in connection with works to and in the vicinity of its electricity assets (including the OHL).

## 6 **PROPERTY ISSUES**

6.1 National Grid asserts that maintaining appropriate property rights to support its assets (both gas and electricity) and protecting these from compulsory acquisition and related powers in the Draft Order is a fundamental safety issue.

6.2 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 or cable/overhead lines if development occurs within the easement zone which seeks to protect such apparatus; 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 or electricity transmission network as relevant.

## 7 **PROTECTIVE PROVISIONS**

7.1 National Grid seeks to protect its statutory undertakings, and insists that in respect of connections and work in close proximity to its apparatus (including Feeder Main 18, the AGI and the OHL) as part of the Authorised Development the following procedures are complied with by the Promoter:

- (a) NGG or NGET as relevant is in control of the plans, methodology and specification for works within specified distances of any retained Apparatus;

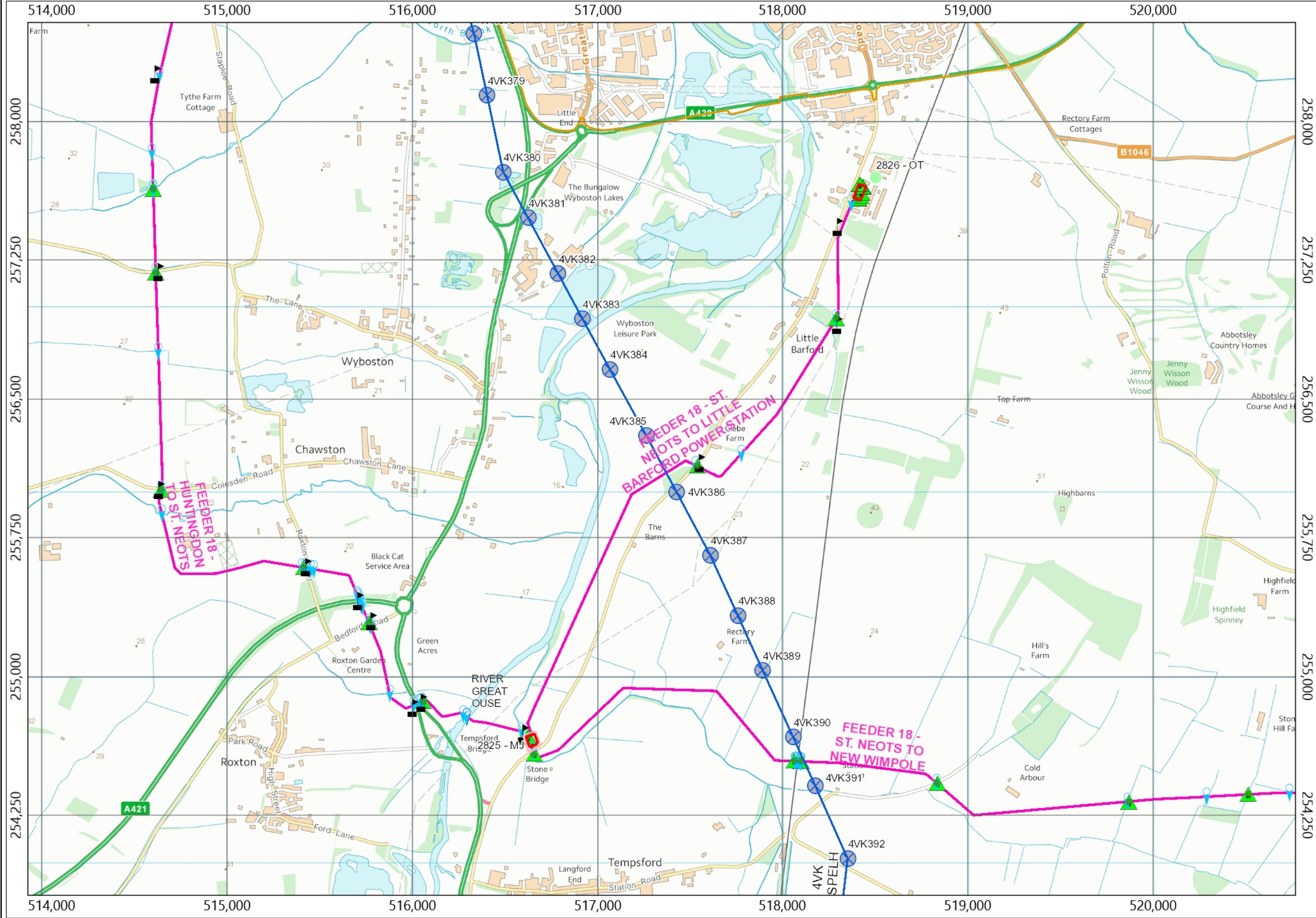
- (b) works within the vicinity of National Grid's apparatus are not authorised or commenced unless protective provisions are in place preventing compulsory acquisition of National Grid's land or rights or the overriding or interference of the same. Any acquisition of rights must be subject to National Grid's existing interests and rights and not contradict 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.
- 7.2 Despite preliminary discussions with the Promoter relating to the same, the Draft Order does not yet contain agreed protective provisions to NGG's or NGET's satisfaction, making it currently deficient from National Grid's perspective.
- 7.3 Should it not be possible to reach agreement with the Promoter, National Grid reserves 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 Order.
- 7.4 If this is necessary, National Grid reserves the right to provide the Examining Authority with 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 Grid Electricity Transmission Plc and National Grid Gas Plc**

**31 August 2021**

## Appendix



- Legend:**
- Substations Commissioned
  - Circuits
    - Commissioned
    - - - Decommissioned Group
    - ⋯ Planned and Spares
  - 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
  - ▣ Cable Tunnel
  - Gas Operational Boundary
  - Gas Site Boundary
  - Trial Hole
  - Vantage Point
  - ⚡ Aerial Marker Post
  - ⚡ Pipe Crossing Point
  - ▲ CP Test Post
  - ⚡ Transformer Rectifier
  - Pipeline Crossing Sleeve
  - Nitrogen Sleeve
  - Other Sleeves
  - Pipe Line Control Point
  - Named Pipeline Section
  - ⚡ River Crossings

**Notes:**

A428 Black Cat to Caxton Gibbet Plan 1

