

Application by Highways England for an Order Granting Development Consent for A428 Black Cat to Caxton Gibbet Improvements (TR010044)

Response to the Examining Authority's written questions and requests for information (WQ3) - issued on Wednesday 22 December 2021

For and on behalf of National Grid Electricity Transmission Plc (NGET) and National Grid Gas Plc (NGG)

Dated 14 January 2022

1 **NGG RESPONSES TO Q3.5.2.1**

1.1 The table below sets out the Examining Authority's Third Written Questions at Q3.5.2.1 and the responses on behalf of National Grid Gas Plc:

No.	Ex A Written Question		NGG Response
Q3.5.	Compulsory Acquisition and Temporary Possession		
Q3.5.2	Protective Provisions		
Q3.5.2.1	<p><u>Statutory Undertakers</u></p> <p>Applicant</p>	<p>(a) ExA notes in the Statutory Undertakers Progress Schedule [REP6-026], relevant SoCGs [REP6-011] [REP6-012] [REP6-013] [REP6-014] [REP6-022] and submissions [REP6- 096] that Protective Provisions are still under discussion with matters not agreed. Applicant and Statutory Undertakers list and explain if there are any fundamental areas of disagreement, and identify any disagreements that you envisage not being agreed before close of the Examination, explaining the implication of not reaching agreement.</p>	<p>Modified protective provisions have been agreed in principle between NGG and the Applicant.</p> <p>However, specific interactions between NGG apparatus and the scheme have been identified where a more detailed package of protective measures is required. Discussions between the parties remain ongoing in this regard.</p> <p>In particular:</p> <p>(i) Four locations have been identified where the scheme intersects and/or interacts with the NGG high-pressure gas transmission pipeline (namely crossing points NG01, NG02A, NG02B and NG03). The parties are working to identify and agree measures and/or engineering solutions which will adequately protect the NGG apparatus at these crossing points; and</p> <p>(ii) The parties have been working to agree a suitable alignment for the Kelpie Marina access road, such that this road is located outside of the land area over which NGG currently has rights and interests by way of easements associated with the NGG high-pressure gas transmission pipeline. A suitable alignment has been identified and the</p>

			<p>parties are working to agree revised works plans.</p> <p>Both parties recognise and acknowledge the site specific interactions identified above.</p> <p>The gas pipeline forms an essential part of the gas transmission network in England, Wales and Scotland. NGG is under a statutory duty to develop and maintain an efficient and economical network for the conveyance of gas. NGG therefore seeks assurance that its apparatus are adequately protected, or otherwise diverted to avoid such interactions.</p> <p>NGG and the Applicant are working to agree a package of measures in relation to the above specific site interactions. These measures are required in order to:</p> <ul style="list-style-type: none"> (i) ensure appropriate protection of NGG apparatus during and after construction of the scheme in accordance with the agreed protective provisions and the relevant safety standards; and (ii) ensure that NGG interests and rights in land, including rights of access to the gas pipeline are unaffected by the scheme. Maintaining appropriate property rights to support its assets is fundamental to ensuing safety. <p>The parties are working to agree protective measures in relation to the identified site specific interactions before the close of the Examination. NGG is confident that this is achievable. However, should it not be possible to reach agreement with the Applicant by this date, NGG reserves the right to:</p> <ul style="list-style-type: none"> (i) make further representations to the Examining Authority in relation to any detailed issues remaining in dispute between the parties; and (ii) attend an Issue Specific Hearing to address the required format of protective measures and any necessary amendments to the Draft Order.
		<p>(b) Statutory Undertakers, in particular if the area of disagreement is in the wording of Protective Provisions in the dDCO [REP6-003] then provide proposed revised wording and accompanying justification and reasons for the ExA to consider.</p>	<p>Please see answer to Q3.5.2.1(a) above.</p>

	<p>(c) Applicant, explain the nature of the side agreement referred to in several updates [REP6-026]. What is the relationship between the side agreement with parties where Protective Provisions are also included in the dDCO [REP6-026], such as Cadent Gas? You may provide a list of all instances and explain individually if the response is unique to each such update.</p>	<p>Question addressed to the Applicant.</p>
	<p>(d) Statutory Undertakers as and when agreement is reached, provide a statement confirming all matters have been agreed and there are no outstanding objections, either in the SoCG if there is one or via a Deadline submission.</p>	<p>Noted. NGG will notify the Examining Authority as and when all matters have been agreed.</p>

1.2 **NGET RESPONSES TO Q3.5.2.1**

1.3 The table below sets out the Examining Authority’s Third Written Questions at Q3.5.2.1 and the responses on behalf of National Grid Electricity Transmission Plc:

No.	Ex A Written Question		NGET Response
Q3.5.	Compulsory Acquisition and Temporary Possession		
Q3.5.2	Protective Provisions		
Q3.5.2.1	<p><u>Statutory Undertakers</u></p> <p>Applicant</p>	<p>(a) ExA notes in the Statutory Undertakers Progress Schedule [REP6-026], relevant SoCGs [REP6-011] [REP6-012] [REP6-013] [REP6-014] [REP6-022] and submissions [REP6-096] that Protective Provisions are still under discussion with matters not agreed. Applicant and Statutory Undertakers list and explain if there are any fundamental areas of disagreement, and identify any disagreements that you envisage not being agreed before close of the Examination, explaining the implication of not reaching agreement.</p>	<p>Modified protective provisions have been agreed in principle between NGET and the Applicant.</p> <p>However, specific interactions between NGET apparatus and the scheme have been identified where a more detailed package of protective measures is required. Discussions between the parties remain ongoing in this regard.</p> <p>In particular:</p> <p>(i) The scheme intersects the route of the NGET high voltage overhead power line. This will result in the obstruction/removal of, existing access routes and rights relied upon by NGET to access that part of the NGET apparatus comprising tower 386, tower 387, tower 388, tower 389 and tower 390 and the high voltage overhead power line strung between these towers. The parties are working to agree new/alternative access routes and easements to enable NGET to continue to effectively access, maintain or use these assets; and</p> <p>(ii) The proposed construction of the scheme will interact with NGET’s planned refurbishment of its apparatus along the Eaton Socon/Wymondley overhead power line. The parties are working to agree arrangements which will support and facilitate NGET’s ability to undertake the planned refurbishment works.</p> <p>Both parties recognise and acknowledge the site specific interactions identified above.</p> <p>The overhead line forms an essential part of the electricity transmission network in England and Wales. NGET is under a statutory duty to maintain an efficient, co-ordinated and economical system of electricity transmission. NGET therefore seeks assurance</p>

		<p>that all rights and easements are secured for access to its apparatus at all times. NGET also wishes to ensure that it is able to carry out the refurbishment of the Eaton Socon/Wymondley overhead power line in accordance with the planned timetable and associated outage periods.</p> <p>NGET and the Applicant are working to agree a package of measures in relation to the above specific site interactions. These measures are required in order to:</p> <ul style="list-style-type: none"> (i) ensure appropriate protection of NGET apparatus during and after construction of the scheme in accordance with the agreed protective provisions and the relevant safety standards; and (ii) ensure that NGET interests and rights in land, including rights of access to pylon bases, are unaffected by the scheme. Maintaining appropriate property rights to support its assets is fundamental to ensuing safety. <p>The parties are working to agree protective measures in relation to the identified site specific interactions before the close of the Examination. NGET is confident that this is achievable. However, should it not be possible to reach agreement with the Applicant by this date, NGET reserves the right to:</p> <ul style="list-style-type: none"> (i) make further representations to the Examining Authority in relation to any detailed issues remaining in dispute between the parties; and (ii) attend an Issue Specific Hearing to address the required format of protective measures and any necessary amendments to the Draft Order. 	
		<p>(b) Statutory Undertakers, in particular if the area of disagreement is in the wording of Protective Provisions in the dDCO [REP6-003] then provide proposed revised wording and accompanying justification and reasons for the ExA to consider.</p>	<p>Please see answer to Q3.5.2.1(a) above.</p>
		<p>(c) Applicant, explain the nature of the side agreement referred to in several updates [REP6-026]. What is the relationship between the side agreement with parties where Protective Provisions are also included in the dDCO [REP6-026], such as Cadent Gas? You may provide a list</p>	<p>Question addressed to the Applicant.</p>

	<p>of all instances and explain individually if the response is unique to each such update.</p>	
	<p>(d) Statutory Undertakers as and when agreement is reached, provide a statement confirming all matters have been agreed and there are no outstanding objections, either in the SoCG if there is one or via a Deadline submission.</p>	<p>Noted. NGET will notify the Examining Authority as and when all matters have been agreed.</p>