

A12 CHELMSFORD TO A120 WIDENING SCHEME

DEADLINE 2

WRITTEN REPRESENTATION

13 FEBRUARY 2023

1. INTRODUCTION

- 1.1 We act for Cadent Gas Limited (**Cadent**).
- 1.2 The draft DCO (**dDCO**) for the A12 Chelmsford to A120 Widening Scheme (**the Project**) being promoted by National Highways Limited (the **Promoter**) contains development which may affect Cadent's apparatus.
- 1.3 Cadent has identified the following apparatus within the order limits: low, medium, intermediate and high pressure gas pipelines and associated apparatus (the **Apparatus**).
- 1.4 The Project will also necessitate diversions include: 4 x high pressure pipelines 1 x intermediate pressure pipeline 12 x low and medium pressure diversion schemes (the **Diversions**).
- 1.5 Cadent is the holder of a gas transporter licence (the **Transporter Licence**), granted pursuant to section 7 of the Gas Act 1986 (the **1986 Act**). Cadent owns and maintains the gas distribution network in the North West, West Midlands, East Midlands, the East of England and North London. The Apparatus forms part of Cadent's gas distribution network.
- 1.6 Cadent is required to comply with the terms of its Transporter Licence in the delivery of its statutory duties. It is regulated by the Network Code which contains relevant conditions as to safe transmission of gas and compliance with industry standards on transmission, connection and safe working in the vicinity of its Apparatus.
- 1.7 This submission is made on behalf of Cadent in response to the Examining Authority's (**ExA**) examination timetable.
- 1.8 For the purposes of the Planning Act 2008 and section 127, Cadent is a statutory undertaker and the land included within the order limits is statutory undertakers' land. Cadent require the protective provisions secured within the DCO (when made) to be in their preferred form to ensure that there is no serious detriment to the carrying on of Cadent's undertaking.
- 1.9 We make this submission further to Cadent's relevant representation dated 4 November 2022. Cadent set out its requirements for adequate protection in that response.

2. PROTECTIVE PROVISIONS

- 2.1 The dDCO includes protection for Cadent's apparatus and the gas distribution network. However, it does not include the specific protection provisions that Cadent requires to prevent serious detriment to its undertaking.
- 2.2 Cadent require all promoters (including the Promoter) carrying out development in the vicinity of their Apparatus to comply with industry standards including: GD/SP/SSW22 – Safe Working in the vicinity of Cadent High Pressure's Gas Pipelines and Associated Installations; IGE (Institution of Gas Engineers) recommendations 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.

- 2.3 The industry standards referred to above have the specific intention of protecting: the integrity of the pipelines and thus the distribution of gas; the safety of the area surrounding gas pipelines; and the safety of personnel involved in working with gas pipelines.
- 2.4 Cadent requires specific protective provisions in place for an appropriate level of control and assurance that the industry regulatory standards will be complied with in connection with works in the vicinity of Cadent's Apparatus. Cadent also requires comfort that it is fully protected from a costs and liability perspective.
- 2.5 Cadent has engaged with the Promoter in relation to the protective provisions that Cadent require to be included within the dDCO (the **Cadent Protective Provisions**) throughout the pre-application process. Cadent has agreed the Cadent Protective Provisions with the Promoter and expects the agreed form of the Cadent Protective Provisions to be secured by an agreement in due course.
- 2.6 In the current energy and security of supply crisis, providing full and proper protection to the gas distribution network is increasingly important. The Cadent Protective Provisions will help to achieve this and to avoid serious detriment to Cadent's undertaking.

3. LAND AND DIVERSIONS

- 3.1 Through preliminary consultation, National Highways and Cadent identified that multiple gas diversions may be required to facilitate the project. National Highways initially commissioned Cadent to carry out design work which included a preliminary route option assessment for twelve potential medium pressure diversions, one intermediate pressure diversion and four high pressure diversions. Cadent have only recently received the information required to confirm that the Diversions are required and, if required, to design the details of those Diversions. The Diversions have not yet reached detailed design stage and so the final positioning, land rights and consents required for these gas diversions are not confirmed by Cadent.
- 3.2 National Highways has now commissioned Cadent to undertake detailed design of the Diversion routes and Cadent will be able to provide an update to the Examining Authority once the detailed design has been finalised. Cadent will continue to develop its design work which, for above 7 bar diversions, will include extensive appraisals of environmental sensitivities, ecological surveys, geo-technical assessments, and impact assessment to determine the final route. This will need to consider how the construction of the A12 will influence the extent of the diversion of Cadent's apparatus.
- 3.3 Cadent will seek to minimise impact on the local area through both the route refinement and the construction techniques utilised. Cadent's final route decision will seek to minimise environmental impact, whilst also ensuring the continued safe, resilient operation of the pipeline.
- 3.4 When Cadent is requested to divert existing strategic infrastructure, it operates under stringent policies and procedures that ensure legislative and regulatory compliance. Cadent also seeks to utilise industry best practice in ensuring environmental and safety commitments are met, whilst creating a positive impact for its customers, colleagues, and communities. In diverting infrastructure, Cadent's purpose is to ensure safe, reliable energy supplies whilst also enabling major infrastructure development. Cadent has clear sustainable development goals which help contribute to greener societies.

3.5 Cadent will require new land rights to be secured by the Promoter through the dDCO for the Diversions. Such rights will need to be made available to Cadent by the Promoter before any Diversions can commence and any existing Apparatus is decommissioned. This is in order to prevent an impact on the Apparatus and Cadent's undertaking, and this will be secured by the Cadent Protective Provisions.

4. ROLES AND RESPONSIBILITIES

4.1 The Promoter is required to obtain, and is responsible for obtaining, the consent and the necessary land rights to deliver the Diversions.

4.2 Cadent will be principally responsible for the construction of the Diversions once all consents and land rights to deliver those Diversions have been secured by the Promoter.

CMS Cameron McKenna Nabarro Olswang LLP

13 February 2023