

16 DECEMBER 2022

**THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010
A66 NORTHERN TRANS-PENNINE PROJECT**

WRITTEN REPRESENTATION ON BEHALF OF NATIONAL GRID GAS PLC

REF: BCLP/20T0726.146



WRITTEN REPRESENTATION ON BEHALF OF NATIONAL GRID GAS PLC

1 INTRODUCTION

- 1.1 National Grid Gas Plc ("**NGG**") made a relevant representation in this matter on 2 September 2022 in order to protect its existing apparatus.
- 1.2 NGG does not object in principle to the development proposed by National Highways Limited (the "**Promoter**") and as defined as the "**Authorised Development**" in the draft Development Consent Order (the "**Draft Order**").
- 1.3 NGG does, however, object to:
- (a) 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, to which see further at Paragraph 5; and
 - (b) 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.
- 1.4 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 NGG ASSETS

2.1 Overview

- 2.1.1 NGG owns and operates two High Pressure Gas Transmission Pipelines (Feeder 11 and Feeder 15) and associated apparatus, including above ground installations, ("**Feeder 11 and Feeder 15**") which are located within the current Order Limits.
- 2.1.2 Feeder 11 and Feeder 15 form an essential part of the gas transmission network in England, Wales and Scotland.
- 2.1.3 In respect of Feeder 11 and Feeder 15 (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 11 and Feeder 15, 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 11 and Feeder 15 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 as set out in Paragraphs 3 and 5.

2.2 **Diversion Works**

2.2.1 Notwithstanding the above, NGG has identified that two high pressure gas pipeline diversions are required to facilitate the Authorised Development and to ensure the safe ongoing operation of NGG's gas transmission network (together the "**Required Diversions**").

2.2.2 A plan showing the location of the Required Diversions relative to the Authorised Development is included at Appendix 1 to this Written Representation.

2.2.3 NGG welcomes the Promoter's engagement to date on matters pertaining to the Required Diversions. Further to those discussions, NGG wishes to place on record the following points:

(a) Although the current working expectation is that the Required Diversions will be undertaken by NGG (pursuant to its statutory powers) as enabling works ahead of the Authorised Development, it is imperative that the Draft Order makes allowance for the Required Diversions to be undertaken by NGG pursuant to that Order (once made). In particular, NGG would welcome clarification from the Promoter that:

(i) development consent for the construction, maintenance and operation of the Required Diversions by or on behalf of NGG is being sought in the Draft Order;

(ii) the Required Diversions have been fully considered and assessed as part of the Promoter's environmental impact assessment; and

(iii) in the event the Required Diversions are undertaken as enabling works outwith the Order (once made), NGG and its contractors will not be subject to or bound by any Requirements which are included in the Order (or indeed any other provisions in the Order).

(b) NGG will not commence the works to facilitate the Required Diversions pursuant to the Order (once made) until:

(i) agreement has been reached with the Promoter as to the transfer of the benefit of the Order on terms which are commercially and operationally acceptable to NGG; and

(ii) all necessary land rights and other interests to enable construction, operation and subsequent maintenance of the Required Diversions have been obtained by the Promoter in a form satisfactory to NGG and subsequently transferred to NGG.

(c) NGG expects that the Promoter will secure all other consents, including authorisations, permits and licences, which are necessary to enable the Required Diversions to be constructed pursuant to the Order (once made).

2.2.4 NGG expects to continue to engage with the Promoter in order to ensure that agreement can be reached on these matters prior to the end of the Examination. To the extent that it appears unlikely to be the case, NGG reserves its right to make further written representations to the Examining Authority in respect of the Required Diversions.

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 11 and Feeder 15) and assurance that industry standards will be complied with in connection with works to and in the vicinity of the same.

4 **PROPERTY ISSUES**

- 4.1 NGG asserts that maintaining appropriate property rights to support its assets and protecting these from compulsory acquisition and related powers in the Draft Order is a fundamental safety issue.
- 4.2 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 if development occurs within the easement zone which seeks to protect the such buried assets; 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 transmission network.

5 **PROTECTIVE PROVISIONS**

- 5.1 NGG seeks to protect its statutory undertaking, and insists that in respect of connections and work in close proximity to its apparatus (including Feeder 11 and Feeder 15) as part of the Authorised Development the following procedures are complied with by the Promoter:
 - (a) NGG is in control of the plans, methodology and specification for works within 15 metres of any retained Apparatus;
 - (b) works within the vicinity of NGG’s apparatus are not authorised or commenced unless protective provisions are in place preventing compulsory acquisition of NGG’s land or rights or the overriding or interference of the same. Any acquisition of rights must be subject to NGG’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 NGG from any damage, losses or claims arising from the Authorised Development.

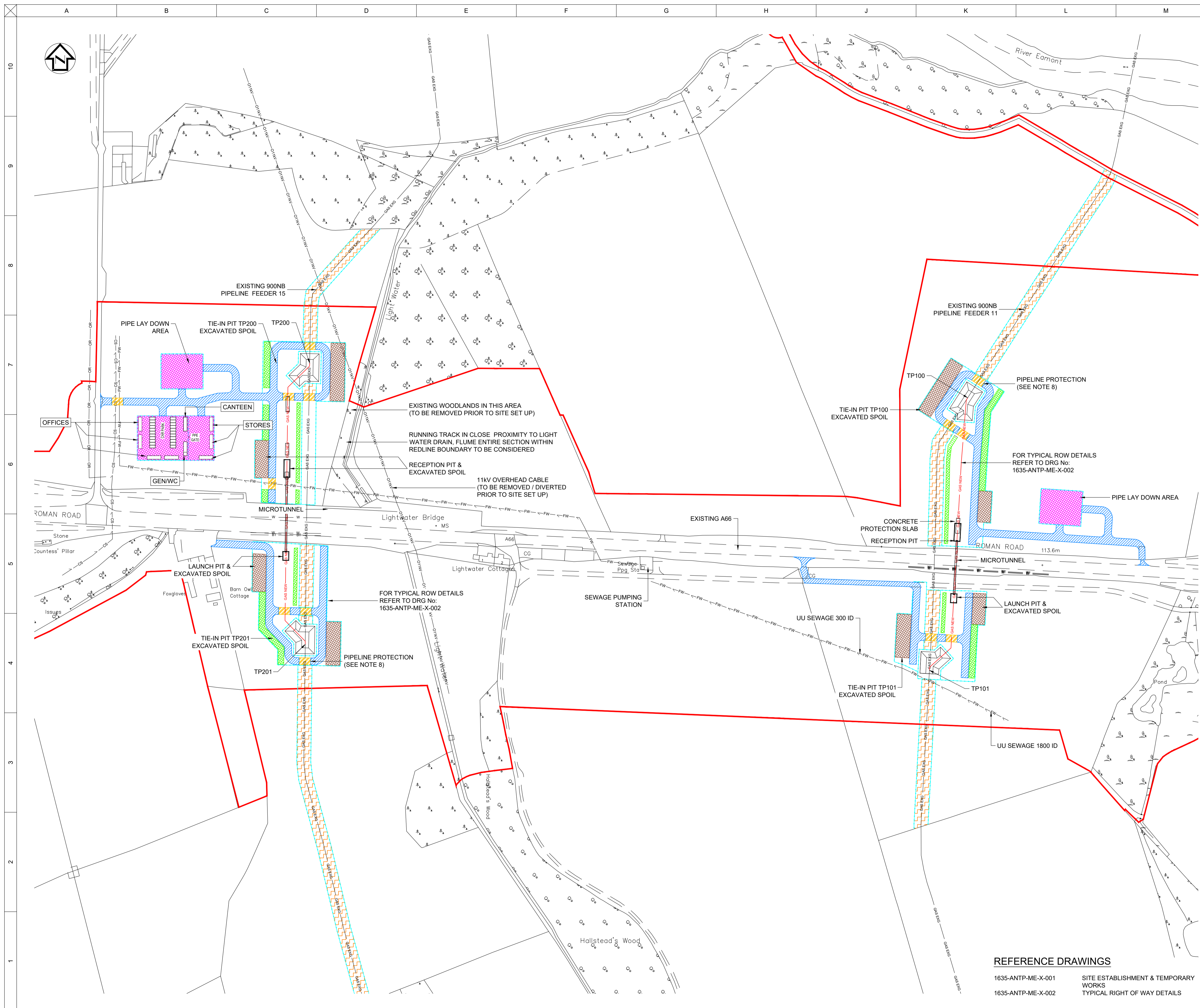
- 5.2 Whilst discussions with the Promoter remain ongoing, the Draft Order does not yet contain agreed protective provisions expressed to be for the protection of NGG to NGG's satisfaction, making it currently deficient from NGG's perspective.
- 5.3 Should it not be possible to reach agreement with the Promoter, NGG 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.
- 5.4 If this is necessary NGG 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 Gas Plc

16 December 2022

Appendix 1
Required Diversions



NOTES

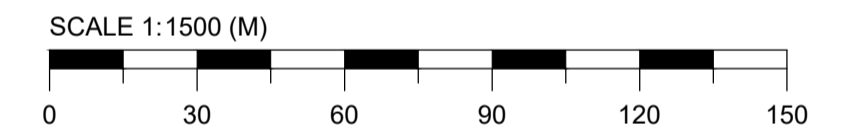
1. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS OTHERWISE STATED.
2. ALL CO-ORDINATES & ELEVATIONS ARE IN METRES UNLESS OTHERWISE STATED.
3. MWC TO CHECK FOR ANY EXISTING UNDERGROUND SERVICES BEFORE COMMENCEMENT OF WORK.
4. THE OUTLINED WORKING AREA WILL BE UNDER NG CDM MANAGEMENT & CONTROL.
5. MWC TRAFFIC MANAGEMENT PLAN TO BE SUBMITTED TO NG PRIOR TO SITE ESTABLISHMENT SET UP.
6. MWC TO CONFIRM IF ANY PUBLIC ROW IS TO BE EFFECTED BY SITE SET UP AND HOW THEY WILL MANAGE EFFECTED ROUTES.
7. SITE ESTABLISHMENT & TEMPORARY WORKS IN ACCORDANCE WITH T/SP/P/10.
8. TEMPORARY PIPELINE PROTECTION CROSSING POINTS IN ACCORDANCE WITH T/SP/SSW/22.
9. TEMPORARY LIGHT WATER PROTECTION CROSSING POINTS IN ACCORDANCE WITH T/SP/CE1 & T/SP/CE2.
10. TEMPORARY LIGHT WATER CHANNEL PROTECTION TO BE SILT STOP GEOTEXTILE FABRIC OR SIMILAR APPROVED TO ISO 11058.

LEGEND

- GAS EXG — EXISTING GAS
- GAS NEW — PROPOSED GAS DIVERSION
- W — EXISTING WATER (ASSUMED FRM. EXG. DATA)
- BT — EXISTING BT CABLES (ASSUMED FRM. EXG. DATA)
- FW — EXISTING FOUL WATER
- OR — EXISTING DUCTING
- O11KV — EXISTING 11KV CABLES
- CS — EXISTING PRESSURISED SEWER

SITE ESTABLISHMENT LEGEND

- SITE COMPOUND / PIPE LAY DOWN AREA
- TRENCH SPOIL
- EXCAVATED SPOIL
- TEMPORARY ACCESS
- TEMPORARY ACCESS IN CLOSE PROXIMITY TO LIGHT DRAIN
- EXCLUSION ZONE (6M)
- PIPELINE PROTECTION CROSSING
- DRAINAGE PROTECTION CROSSING
- TEMPORARY FENCING
- TEMPORARY SILT STOP FENCE



0	ISSUED FOR REVIEW	GJ	MR	MR	05.07.22
REV	DESCRIPTION	DRN	CHK	APP	DATE

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PROJECT
A66 NORTHERN TRANS-PENNINE FEEDER 11 DIVERSION

TITLE
SITE ESTABLISHMENT & TEMPORARY WORKS

ISSUE
FOR REVIEW

SCALE	SIZE	ORIGINATOR	DATE CREATED
1:1500	A1	GJ	05.07.22

EXTERNAL DRAWING NO.

INTERNAL DRAWING NO. 1681-ANTP-ME-X-001	REVISION 0
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REFERENCE DRAWINGS

- 1635-ANTP-ME-X-001 SITE ESTABLISHMENT & TEMPORARY WORKS
- 1635-ANTP-ME-X-002 TYPICAL RIGHT OF WAY DETAILS