

**THE INFRASTRUCTURE PLANNING (EXAMINATIONS PROCEDURE) RULES 2010**

**IMMINGHAM EASTERN RO-RO TERMINAL DEVELOPMENT CONSENT ORDER**

**PINS REFERENCE TR030007**

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**WRITTEN REPRESENTATION ON BEHALF OF  
CADENT GAS LIMITED**

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## **1 INTRODUCTION**

- 1.1 Cadent Gas Limited ("Cadent") is a licensed gas transporter under the Gas Act 1986, with a statutory responsibility to operate and maintain the gas distribution networks in North London, Central and North West England. Cadent's primary duties are to operate, maintain and develop its networks in an economic, efficient and coordinated way.
- 1.2 Cadent made a relevant representation in this matter on 17 April 2023 in order to protect apparatus owned by Cadent. Cadent does not object in principle to the development proposed by the Promoter.
- 1.3 Cadent has, however, medium and intermediate gas pipelines and associated below and above ground apparatus located within the order limits which may be affected by the proposed works.
- 1.4 Cadent has identified that it will require adequate protective provisions to be included within the DCO to ensure that its apparatus and land interests are adequately protected and to include compliance with relevant safety standards. Cadent has been liaising with the Applicant in respect of potential impacts to its apparatus however an adequate form of protective provisions has yet to be agreed, to which see further at paragraph 3.
- 1.5 Cadent is holder of a licence under Section 7 of the Gas Act 1986 and operates four gas distribution networks in North London, Central England (West and East) and the North West.
- 1.6 Cadent is required to comply with the terms of its Licence in the delivery of its statutory responsibilities. 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, to which see paragraph 2.

## **2 REGULATORY PROTECTION FRAMEWORK**

- 2.1 Cadent require all Promoters carrying out Authorised Development in the vicinity of their Apparatus to comply with:
- (a) CD/SP/SSW/22 (Cadent's policies for safe working in the vicinity of Cadent's Assets;

- (b) ICE (institution of Gas Engineers) recommendations IGE/SR/18 Edition 2 Safe Working Practices to Ensure the Integrity of Gas Pipelines and Associated Installations, and
- (c) the HSE's guidance document HS(G)47 Avoiding Danger from Underground Services.

2.2 The industry standards referred to above have the specific intention of protecting:

- (a) the integrity of the pipelines and thus the distribution of gas;
- (b) the safety of the area surrounding gas pipelines;
- (c) the safety of personnel involved in working with gas pipelines.

2.3 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.

### **3 PROTECTIVE PROVISIONS**

3.1 Cadent seeks to protect its statutory undertaking, and insists that in respect of works in close proximity to their Apparatus as part of the authorised development the following procedures (among others) are complied with by the Applicant:

- (a) Cadent has had the opportunity to review and consent to the plans, methodology and specification for works within 15 metres of any Apparatus, works which will adversely affect their Apparatus or otherwise breach distances/guidance set out in paragraph 2 above. Cadent require the submission of such information at least 56 days prior to works commencing near Cadent's apparatus. Cadent also need the right to request the submission of a ground mitigation scheme; and
- (b) Adequate insurance needs to be in place prior to works commencing near Cadent's apparatus and the Applicant needs to have a net worth or acceptable security to guarantee that it can meet the cost of any potential damages and losses. This is due to the potential serious consequences and associated damages and losses that could be caused if Cadent's gas apparatus were to

be damaged, coupled with the ability for the powers in the DCO to be transferred.

- 3.2 Cadent also needs to be the final arbiter on approving matters submitted in respect of the above; Cadent having statutory functions and conditions of its licence to maintain the safe transmission of gas and certain safety standards that cannot be delegated. Certain approvals cannot be the subject of arbitration.
- 3.3 The proposed Order does not yet contain fully agreed Protective Provisions expressed to be for the protection of Cadent to Cadent's satisfaction, making it currently deficient from Cadent's perspective.
- 3.4 Cadent contend that it is essential that the above issues are addressed to their satisfaction to ensure adequate protection for their Apparatus and that Protective Provisions satisfactory to Cadent are agreed and included in the Order or a side agreement. We will continue our discussions with the Applicant but should it not be possible to agree the Protective Provisions then Cadent may wish to provide further written information in support of any detailed issues remaining in dispute between the parties at that stage once they have received a substantive response from the Applicant on the current form of the Protective Provisions being negotiated.
- 3.5 Cadent has previously noted that it has no statutory right to construct, retain or maintain apparatus in third party land; and, therefore, the Protective Provisions need to:
  - (a) provide that where third party land is acquired which is subject to any right of Cadent notice of Cadent's rights need to be retained or included on the title unless Cadent's apparatus are being removed or diverted; and
  - (b) the protective provisions must also provide that where apparatus is to be removed or diverted existing apparatus must not be decommissioned or removed and Cadent's rights to maintain that apparatus must not be extinguished until alternative apparatus has been constructed, is in operation, and the associated rights and facilities have been provided to Cadent so as to ensure continuity of supply.

Cadent note that the compulsory acquisition powers only seek to acquire new rights and not to acquire third party land or to extinguish existing rights. If that position remains then this area of disagreement can be marked as resolved.