

CAMBRIDGE WASTE WATER TREATMENT PLANT RELOCATION PROJECT

DEADLINE 3 SUBMISSION ON BEHALF OF CADENT GAS LIMITED

**RESPONSE TO STATUTORY UNDERTAKER'S PROGRESS SCHEDULE
SUBMITTED AT DEADLINE 2 [REP2-006]**



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**Response to Statutory Undertaker's Progress Schedule Submitted at Deadline 2 [REP2-006]
On behalf of Cadent Gas Limited**

There is one fundamental issue which remains between the Applicant and Cadent and the ability to settle Protective Provisions acceptable to Cadent Gas Limited as set out below. Since Cadent has no certainty of its resolution Cadent do wish to bring the matter to the Examining Authority's attention by way of a response to the above Schedule submitted at Deadline 2.

Requirement for Protective Provisions	Points of disagreement and what needs to; <ul style="list-style-type: none"> • change, or • be included, or • amended so as to overcome the disagreement 	Estimate of Time needed to conclude negotiations
<p>Cadent requires an adequate form of Protective Provisions (PPs) to be included within the DCO to ensure that its assets and interests are appropriately protected and to ensure compliance with relevant safety standards during construction and maintenance of the Authorised Development</p>	<p>Cadent understands that the updated dDCO to be submitted at Deadline 3 will address Cadent's concerns save that it will include the following requirement in relation to the protection of Cadent's retained apparatus:</p> <p>Paragraph 8(4)(c):</p> <p>"if Cadent fails to respond to a plan submitted under paragraph (1) within 42 days of its submission, the undertaker may send a written reminder to Cadent, and if Cadent has neither given nor refused its approval within 21 days of the issue of such reminder, such approval it will be deemed to have been given."</p> <p>Cadent has the benefit of a gas transporter licence (the Licence) under section 7 of the Gas Act 1986. Cadent has a statutory duty under its Licence to ensure that the Regulations governing pipeline safety and industry standards are complied with as explained in Cadent's Response to the ExA First Written Questions [Document Reference REP1-125].</p> <p>Cadent cannot, therefore, agree to such a provision due to Cadent's statutory functions and the Licence requirements and the significant safety implications associated with damaging a gas pipeline. It is for Cadent, as an experienced gas undertaker under statutory and the Licence obligations, to determine what measures are reasonable for the protection and integrity of its network and, importantly, to ensure that those working or otherwise near its pipelines are safe. That determination needs to be a positive act and works must not start near Cadent's apparatus until Cadent has confirmed that the methods of working will ensure that it is safe to do so. Cadent's approvals are not to be unreasonably withheld or delayed and Cadent has a dedicated plant protection team with responsibility for providing advice and approvals in a timely manner to ensure that works in connection with this NSIP project are not delayed.</p>	<p>This is in the Applicant's hands, as we understand the Applicant is keeping this provision under review. If Agreement cannot be reached then Cadent would be requiring the ExA to recommend deletion of this provision</p>