

SCHEDULES

SCHEDULE 12

PROTECTIVE PROVISIONS

PART 3

FOR THE PROTECTION OF NATIONAL GRID

Interpretation

21. In this Part of this Schedule—

“National Grid” means National Grid Gas Plc whose registered address is 1-3 Strand, London WC2N 5EH (“National Grid”);

“the high pressure gas main” means the Kinsbourne Green to Dallow Road high pressure gas main; and

“plans” means all drawings, designs, sections, specifications, method statements and other documentation that are reasonably necessary to properly and sufficiently describe the work to be executed.

High pressure gas main: application of Parts 2 and 3

22.—(1) Subject to sub-paragraphs (2) and (3), this Part of this Schedule applies to the high pressure gas main in addition to Part 2.

(2) Paragraph 23 of this Part of this Schedule applies to the high pressure gas main instead of paragraph 15 of Part 2.

(3) Paragraph 23 of this Part of this Schedule (except in the case of paragraph 23(6)) has effect including in circumstances where the high pressure gas main is regulated by the provisions of Part 3 of the 1991 Act, and in those circumstances paragraphs 16 to 20 of Part 2 have effect, except as provided for in paragraph 24 of this Part.

High pressure gas main: protection

23.—(1) Not less than 42 days before commencing the execution of any works authorised by this Order which will or may be situated on, over or under the high pressure gas main, or within 3 metres respectively from the high pressure gas main measured in any direction, or which involve embankment works within 3 metres of the high pressure gas main, the undertaker must submit to National Grid detailed plans describing—

- (a) the exact position of those works;
- (b) the level at which those works are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal; and
- (d) the position of the high pressure gas main.

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(2) The undertaker must not commence the construction or renewal of any works to which sub-paragraph (1) applies until National Grid has given written approval of the plans so submitted.

(3) Any approval of National Grid under sub-paragraph (2)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraph (4);
- (b) must not be unreasonably withheld.

(4) In relation to a work to which sub-paragraph (1) applies, National Grid may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its system against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to the high pressure gas main.

(5) Works to which this paragraph applies must be executed only in accordance with—

- (a) the plan approved under sub-paragraph (2); and
- (b) such reasonable requirements as may be made in accordance with sub-paragraph (4) by National Grid for the alteration or otherwise for the protection of the apparatus, or for securing access to it,

and National Grid is entitled to watch and inspect the execution of those works.

(6) If in consequence of the works proposed by the undertaker National Grid reasonably requires the removal of the high pressure gas main and gives written notice to the undertaker of that requirement, paragraphs 10 to 14 apply as if the removal of the apparatus had been required by the undertaker under paragraph 13(2).

(7) Nothing in this paragraph precludes the undertaker from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan, instead of the plan, previously submitted, and having done so the provisions of this paragraph apply to and in respect of the new plan.

(8) The undertaker is not required to comply with sub-paragraph (1) where it needs to carry out emergency works but in that case it must give to National Grid notice as soon as is reasonably practicable and a plan, of those works subsequently and must comply with—

- (a) sub-paragraph (5) so far as reasonably practicable in the circumstances; and
- (b) sub-paragraph (9) at all times.

(9) At all times when carrying out any works authorised under this paragraph the undertaker must comply with National Grid's policies for safe working in proximity to gas apparatus "Specification for safe working in the vicinity of National Grid high pressure gas pipelines and associated installations requirements for third parties T/SP/SSW27" and HSE's "HS(G)47 Avoiding danger from underground services".

Conduct of claims and demands

24.—(1) Sub-paragraph (2) applies instead of paragraph 17(3) of Part 2 in relation to claims and demands made against National Grid under that paragraph.

(2) National Grid must give the undertaker reasonable notice of any such claim or demand received under paragraph 17(1) of Part 2 and no settlement or compromise is to be made without first consulting the undertaker and considering the undertaker's representations (such representations not to be unreasonably withheld or delayed).