

COVERING LIST OF REPRESENTATIONS, OBJECTORS AND SUPPORTERS

**THE DEFINITIVE MAP AND STATEMENT OF PUBLIC RIGHTS OF WAY FOR
THE COUNTY OF LANCASHIRE**

**THE LANCASHIRE COUNTY COUNCIL
PUBLIC FOOTPATH FROM BANKS ROAD TO STATION ROAD, NORTH MEOLS,
WEST LANCASHIRE BOROUGH
DEFINITIVE MAP MODIFICATION ORDER 2014**

No.	OBJECTIONS STILL OUTSTANDING	ADDRESS
1	Mr Osgood and Miss Wilcox	c/o Hayley Wharton Woodcocks Hawarth & Nutall 12 Manchester Road Bury Lancashire BL9 0DX Ref: 102939.007/HW/HW
No.	OBJECTIONS WITHDRAWN	
2	Cadent Gas	Plant Protection Cadent Block 1; Floor 1 Brick Kiln Street Hinckley LE10 0NA
No.	SUPPORTER	
-		
No.	OTHER RESPONSES	

Lancashire County Council
DX 710928
Preston County Hall

Contact: Hayley Wharton
Our ref: 102939.007/HW/HW
Your ref: LSG4/888.2369/SM18
Date: 9th June 2021

Sent by DX and Email to:-
Simon.Moore@lancashire.gov.uk

Please reply to:
12 Manchester Road, Bury, Lancashire, BL9 0DX
(DX 20501 - BURY)

Switchboard: 01617 614611
Fax: 01617 971238
Email: hayley.wharton@whnsolicitors.co.uk
We do not accept service of documents by email

Dear Sirs

Re: LANCASHIRE COUNTY COUNCIL FOOTPATH FROM WARBURTON STREET TO GRANE ROAD, HASLINGDEN (DEFINITIVE MAP MODIFICATION) ORDER 2021

We act on behalf of Mr Osgood and Miss Wilcox. Please note our interest.

This is a letter of objection to an application for the addition to the Definitive Map and Statement of Public Rights of Way of a Footpath from Warburton Street to Grane Road, Haslingden as marked B-C in blue on the attached Plan ("the Footpath").

Factual Background:

- (1) Our clients have at all material times namely since 15 October 2020 been the registered proprietors of the freehold title situate at and known as 240 Grane Road, Haslingden, Rossendale, BB4 4PB ("the Land").
- (2) The Land is registered at HM Land Registry under title number LA465751 and is more particularly edged red on the plan annexed hereto marked Annex 1. It should be noted that there is a triangle section of land that is not owned by our clients to which this application affects.
- (3) The Land was previously owned by Mr Howard Thomas Willcox and he acquired the Land from Ms Tang who owned the Land between 6 February 2003 until October 2019.
- (4) Historically, there was a tramline that ran along the Southernly side of the Land and up across Grane Road which was open access. Later when the tramline was decommissioned and then in 2001 when the housing estate being Houlden Place and Musbury View were built, any access points linking Warburton Street to Grane Road, were closed off.

whnsolicitors.co.uk

- (5) During the period of Ms Tang's ownership, our clients were informed from their predecessor in title that, she built a wall along the boundary between the Land and Grane Road and left a gap at one end. The reason for this was due to a gas pipe being positioned underneath the Land so the gap allowed easy access for maintenance in accordance with the easement with Cadent. A copy of their email correspondence confirming this is attached at Annex 2. The fact that there is a gap at the end of the wall does not mean that it has been built with the intention to create a Footpath nor does it carry public rights of access so inferences should not be drawn from this.
- (6) Furthermore, Ms Tang also erected a gate during her ownership as identified on the attached plan marked "x" at Annex 3. It is understood that a sign was also erected which has been noted within your committee notes. This sign is likely to have been erected in 2003 when the restaurant started trading. Ms Tang installed a lock on the gate as a safety mechanism. The gate would be closed and locked at night to avoid unauthorised vehicles and personnel. On the sale of the Land, Ms Tang provided a key for the gate (situated adjacent to Grane Road) to Mr Willcox and advised that the residents on Warburton Street had spare copies as they had permission to access along the Footpath.
- (7) Following the purchase from Ms Tang, Mr Willcox had concerns about the health and safety/occupier's liability implications of the Footpath such that a metal security fence was erected with locks to prevent egress along the footpath in 2019 as identified on the attached plan marked "x" at Annex 4. This prompted an acrimonious reaction from the residents of Warburton Street including the cutting of the fencing so that they could squeeze through and force entry on to the Land along the Footpath.

Reasons of objection to the application:

- (8) The legal requirements that the Applicants will need to establish Public Rights of Way of a Footpath under common law are that the right of way has been used for at least 20 years, continuous and uninterrupted. The Applicants must then go further to show that the use must have been "without force, without secrecy and without permission" pursuant to section 4 of the Prescriptions Act 1982. If all of these requirements are not satisfied, then the application should fail.

Use as of right

- (9) Firstly, it has been contended within the Application that the width of the footpath from the edge of the wall from point B-C is ranging between 1-2 metres wide. However, there has always been commercial refuse bins situated on this part of the proposed Footpath which are measured at 1.3 metres wide. Furthermore, since 2003 or alternatively, as seen from the google earth images vehicles have been parked on the Land since 2009. These vehicles would be visitors of the restaurant. Attached is a picture at Annex 5 taken showing the same which contends that the Footpath was blocked on a frequent basis and therefore, interrupts the use.
- (10) Furthermore, there is insufficient evidence to say that the Footpath has been used prior to 31 December 2000. In the circumstance, the Footpath from point B-C has only been exercised during the period of 2000 until 2003 when the path was obstructed such that it has been obstructed for the last 18 years.

Without force

- (11) As noted from the site inspection, Ms Tang erected a sign on the Land specifically stating that the car park was for use of Valley Cantonese customers only.

Therefore, any arguments raised that the residents have not used force is contested pleading ignorance in order to still exercise over land has been held as using physical force. In the case of *Winterburn v Bennett* [2016] EWCA Civ 482, the Court of Appeal held that a landowner could prevent easements arising by prescription by placing notices on its land. The Court of Appeal held that the continuous presence of clear signs indicating that the Car Park was private property and for use by the Club's patrons only was sufficient to make the parking use by the Winterburns, their customers and suppliers contentious. The Court further held that if the land owner has made its position clear by placing signs on the land, there is no obligation on it to take further action, such as writing letters, confronting users in person or bringing legal proceedings. The judgment confirms a non-confrontational way for landowners to protect against others acquiring easements by prescription over their land. The signs are sufficient to make the position clear to those using the Land.

- (12) We refer to paragraphs 5 and 6 above, within the statements of the Applicants the majority have openly accepted that they have been prevented from using the Footpath between point B-C. Therefore, any use has been with force.

Without secrecy

- (13) Thirdly, the Applicants have failed to provide sufficient evidence that the Footpath has been used without secrecy.

Without permission

- (14) Reference is made to the statements of the Applicants who accept that they have had permission to use the Footpath between point B-C and that they were provided with a key to the gate to gain access.
- (15) Finally, we attached a page from the Property Information Form at Annex 6 that was completed by Ms Tang in 2019 that confirms that she has had an arrangement over the Land with the neighbouring properties, the Applicants. Any permission given would be the basis of a licence, and not a right. When the Land was sold in 2019 the licence would have automatically terminated upon the transfer. A licence does not run with the Land.

In summary, the Applicants cannot satisfy the requirements that the Footpath should be noted as a Public Right of Way in law as there is insufficient evidence. In these circumstances, their Application should be dismissed.

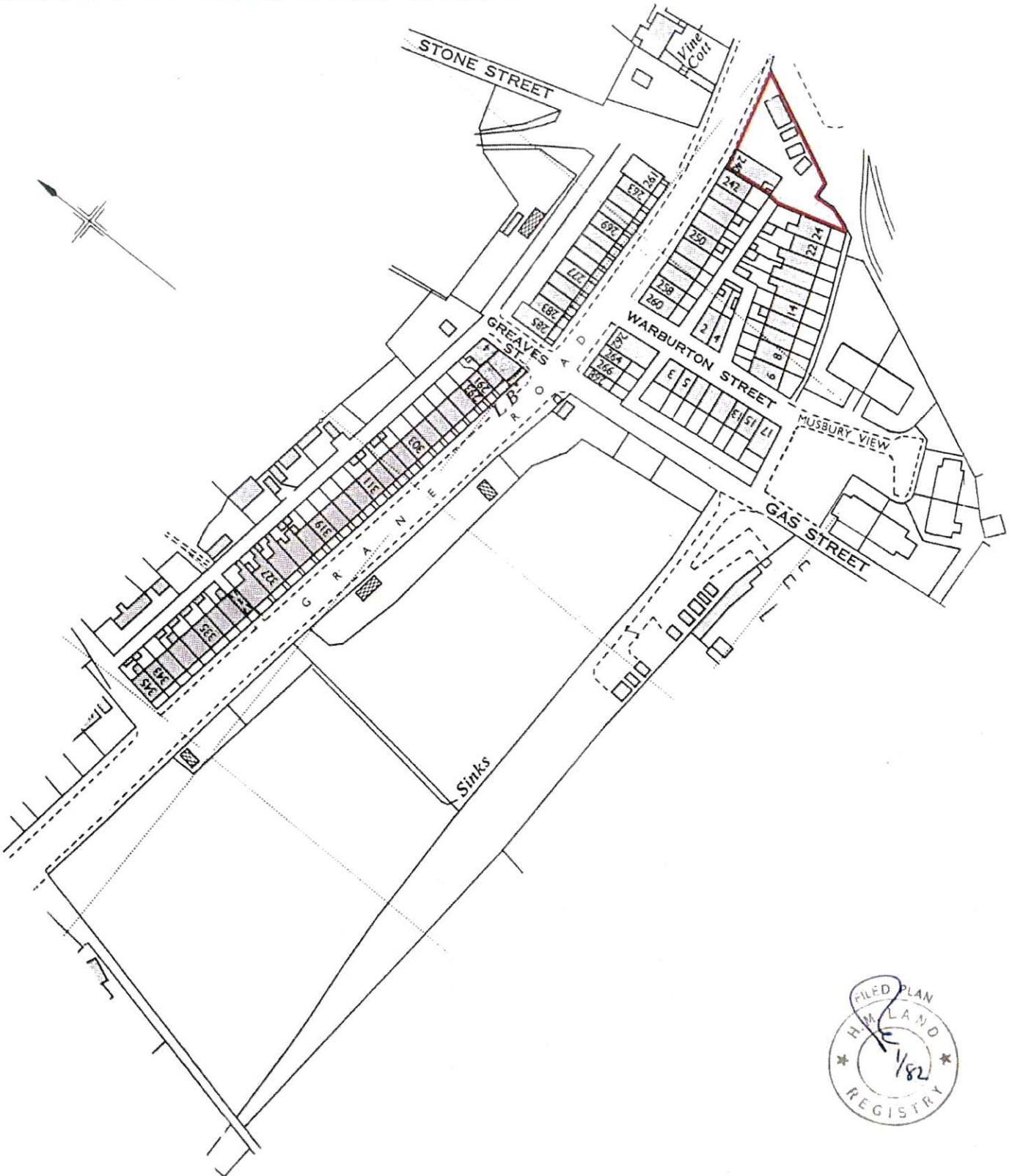
Yours faithfully



Woodcocks Haworth & Nuttall

Annex 1

H.M. LAND REGISTRY		TITLE NUMBER	
		LA 465751	
ORDNANCE SURVEY PLAN REFERENCE	SD 7722	SECTION B	Scale 1 1250 Enlarged from 1 2500
COUNTY LANCASHIRE	DISTRICT ROSSENDALE	© Crown copyright 1980	



Hayley Wharton

From: matt.osgood8@gmail.com
Sent: 11 June 2021 11:33
To: 240graneroad@gmail.com; hayley.wharton@whnsolicitors.co.uk
Subject: RE: DMMO Grane Road, Warburton Buildings 804-658 (888.2369)

Hi Hayley, please see comment from cadent on the planning application.

Nb, "The intended work is in the vicinity of our pipeline, which is laid in a legally negotiated easement to which certain conditions apply"

I dont know the details of the certain conditions but I assume not to build over and access is unrestricted for cadent. Hence Mrs Tang didnt have a wall fully built there. Hopefully I will receive an easement plan asap.

Thanks Matt

From: Chadwick, Gareth [mailto:Gareth.Chadwick@cadentgas.com]
Sent: 25 March 2021 18:27
To: James Dalglish <JamesDalglish@rossendalebc.gov.uk>
Subject: Re: BB4 4PB 240 Grane Road Haslingden Rossendale

Our Ref: NW_GW1B_3NWP_028380
Your Ref: 2020/0437 (HD)

Dear Sir/Madam,

Re: BB4 4PB 240 Grane Road Haslingden Rossendale

****PLEASE NOTE – the below information is related to High and Intermediate Pressure Assets. You may be contacted separately by our engineers regarding Medium/Low Pressure Assets.****

Thank you for your recent communication regarding the above; I return a copy of drawings which show the approximate position/s of all known Cadent Gas mains and pipelines in the area of this application. Please note that individual 'service pipes' are not shown but their presence should be anticipated.

Cadent Gas has a **MAJOR ACCIDENT HAZARD PIPELINE** in the vicinity, **ALTHAM/HELMSHORE** (indicated in orange).

This was laid to the appropriate standards and in accordance with the relevant codes of practice. The pipeline is laid in a legally negotiated easement to which certain conditions apply. The intended work is in the vicinity of our pipeline, which is laid in a legally negotiated easement to which certain conditions apply.

It is essential that access to the pipeline is not restricted, particularly in the event of an emergency. Therefore, there must be no obstructions within the pipeline's maintenance easement strip, which would limit or inhibit essential maintenance works on the pipeline.

The BPD (Building Proximity Distance) for the Pipeline is 15.5 metres.

The BPD is taken from The Institution of Gas Engineers and Managers publication IGEM/TD/1 Edition 5 which is the standard applicable to steel pipelines and associated installations for high pressure gas transmission. This is the standard adopted by Cadent Gas and endorsed by the Health and Safety Executive (HSE).

There are other restraints imposed on high pressure gas pipelines, these are land use planning distances. These are distances defined by the HSE to allow them to advise on the acceptability of new developments next to the pipeline and are controlled through the HSE's Planning Advice for Developments near Hazardous Installations (PADHI) process. Further guidance on how these are applied can be found on the HSE's website <https://www.hse.gov.uk/landuseplanning/index.htm>

Under Land Use Planning the HSE may wish to apply more stringent criteria for Building Proximity. I recommend that you ensure that they are formally consulted.

When working in the vicinity of ANY Cadent Gas pipelines, the standards set out in the enclosed copy of the Cadent Gas specification SSW22 must be strictly adhered to. **PLEASE ENSURE THAT THIS IS HANDED TO THE RESPONSIBLE PERSON ON SITE, TOGETHER WITH COPIES OF THE ENCLOSED PLANS.**

It is the responsibility of the applicant to contact Cadent Gas prior to any works commencing on site. As you will appreciate, we are unable to provide specific guidance based on the information provided. It is therefore essential that the applicant should contact Cadent Gas at the earliest convenience providing detailed site plans, method statements and risk assessments. Correspondence should be forwarded to the above address and marked for the attention of 'The Plant Protection Team'. This will enable us to provide the relevant documentation for safe working in the vicinity of our pipeline, and to arrange appropriate site supervision.

Early Contact at the planning stage is very important to allow full discussion of proposals and to ensure the safety of plant and operators.

**Plant Protection Team, 3rd Party Enquiries, Cadent Gas Block 1 floor 2 Brick Kiln Street Hinckley Leicestershire LE10 0NA.
.box.sitevisits@cadentgas.com**

Please note that a minimum 7 days notice, or shorter if agreed with Cadent Gas, is required before any work may commence within the easement.

I trust that this information is to your satisfaction. Please let me know whether Cadent Gas can furnish you with any further information that may be of assistance to you in this matter.

Yours faithfully,

Regards

*Gareth Chadwick
Network Technician
Plant Protection North West
Cadent
Mersey Rd North, Failsworth, Manchester, M35 9FF
M +44 (0)7870856098
Gareth.Chadwick@cadentgas.com*

This e-mail, and any attachments are strictly confidential and intended for the addressee(s) only. The content may also contain legal, professional or other privileged information. If you are not the intended recipient, please notify the sender immediately and then delete the e-mail and any attachments. You should not disclose, copy or take any action in reliance on this transmission.

Please ensure you have adequate virus protection before you open or detach any documents from this transmission. Cadent Gas Limited does not accept any liability for viruses. An e-mail reply to this address may be subject to monitoring for operational reasons or lawful business practices.

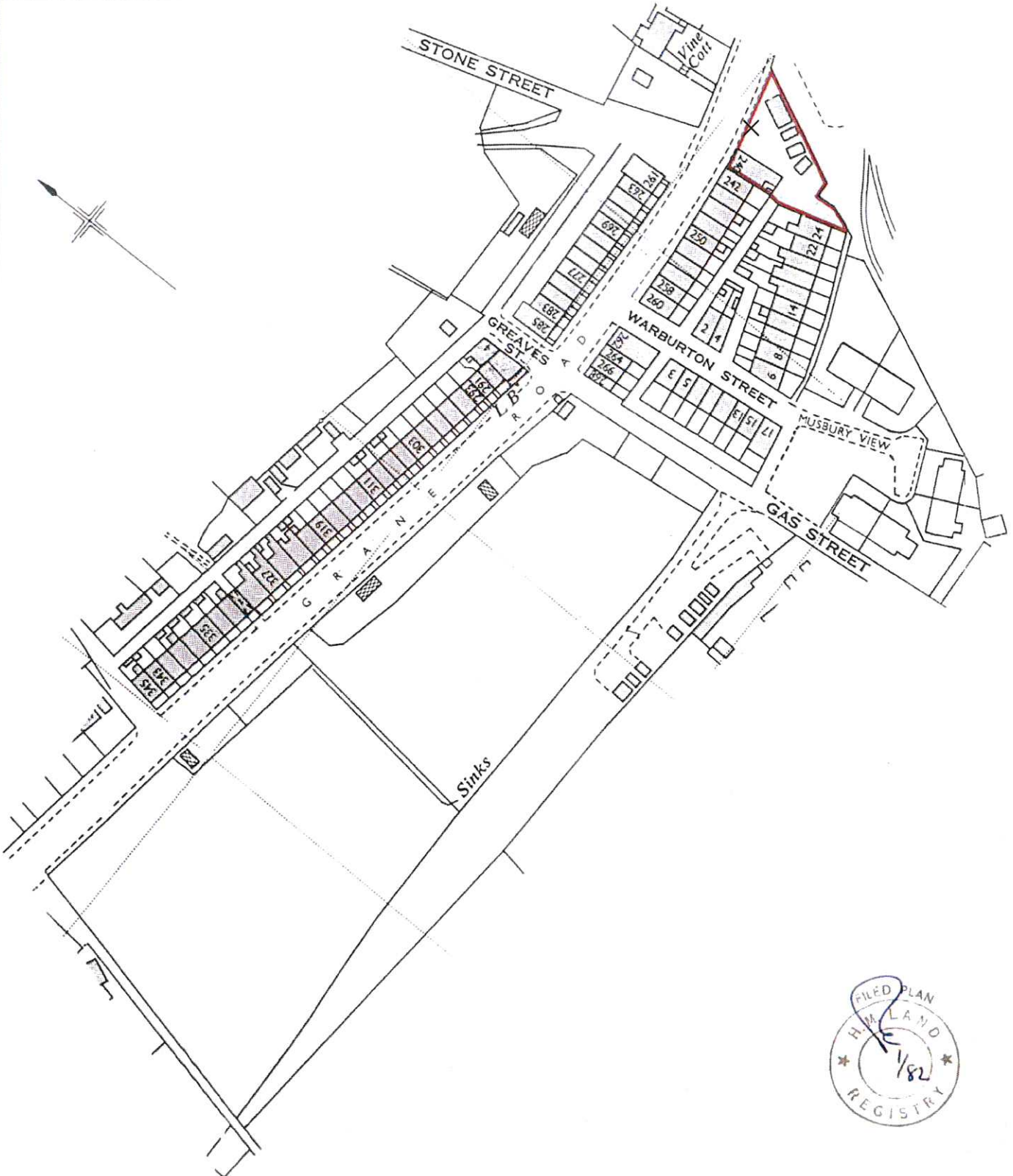
Cadent Gas Limited is a limited liability company, registered in England and Wales (registered no. 10080864) with its registered office at Ashbrook Court, Prologis Park, Central Boulevard, Coventry CV7 8PE.

Sent from my Galaxy

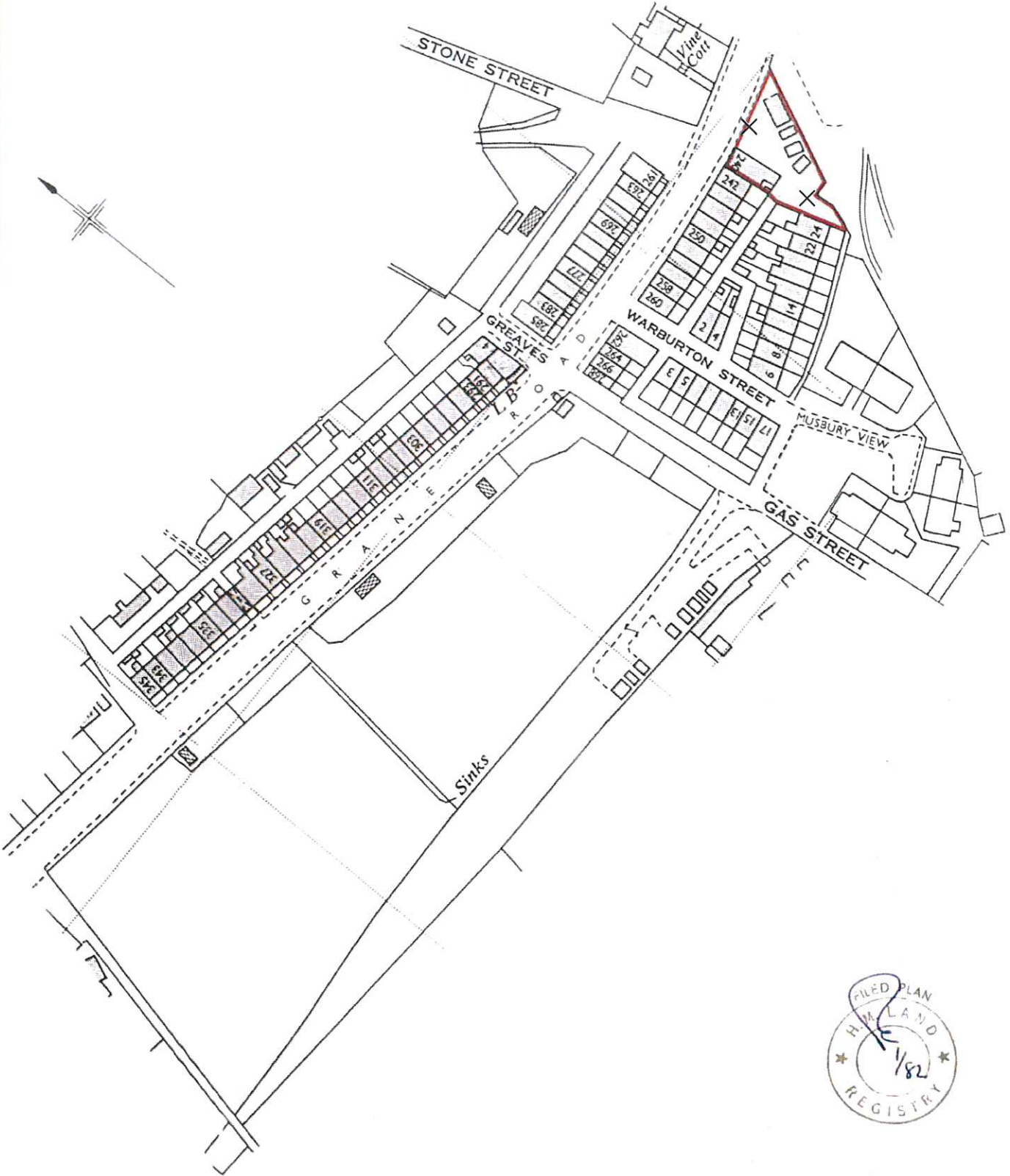
----- Original message -----

Annex 3

H.M. LAND REGISTRY		TITLE NUMBER	
		LA 465751	
ORDNANCE SURVEY PLAN REFERENCE	SD 7722	SECTION B	Scale 1:1250 Enlarged from 1:2500
COUNTY LANCASHIRE	DISTRICT ROSSENDALE	© Crown copyright 1980	



H.M. LAND REGISTRY		TITLE NUMBER	
		LA 465751	
ORDNANCE SURVEY PLAN REFERENCE	SD 7722	SECTION B	Scale 1 1250 Enlarged from 1 2500
COUNTY LANCASHIRE	DISTRICT ROSSENDALE	© Crown copyright 1980	









8.2 Does the property benefit from any rights or arrangements over any neighbouring property? If Yes, please give details:

Public Pathway ~~to~~ Properties to build behind + to the side of building

Yes No

8.3 Has anyone taken steps to prevent access to the property, or to complain about or demand payment for access to the property? If Yes, please give details:

Yes No

8.4 Does the seller know of any of the following rights or arrangements which affect the property?

- (a) Rights of light Yes No
- (b) Rights of support from adjoining properties Yes No
- (c) Customary rights (e.g. rights deriving from local traditions) Yes No
- (d) Other people's rights to mines and minerals under the land Yes No
- (e) Chancel repair liability Yes No
- (f) Other people's rights to take things from the land (such as timber, hay or fish) Yes No

If Yes, please give details:

[Empty box for details]

8.5 Are there any other rights or arrangements affecting the property? If Yes, please give details:

Yes No

[Empty box for details]

Services crossing the property or neighbouring property

8.6 Do any drains, pipes or wires serving the property cross any neighbouring's property?

Yes No
 Not known

8.7 Do any drains, pipes or wires leading to any neighbour's property cross the property?

Yes No
 Not known

Simon Moore
Lancaster city council
PO Box 78
County Hall
Preston
PR1 8XJ

Plant Protection
Cadent
Block 1; Floor 1
Brick Kiln Street
Hinckley
LE10 0NA
E-mail: plantprotection@cadentgas.com
Telephone: +44 (0)800 688588

National Gas Emergency Number:
0800 111 999*

National Grid Electricity Emergency Number:
0800 40 40 90*

* Available 24 hours, 7 days/week.
Calls may be recorded and monitored.

www.cadentgas.com

Date: 04/05/2021

Our Ref: NW_GW1B_3FWP_059541

Your Ref: LSG4.SM18/888.2369 (JP)

RE: Formal Enquiry, BB4 4PG OOTPATH FROM WARBURTON STREET TO GRANE ROAD, HASLINGDEN

Thank you for your enquiry which was received on 30/04/2021.

Please note this response and any attached map(s) are valid for 28 days.

An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-before-you-dig>) or the enclosed documentation.

Are My Works Affected?

Searches based on your enquiry have identified that there is apparatus in the vicinity of your enquiry which may be affected by the activities specified.

Cadent and/or National Grid therefore formally objects to these activities pending further consultation.

Cadent and/or National Grid objects to the Order on the grounds that the level of protection currently afforded to the apparatus it has in the subject land may be diminished notwithstanding Paragraph 4, Schedule 12, Part II of the Highways Act, 1980.

See Assessment section below for details of how to deal with Cadent and/or National Grid's objection.

Due to the presence of Cadent and/or National Grid apparatus in proximity to the specified area, the contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Limited, National Grid Electricity Transmission plc (NGET) and National Grid Gas Transmission plc (NGGT) and apparatus. This assessment does **NOT** include:

- | Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.
- | Gas service pipes and related apparatus
- | Recently installed apparatus
- | Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is **YOUR** responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on either the [National Grid](#) or [Cadent](#) website.

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Limited, NGGT and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the Plant Protection team via e-mail ([click here](#)) or via the contact details at the top of this response.

Yours faithfully

Plant Protection Team

ASSESSMENT

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- I High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment

How to deal with Cadent and/or National Grid's objection

There are two ways of removing this objection for Gas Apparatus:

1. By granting Cadent and/or National Grid an easement over the affected main(s). To do this you must send a cheque for £1,000 + VAT to cover the internal assessment costs. In addition, you will also be responsible for paying for the legal fees in connection with completing our standard Deed of Easement. Please inform us of your solicitor's contact details. Your solicitor will be advised of Cadent and/or National Grid's legal fees and will be required to provide a solicitors undertaking for costs. Please make the cheque payable to Cadent Gas Limited and send to the address above. Upon receipt I will forward your Notice and a copy of this letter to our Easement Service Provider who will arrange for the easement to be processed. **The objection will only be lifted upon completion of the easement.**

2. Alternatively you can request that the affected main(s) are diverted or isolated. These works will be fully chargeable. Please send through your development plans so that we can send these off to our diversion team to issue you the budget estimate for any necessary works. **The objection will only be lifted upon completion of these works.**

Requirements

BEFORE carrying out any work you must:

- I **Ensure that no works are undertaken in the vicinity of our gas pipelines and that no heavy plant, machinery or vehicles cross the route of the pipeline until detailed consultation has taken place.**
- I Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- I Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- I Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- I In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

GUIDANCE

High Pressure Gas Pipelines Guidance:

If working in the vicinity of a high pressure gas pipeline the following document must be followed: 'Specification for Safe Working in the Vicinity of Cadent and/or National Grid High Pressure Gas Pipelines and Associated Installations - Requirements for Third Parties' (SSW22). This can be obtained from: <http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33968>

Dial Before You Dig Pipelines Guidance:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33969>

Standard Guidance

Essential Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>

General Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=35103>

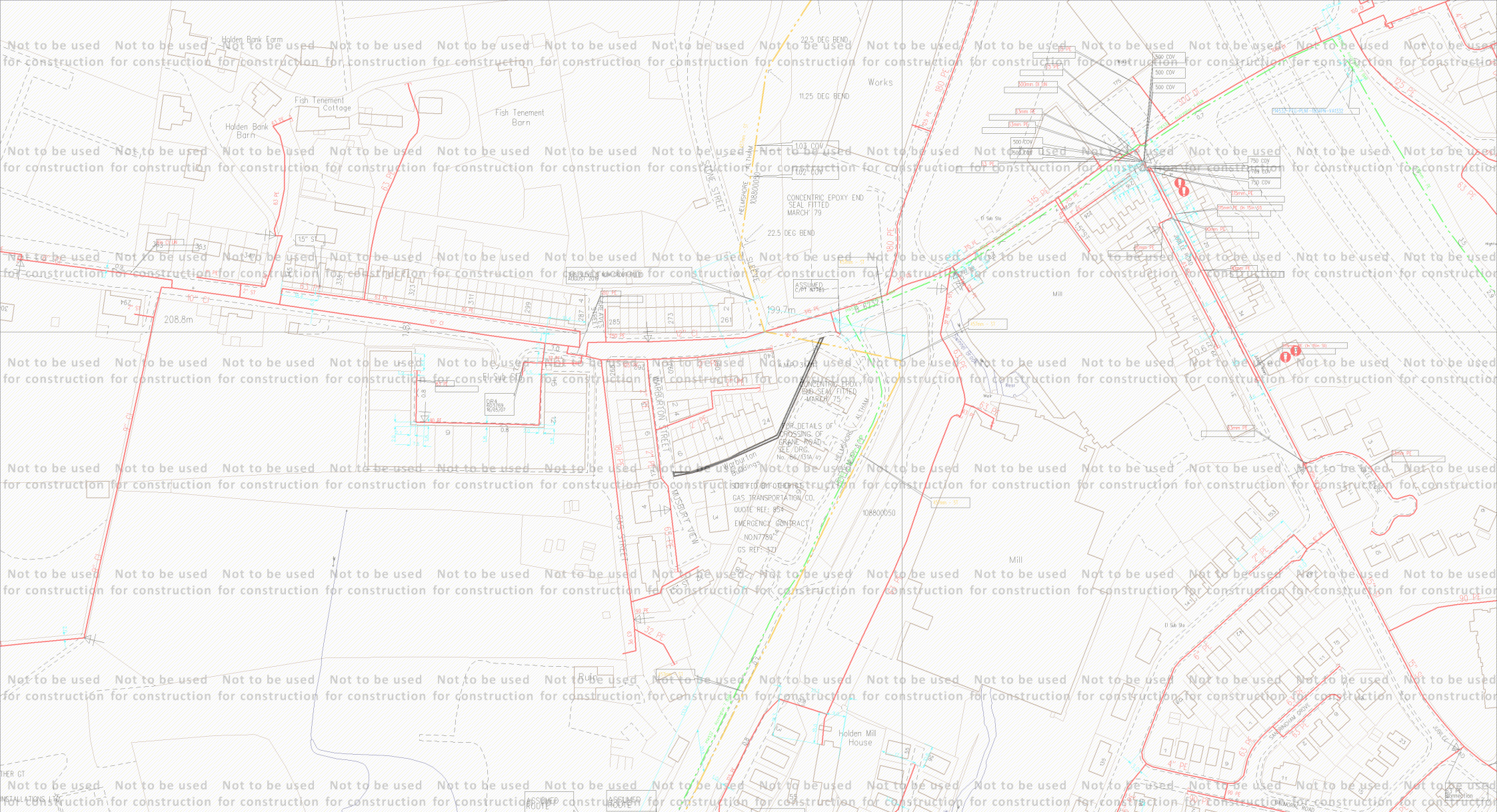
Excavating Safely in the vicinity of gas pipes guidance (Credit card):

<http://www.nationalgrid.com/NR/rdonlyres/A3D37677-6641-476C-9DDA-E89949052829/44257/ExcavatingSafelyCreditCard.pdf>

Excavating Safely in the vicinity of electricity cables guidance (Credit card):

<http://www.nationalgrid.com/NR/rdonlyres/35DDEC6D-D754-4BA5-AF3C-D607D05A25C2/44858/ExcavatingSafelyCreditCardelectricitycables.pdf>

Copies of all the Guidance Documents can also be downloaded from the [National Grid](#) and [Cadent](#) websites.



ID: NW_GW1B_3FWP_059541
 USER: James.Parker
 DATE: 04/05/2021
 DATA DATE: 03/05/2021
 REF: LSG4.SM18/888.2369 (JP)
 MAP REF: SD7722
 CENTRE: 37926, 422464

View extent: 723m, 393m

LP MAINS ————
 MP MAINS - - - -
 IP MAINS ————
 LHP MAINS - - - -
 NHP MAINS - - - -

0m ———— 50m
 Approximate scale 1:2500
 on A4 Colour Landscape

National Grid objects to this application

This plan shows those pipes owned by Cadent Gas Limited in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Cadent Gas Limited or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.

Map 1 of 1 (GAS)

MAPS Plot Server Version 1.11.0

Cadent
 Your Gas Network

Requested by: Lancaster city council

This plan is reproduced from or based on the OS map by Cadent Gas Limited, with the sanction of the controller of HM Stationery Office. Crown Copyright Reserved. Ordnance Survey Licence number 100024886

Some examples of Plant items:

Valve
 Depth of Cover
 Syphon
 Diameter Change
 Material Change
 Out of Standard Service

ENQUIRY SUMMARY

Received Date

30/04/2021

Your Reference

LSG4.SM18/888.2369 (JP)

Location

Centre Point: 377926, 422464

X Extent: 73

Y Extent: 68

Postcode: BB4 4PG

Location Description: BB4 4PG OOTPATH FROM WARBURTON STREET TO GRANE ROAD, HASLINGDEN

Map Options

Paper Size: A4

Orientation: LANDSCAPE

Requested Scale: 500

Actual Scale: 1:2500 (GAS)

Real World Extents: 723m x 393m (GAS)

Recipients

pprsteam@cadentgas.com

Enquirer Details

Organisation Name: Lancaster city council

Contact Name: Simon Moore

Email Address: Simon.Moore@lancashire.gov.uk

Telephone: 01772531280

Address: PO Box 78 , County Hall, Preston, PR1 8XJ

Description of Works

SUO Wildlife And Countryside Act, 1981, Section 53 SP

Enquiry Type

Formal Enquiry

Activity Type

Highways

Notice Types

Notice Type: Section Notice (Wildlife And Countryside Act, 1981, Section 53)

Simon Moore
Lancaster city council
PO Box 78
County Hall
Preston
PR1 8XJ

Plant Protection
Cadent
Block 1; Floor 1
Brick Kiln Street
Hinckley
LE10 0NA
E-mail: plantprotection@cadentgas.com
Telephone: +44 (0)800 688588

National Gas Emergency Number:
0800 111 999*

National Grid Electricity Emergency Number:
0800 40 40 90*

* Available 24 hours, 7 days/week.
Calls may be recorded and monitored.

www.cadentgas.com

Date: 04/05/2021

Our Ref: NW_GW1B_3FWP_059541

Your Ref: LSG4.SM18/888.2369 (JP)

RE: Formal Enquiry, BB4 4PG OOTPATH FROM WARBURTON STREET TO GRANE ROAD, HASLINGDEN

Thank you for your enquiry which was received on 30/04/2021.
Please note this response and any attached map(s) are valid for 28 days.

An assessment has been carried out with respect to Cadent Gas Limited, National Grid Electricity Transmission plc's and National Grid Gas Transmission plc's apparatus. Please note it does not cover the items listed in the section "Your Responsibilities and Obligations", including gas service pipes and related apparatus.

For details of Network areas please see the Cadent website (<http://cadentgas.com/Digging-safely/Dial-before-you-dig>) or the enclosed documentation.

Are My Works Affected?

Following further consultation, Cadent and/or National Grid has withdrawn its objection to these activities.

Searches based on your enquiry have identified that there is no record of apparatus in the immediate vicinity of your enquiry.

Cadent and National Grid therefore have no objection to these proposed activities.

The contractor should contact Plant Protection before any works are carried out to ensure the apparatus is not affected by any of the proposed works.

Your Responsibilities and Obligations

The "Assessment" Section below outlines the detailed requirements that must be followed when planning or undertaking your scheduled activities at this location.

It is your responsibility to ensure that the information you have submitted is accurate and that all relevant documents including links are provided to all persons (either direct labour or contractors) working for you near Cadent and/or National Grid's apparatus, e.g. as contained within the Construction (Design and Management) Regulations.

This assessment solely relates to Cadent Gas Limited, National Grid Electricity Transmission plc (NGET) and National Grid Gas Transmission plc (NGGT) and apparatus. This assessment does **NOT** include:

- | Cadent and/or National Grid's legal interest (easements or wayleaves) in the land which restricts activity in proximity to Cadent and/or National Grid's assets in private land. You must obtain details of any such restrictions from the landowner in the first instance and if in doubt contact Plant Protection.
- | Gas service pipes and related apparatus
- | Recently installed apparatus
- | Apparatus owned by other organisations, e.g. other gas distribution operators, local electricity companies, other utilities, etc.

It is **YOUR** responsibility to take into account whether the items listed above may be present and if they could be affected by your proposed activities. Further "Essential Guidance" in respect of these items can be found on either the [National Grid](#) or [Cadent](#) website.

This communication does not constitute any formal agreement or consent for any proposed development work; either generally or with regard to Cadent and/or National Grid's easements or wayleaves nor any planning or building regulations applications.

Cadent Gas Limited, NGGT and NGET or their agents, servants or contractors do not accept any liability for any losses arising under or in connection with this information. This limit on liability applies to all and any claims in contract, tort (including negligence), misrepresentation (excluding fraudulent misrepresentation), breach of statutory duty or otherwise. This limit on liability does not exclude or restrict liability where prohibited by the law nor does it supersede the express terms of any related agreements.

If you require further assistance please contact the Plant Protection team via e-mail ([click here](#)) or via the contact details at the top of this response.

Yours faithfully

Plant Protection Team

ASSESSMENT

Affected Apparatus

The apparatus that has been identified as being in the vicinity of your proposed works is:

- I High or Intermediate pressure (above 2 bar) Gas Pipelines and associated equipment

Requirements

BEFORE carrying out any work you must:

- I Carefully read these requirements including the attached guidance documents and maps showing the location of apparatus.
- I Contact the landowner and ensure any proposed works in private land do not infringe Cadent and/or National Grid's legal rights (i.e. easements or wayleaves). If the works are in the road or footpath the relevant local authority should be contacted.
- I Ensure that all persons, including direct labour and contractors, working for you on or near Cadent and/or National Grid's apparatus follow the requirements of the HSE Guidance Notes HSG47 - 'Avoiding Danger from Underground Services' and GS6 – 'Avoidance of danger from overhead electric power lines'. This guidance can be downloaded free of charge at <http://www.hse.gov.uk>
- I In line with the above guidance, verify and establish the actual position of mains, pipes, cables, services and other apparatus on site before any activities are undertaken.

GUIDANCE

High Pressure Gas Pipelines Guidance:

If working in the vicinity of a high pressure gas pipeline the following document must be followed: 'Specification for Safe Working in the Vicinity of Cadent and/or National Grid High Pressure Gas Pipelines and Associated Installations - Requirements for Third Parties' (SSW22). This can be obtained from: <http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33968>

Dial Before You Dig Pipelines Guidance:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=33969>

Standard Guidance

Essential Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=8589934982>

General Guidance document:

<http://www2.nationalgrid.com/WorkArea/DownloadAsset.aspx?id=35103>

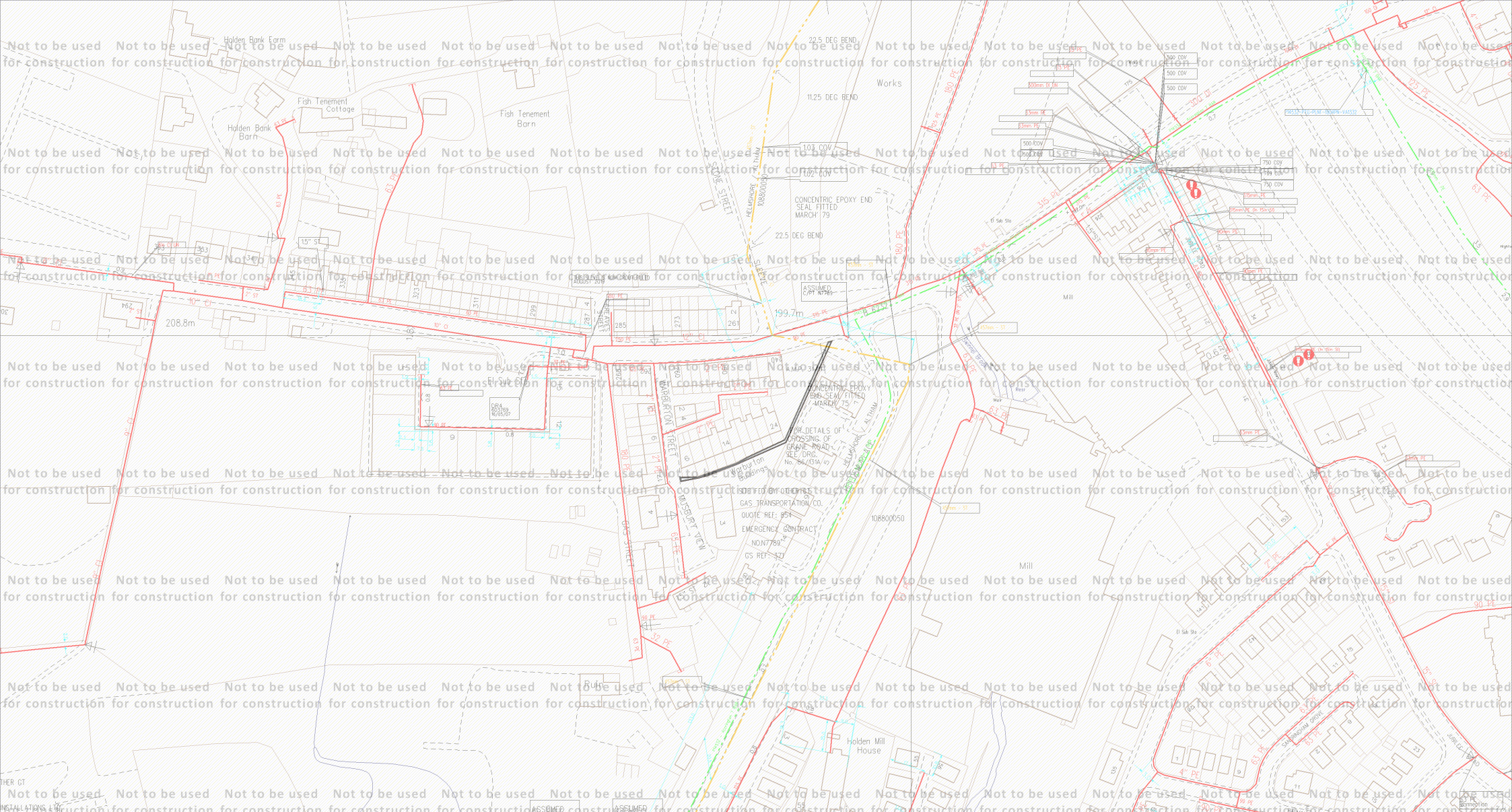
Excavating Safely in the vicinity of gas pipes guidance (Credit card):

<http://www.nationalgrid.com/NR/rdonlyres/A3D37677-6641-476C-9DDA-E89949052829/44257/ExcavatingSafelyCreditCard.pdf>

Excavating Safely in the vicinity of electricity cables guidance (Credit card):

<http://www.nationalgrid.com/NR/rdonlyres/35DDEC6D-D754-4BA5-AF3C-D607D05A25C2/44858/ExcavatingSafelyCreditCardelectricitycables.pdf>

Copies of all the Guidance Documents can also be downloaded from the [National Grid](#) and [Cadent](#) websites.




ID: NW_GW1B_3FWP_059541 USER: James.Parker DATE: 04/05/2021 DATA DATE: 03/05/2021 REF: LSG4.SM18/888.2369 (JP) MAP REF: SD7722 CENTRE: 377926, 422464	View extent: 723m, 393m LP MAINS ————— MP MAINS - - - - - IP MAINS ———— LHP MAINS — — — — NHP MAINS - - - - -
--	--

National Grid has withdrawn its objection to this application

This plan shows those pipes owned by Cadent Gas Limited in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GTs, or otherwise privately owned, may be present in this area. Information with regard to such pipes should be obtained from the relevant owners. The information shown on this plan is given without warranty, the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Cadent Gas Limited or their agents, servants or contractors for any error or omission. Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas apparatus. The information included on this plan should not be referred to beyond a period of 28 days from the date of issue.

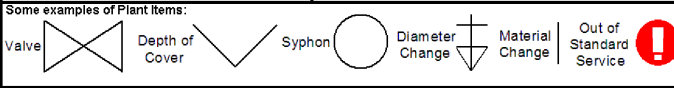
Map 1 of 1 (GAS)

MAPS Plot Server Version 1.11.0



Requested by: Lancaster city council

This plan is reproduced from or based on the OS map by Cadent Gas Limited, with the sanction of the controller of HM Stationery Office.
 Crown Copyright Reserved.
 Ordnance Survey Licence number 100024886



ENQUIRY SUMMARY

Received Date

30/04/2021

Your Reference

LSG4.SM18/888.2369 (JP)

Location

Centre Point: 377926, 422464

X Extent: 73

Y Extent: 68

Postcode: BB4 4PG

Location Description: BB4 4PG OOTPATH FROM WARBURTON STREET TO GRANE ROAD, HASLINGDEN

Map Options

Paper Size: A4

Orientation: LANDSCAPE

Requested Scale: 500

Actual Scale: 1:2500 (GAS)

Real World Extents: 723m x 393m (GAS)

Recipients

pprsteam@cadentgas.com

Enquirer Details

Organisation Name: Lancaster city council

Contact Name: Simon Moore

Email Address: Simon.Moore@lancashire.gov.uk

Telephone: 01772531280

Address: PO Box 78 , County Hall, Preston, PR1 8XJ

Description of Works

SUO Wildlife And Countryside Act, 1981, Section 53 SP

Enquiry Type

Formal Enquiry

Activity Type

Highways

Notice Types

Notice Type: Section Notice (Wildlife And Countryside Act, 1981, Section 53)