



Department for  
Business, Energy  
& Industrial Strategy

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Our ref: 1591U  
Your ref: NATI-26108

03 November 2022

Dear Mr Stevens,

**SCREENING DECISION BY THE SECRETARY OF STATE UNDER THE ELECTRICITY WORKS  
(ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2017 (“THE  
2017 REGULATIONS”)**

**NAME OF SCHEME: OVERHEAD LINE WORKS OFF THE A131/WORKS TO LINE 4YL AND PCB**

**LOCATION: WEST OF A131, NEAR OLD ROAD, TWINSTEAD, ESSEX, CO10 7NE.**

Screening decision for a proposed development (“the Development”) to:

- Temporarily divert 700 metres of an existing 400 kilovolt (kV) overhead line which includes the installation of one (1) steel lattice pylon with a maximum height of 48 metres (“the Diversion”); and
- Install an air insulated conductor of approximately 15 metres in length (“the Downleads”) forming part of a new 132 kV cable sealing end platform pylon replacing an existing pylon of the same voltage.

The Development requires Section 37 consent under the Electricity Act 1989 and is subject to the 2017 Regulations.

The Secretary of State for Business, Energy and Industrial Strategy (“the Secretary of State”) has considered the factors set out in Schedule 3 of the 2017 Regulations, together with the information within the supplied documentation (“the Application”) by National Grid Plc (“the Applicant”) in relation to the impacts on the environment of the Development and the views of the Braintree District Council (“the LPA”). In particular, in reaching his decision the Secretary of State notes the following factors:

1. The Development does not fall within Schedule 1 (mandatory EIA).



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2. The Development falls under Schedule 2 of the 2017 Regulations as it is to provide an electric line to be installed above ground with a voltage of 132 kV or more.
3. The Development is required to facilitate the construction of a proposed grid supply point substation (“GSP”) on land adjacent to Butler’s Woods and Waldegrave Woods. The GSP was subject to a separate planning application approved by the LPA under application reference number: 22/01147/FUL. The application states that the GSP will maintain the supply of the local electricity distribution network after the removal of 25 kilometres of an existing 132kV overhead line between Burstall Bridge and Twinstead Tee, in connection with the Bramford to Twinstead Wider Reinforcement Project (“the Wider Reinforcement Project”) which will be progressed separately via Development Consent Order (DCO) under the Planning Act 2008.
4. The LPA has assessed the GSP under the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 and made a screening opinion stating that the GSP would not require an EIA and that an Environmental Statement will not be required (letter dated 23 December 2021, ref. 21/03343/SCR). The Secretary of State notes that the LPA’s screening opinion included in its assessment a number of associated works including the Development and a consideration of cumulative effects with other existing and proposed projects.
5. The Development is predominantly to divert an already existing section of overhead line for up to one year from its commissioning. After this period, the diversion and pylon, including its foundation, would be removed. The Application states that after the removal the area would be reinstated with a species-rich grassland mix as part of the planting plan for the proposed GSP. The Downleads, part of the Development, are minor in nature and will be installed in the same location of an existing pylon therefore it is not anticipated that this addition would give rise to significant visual effects.
6. The Application states that the nearest residential receptor is at approximately 210 metres from the Development, however the mitigating measures proposed in the Application to avoid or reduce noise, dust and vibration during construction, together with the presence of intervening vegetation, and combined with the temporary nature of the construction works, would be sufficient to mitigate any potential significant effects to the surrounding residential receptors.
7. The Development does not cross any sensitive area as defined under Paragraph 4 of Schedule 2 of the 2017 Regulations, nor are there any such areas adjacent or in close proximity to the Development.
8. The Dedham Vale Area of Outstanding Natural Beauty (AONB) lies at approximately 7.6 kilometres from the Development and therefore due to its distance no effects are anticipated to the landscape and character of the site. The Secretary of State considers that the good practice measures identified in the Application such as reinstatement of land and a five-year aftercare period will avoid or reduce any potential localised impact such that the Development is not expected to result in any notable landscape visual effects.
9. The Development is immediately adjacent to two ancient woodlands, Butler’s Woods to the North and Waldegrave Woods to the South, which are both designated Local Wildlife Sites (“LWS”). The Secretary of State notes that the Application requests a 10 metres lateral tolerance from the proposed route included in the submitted plans. Additionally Natural England’s advice (letter dated 05 April 2022, ref. 386673 BT\_SLA01\_16032022) states that *“every effort should be made to ensure that the 15*



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*metres buffer proposed from these habitats, is adhered to and implemented*". However, the Application states that the Development will require no tree felling, nor there will be risk of tree root damage due to a 1-metre-deep ditch on the boundaries of the woodland (as detailed on the Arboricultural Constraints Plan, Rev. 1, Figure A5.1, dated April 2022), which would offer equivalent protection as fencing, preventing vehicular access and storage of materials within the woodlands. In view of the above, the Secretary of State considers that any potential likely significant effects to the woodland habitats would be avoided provided that the Development does not take place within or over the boundary of the identified ditches towards the woodland areas.

10. The Application states that the Development does not require any hedgerow or tree removal and therefore it is not anticipated to have any effects on protected species. However Natural England's advice (letter dated 05 April 2022, ref. 386673 BT\_SLA01\_16032022) states that:

- a. There is presence of Great Crested Newt ("GCN") within 250 metres of the Development,
- b. There are trees with the potential to support roosting bats within 50 metres of the Development (although no evidence of bats have been found), and
- c. Badger setts were identified within 30 metres of the Development.

In addition, the Ecology Officer of the LPA expressed concern about inadequate mitigation for hazel dormouse and regarding licence for GCN (Form B dated 21 July 2022, ref. 22/01015/OHL).

In relation to the above points, the Application includes a Construction Environment Management Plan ("CEMP") and a Code of Construction Practice ("CoCP"), which detail avoidance and mitigation measures, good practice measures and a timetable of site inspections. Such measures include:

- d. A preconstruction walkover survey to check for changes in protected species presence, and the appointment of an Ecological Clerk of Works ("ECoW") to monitor that the development proceeds in accordance with relevant environmental requirements and in adherence with the required good practice and mitigation measures,
- e. Finger-tip searches of the section of hedgerows to be undertaken by an experienced dormouse ecologist prior to removal (if removal is required), and
- f. Noise control measures, details of construction lighting to reduce luminosity and intrusion into adjacent habitats, measures to reduce the risk of entrapment and measures to control the spread of invasive weeds.

The Secretary of State also notes that the Applicant and Natural England have signed a Statement of Common Ground through which they have agreed a District Level Licencing ("DLL") approach to GCN which includes the area of the Development and that on this basis Natural England is satisfied that there are no likely significant effects on GCN arising from the Development (letter dated 05 April 2022, ref. 386673 BT\_SLA01\_16032022).

In view of the above, the Secretary of State considers that any potential likely significant effects to protected species will be mitigated subject to the implementation of adequate measures as detailed in the CEMP, CoCP and in accordance with the DLL agreed with Natural England.



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11. The Application does not indicate that there would be any potential effects on water or air quality, provided that the measures included in the CEMP and CoCP are followed. These measures would include the managements of runoffs, the reinstatement of land to its pre-construction conditions (including land drainage regimes) and dust suppressions and vehicle emissions control measures.
12. The CEMP and CoCP also includes measures to avoid or mitigate potential impacts on agriculture and soils. These measures include soil stripping methods which will follow the guidance set out in Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (Defra, 2009), providing a record of condition of the working areas affected, the reinstatement of land used temporarily and the maintaining of access to and from agricultural land. Nevertheless, Natural England advice is that the Applicant should use *"an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site"*. The Secretary of State agrees with Natural England's advice and considers that the above measures are appropriate.
13. With regards to the use of natural resources, given the short term and temporary nature of the Development and the reinstatement measures included in the CEMP and CoCP, the Application does not suggest that there would be any permanent loss of agricultural land. In addition, the LPA's screening option (letter dated 23 December 2021, ref. 21/03343/SCR), which included in its assessment the area of the Development, considered that overall, there would not be an excessive consumption of natural resources arising from the proposed GSP.
14. The Application further confirms that whilst there would be no vegetation loss associated with the Development, the Applicant is committed to ensure that a minimum 10% Biodiversity Net Gain (BNG) will be achieved for the GSP which includes BNG also for the Development in line with Paragraph 174 of the National Planning Policy Framework (NPPF). On this basis the Secretary of State is satisfied that the establishment and maintenance regime for any BNG schemes for the Development will be delivered as part of a Landscape and Ecological Management Plan (LEMP) as approved by the LPA for the GSP.
15. With regards to designated heritage assets or designated historic landscapes, the Application confirms that the Development does not pass through any of these. The closest scheduled monument, the "Roman villa 480m southeast of Hill Farm", is at approximately 2 kilometres from the Development and therefore no harm is anticipated to arise to the heritage significance of this asset.
16. The Application further states that archaeological trial trenching was undertaken in February and March 2022 and that no datable artefacts were recovered, and the trenching confirmed that there was no widespread evidence of archaeological activity within the vicinity of the proposed works. However, the CEMP confirms that an archaeological watching brief will be undertaken during construction which will be completed under a Written Scheme of Investigation (WSI) to be agreed by the Applicant with the LPA prior to the works commencing to ensure that any archaeological remains which may be disturbed are appropriately recorded and protected. The Secretary of State considers this precautionary measure appropriate.
17. The Application also confirms that there are no listed buildings within 250 metres of the Development and that the five closest Grade II listed buildings would be protected by the surrounding landscape and vegetation and that therefore no likely significant effects



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- are anticipated to their settings. Historic England's advice (letter dated 20 May 2022, ref. PL00772103, integrated by the email dated 27 July 2022) confirms that there are no particular concerns with regards to the Development and note the provision of geophysical surveys and visual impact assessments in the Application and confirms that they do not object to the Development.
18. The Essex County Council Historic Buildings Consultant (letter dated 16 June 2022, ref. 22/01015/OHL) did not find that the Development would have an increased detrimental impact on the setting of nearby heritage assets and would not result in harm to their significance, and therefore raised no objections.
  19. The Environment Agency (email dated 13 May 2022, updated by email dated 08 August 2022) noted that there are very few constraints within its remit at the location of the Development and raised no objections. However, it provided advice to the Applicant in respect to foul drainage, dewatering, flood risk and hydrogeology. Therefore, subject to such measures together with those included in the CEMP and CoCP are observed, the Secretary of State considers that no likely significant effects are anticipated to occur to the water environment and hydrogeology of the site of the Development.
  20. The Braintree District Council was consulted and have (Form B dated 21 July 2022, ref. 22/01015/OHL) confirmed that the Development is not an EIA development.
  21. Natural England was consulted (letter dated 05 April 2022, ref. 386673 BT\_SLA01\_16032022, updated by email dated 22 July 2022) and have confirmed that there will be no likely significant effects on statutorily designated nature conservation sites or landscapes and an Environmental Impact Assessment is likely not required.
  22. Finally, with regards to cumulative effects with other existing and approved developments, the Application states that the nearest section of the Wider Reinforcement Project is over 2 kilometres away from the Development. This factor, combined with the temporary and localised nature of the Development, would have only a limited potential for cumulative effects arising from the Development and the GSP together with the Wider Reinforcement Project. The Application also states that a cumulative effects assessment was undertaken for the GSP, which concluded that there is limited potential for cumulative effects during construction either alone or in combination with the Development. It is also noted that the Wider Reinforcement Project will be subject to an Environmental Impact Assessment and that this will include the GSP and the Development in its cumulative impacts assessment. Overall, therefore, the Secretary of State considers that subject to the implementation of the measures included in the CEMP and CoCP it is unlikely that there would be any localised likely significant effects from the Development in combination with other existing or approved projects.

Taking account of the abovementioned factors and information received, the Secretary of State concludes that the Development is **not an EIA** development under the 2017 Regulations and does not require a statutory EIA as it is unlikely to have significant effects on the environment due to its nature, location and size. A copy of this letter has been sent to the LPA for information.

*Francesco Marolda*

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