



Department for
Energy Security
& Net Zero

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Dear Mr Owen,

REQUEST FOR ENVIRONMENTAL DETERMINATION BY THE SECRETARY OF STATE UNDER THE PROVISIONS OF REGULATIONS 3, 4 AND 6 OF THE PUBLIC GAS TRANSPORTER PIPELINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 1999 (AS AMENDED).

CADENT GAS LTD PROPOSED WORKS TO DIVERT AN EXISTING HIGH PRESSURE GAS TRANSMISSION PIPELINE FOR THE STANTON CROSS DEVELOPMENT NEAR WELLINGBOROUGH, NORTH NORTHAMPTONSHIRE.

Thank you for your letter of 8 June 2023, in which you requested an environmental determination by the Secretary of State in accordance with Regulation 6 of the Public Gas Transporter Pipeline Works (Environmental Impact Assessment) Regulations 1999 (as amended) (“the 1999 Regulations”). This letter was supplemented with plans sufficient to identify the proposed works and documents containing information which details the works to be undertaken, the predicted effects on the environment and mitigation to be put in place, and consultation undertaken by the Applicant to date (“the Application”).

Project background:

The proposed gas pipeline diversion (“the Development”) is located on land to the North of the A45 and South of B571, Irthlingborough Road, Wellingborough, NN8 1RA. The area is undergoing a large mixed-use urban extension called Stanton Cross, consisting of 3750 new homes, commercial units, community facilities, and a network of access roads.

As part of the Stanton Cross project, a new southern link road is required to the A45 near Little Irchester. However, this link road will affect Cadent's existing high pressure gas infrastructure and therefore a pipeline diversion is required underneath the new link road.

Consent for the Stanton Cross development and the associated link road is via planning approvals from the (former) Borough Council of Wellingborough; the original outline planning approval for the scheme (WP/2004/0600/0) and a subsequent Section 73 planning approval (WP/15/00605/VAR). There is a subsequent approved Reserved Matters application (WP/14/00475/REM) that permits the road re-alignment where the gas pipeline diversion ("the Development") is proposed to be located.

Local Planning Authority consultation:

The Development affects one Local Planning Authority ("LPA"), North Northamptonshire Council. The LPA was formally consulted by officials on behalf of the Secretary of State as per Regulation 6(2)(b) of the 1999 Regulations on 13 June 2023. The LPA responded on 17 July 2023 stating that: *"The Council is of the opinion that the proposed development is EIA development however an Environment Statement is NOT required for the proposal as the proposals would not give rise to 'significant effects on the environment' by virtue of its nature, size, and location."*

Secretary of State considerations and decision:

The Secretary of State has considered the information submitted, including the views of the LPA and all consultees.

The Development does not meet the criteria in Part 1 of Schedule 3 to the 1999 Regulations. However, it is for a pipeline for which the design operating pressure will be over 7 bar gauge and located within the Upper Nene Valley Gravel Pits SPA / Ramsar / SSSI, under Part 2 of Schedule 3 to the 1999 Regulations. Consequently, an environmental determination is needed from the Secretary of State as to whether an Environmental Statement is required under the 1999 Regulations.

In considering the request and whether the Development is likely to have significant effects on the environment, the Secretary of State has had regard to the matters contained in Schedule 2 of the 1999 Regulations. The Secretary of State's conclusion is that the Development **is not EIA** development under the 1999 Regulations, due to the evidence that the Development would be unlikely to have significant effects on the environment. In coming to his decision, the Secretary of State particularly notes the following matters:

Natural Resources

- The Development is a diversion of an existing natural gas pipeline.
- The Secretary of State is satisfied that no significant construction or operational effects on natural resources are anticipated.

Ecology

- The Development is located within the Upper Nene Valley Gravel Pits Special Protection Area (SPA) / Ramsar Site / Site of Special Scientific Interest (SSSI). The existing pipeline is adjacent to a pond of water within the Upper Nene Valley Gravel Pits SPA / Ramsar / SSSI. The approved Reserved Matters application will see the pond infilled and the link road placed on an embankment over it.
- There are no other SPAs, SACs, Ramsar Sites, SSSIs, Biosphere Reserves, National or Local Nature Reserves, or Royal Society for the Protection of Bird Reserves directly affected by or within 500m of the Development.

- The Stanton Cross project, of which the link road is a part, has been assessed for its ecological impact, particularly within an Environmental Impact Assessment (FPCR, 2005) and a Habitats Regulations Assessment (HRA) (URS, 2015).
- A Site of Special Scientific Interest (SSSI) / Special Protected Area (SPA) and Compensatory Habitat Management and Access Strategy (FPCR, 2017) was submitted and approved by the (former) Borough Council of Wellingborough to compensate for the potential significant effects of Stanton Cross proposals on the Upper Nene Valley Gravel Pits SPA / Ramsar / SSSI.
- The Compensatory Habitat Management and Access Strategy committed to compensation in the form of new habitat creation, known as Ecological Mitigation Area 5 (EM5), to maintain and enhance the existing nature conservation value of the Upper Nene Valley Gravel Pits SPA / Ramsar / SSSI and associated habitats and species.
- Natural England (letter dated 27 January 2020) gave approval to the Compensatory Habitat Management and Access Strategy, satisfied that the compensation for the loss of habitat will be provided by EM5.
- All works associated with the gas pipeline diversion are assessed in the shadow Habitats Regulations Assessment (sHRA) (FPCR, 2023).
- Disturbance, particularly the use of heavy plant machinery during initial works, was identified as a potential pathway impacting on the qualifying features i.e., non-breeding gadwall (*Anas strepera*) and mute swan (*Cygnus olor*), and the non-breeding waterbird assemblages within the retained areas of the Upper Nene Valley Gravel Pits SPA / Ramsar / SSSI. The Development is unlikely to have a disturbance impact on these qualifying features as the Applicant has committed to conducting all initial works in the period April – October 2023, outside of the sensitive season for the qualifying features of November to March (inclusive).
- On this basis, Natural England (letter dated 22 May 2023) gave assent to all enabling works within the SPA / Ramsar / SSSI, as detailed within the shadow Habitats Regulations Assessment (sHRA), under Section 28H of the Wildlife and Countryside Act 1981 (as amended). The assent covers the period 22 May 2023 – 31 October 2023.
- The Applicant commits to undertaking an ecological pre-construction survey immediately prior to the commencement of works to verify the findings of the previous surveys and inform any mitigation measures necessary to ensure legal compliance. The Applicant also notes that no vegetation removal is envisaged but, if required, will not be undertaken during the bird nesting season from 1 March to 31 July (inclusive).
- The Secretary of State notes that the Applicant **must** comply with its ongoing duties¹ with regards to protected species and obtaining licences from Natural England where relevant, including under the Wildlife and Countryside Act 1981.
- A Construction Environment Management Plan (CEMP) must be produced and followed to ensure that accepted good practice methods are adhered to and to mitigate any impacts associated with the Development.
- The Secretary of State is satisfied that, subject to the implementation of the committed mitigation measures and the development of a final CEMP, no significant construction or operational effects on ecology are anticipated.

Pollution and Nuisances

- The Development is entirely situated within the River Nene Nitrate Vulnerable Zone (NVZ), Northampton Sands NVZ, and Thrapstone Lake Eutrophic Lake NVZ. The Development is also entirely situated within the River Nene (Surface Water) Drinking Water Safeguard Zone. There are no Source Protection Zones directly affected by or within 500m of the Development.
- With the use of vehicles and machinery, there is potential for watercourse contamination through sediment laden run-off or accidental spillages / leakages. Excavation has the

¹ <https://www.gov.uk/guidance/wildlife-licences>

potential to mobilise sediment and any contaminants that may be contained within. This may enter local watercourses and affect water quality through increased sediment, which may lead to fine sediment deposition, smothering of the riverbed, and increased sediment loading. Discolouration and alterations to the local water chemistry may also occur due to leaks or spillages and changes in sediment type or volume. Due to the proximity of works to the River Nene and River Ise, mitigation is required to ensure water quality is not adversely affected by construction. The Applicant has stated that nitrates will not be used during construction of the Development. The Applicant has also committed to identifying and undertaking measures to minimise impacts on water quality during construction.

- The Development is situated within a historic landfill associated with the Upper Nene Valley Gravel Pits. The existing pipeline is located within this historic landfill without issue. The Applicant has committed to undertaking ground investigation surveys prior to construction to establish good ground conditions and the likelihood of encountering any contamination.
- There are no Noise Important Areas within 500m of the Development. During the construction phase of the Development, the proposed works may produce noise affecting nearby residential and commercial units for a temporary period. The Applicant has committed to identifying and undertaking measures to minimise noise and vibration during construction.
- There are no Air Quality Management Areas within 500m of the Development. During the construction phase of the Development, the proposed works may produce dust affecting nearby residential and commercial units for a temporary period. The Applicant has committed to identifying and undertaking measures to minimise dust during construction.
- The Applicant has committed to identifying and undertaking measures to minimise lighting during construction, including using site lighting only during construction hours.
- The North Northamptonshire Council Environmental Health Officer and Environmental Officer made no comment with regard to this proposal.
- A CEMP must be produced and followed to ensure that accepted good practice methods are adhered to and to mitigate any impacts associated with the Development.
- The Secretary of State is satisfied that, subject to the implementation of the committed mitigation measures and the development of a final CEMP, no significant construction or operational effects relating to pollution and nuisances are anticipated.

Flood Risk

- The Development is adjacent to the River Nene and River Ise and lies entirely within Flood Zone 3. Furthermore, the existing pipeline is adjacent to a pond of water within the Upper Nene Valley Gravel Pits SPA / Ramsar / SSSI. The approved Reserved Matters application will see the pond infilled and the link road placed on an embankment over it.
- The North Northamptonshire Council Environmental Officer made no comment with regard to this proposal.
- The Environment Agency, under Regulation 13 of the Environmental Permitting (England and Wales) Regulations 2016, issued a permit (EPR/SB3295JL) on 18 May 2023 authorising temporary works within the floodplain to facilitate the construction of the Development.
- The Secretary of State is satisfied that no significant construction or operational effects relating to flood risk are anticipated.

Archaeology and Cultural Heritage

- The Development does not directly affect a heritage designation. A Scheduled Monument is located approximately 400m to the South of the Development and the closest Listed Building is located approximately 800m to the Southeast of the Development.

- The North Northamptonshire Council Archaeology Officer and Conservation Officer made no comment with regard to this proposal.
- The Secretary of State is satisfied that no significant construction or operational effects on archaeology and cultural heritage are anticipated.

Landscape

- The Development does not directly affect a landscape designation. Irchester Country Park is located approximately 450m to the Southeast of the Development. During the construction phase of the Development, the proposed works may be visible to road users and nearby residential units for a temporary period. On completion, the pipeline will be buried beneath ground level and therefore not visible.
- The North Northamptonshire Council Landscape Officer made no comment with regard to this proposal.
- The Secretary of State is satisfied that no significant construction or operational effects on the landscape are anticipated.

Traffic, Transport, and Public Rights of Way

- The Public Right of Way (PRoW) UL11 in Wellingborough will be directly impacted by the Development. UL11 will need to be closed and diverted as part of the Development. A Temporary Closure Order (dated 11 May 2023) for PRoW UL11 in Wellingborough has been granted by North Northamptonshire Council. There are no National Trails, National or Regional Cycle Routes within 500m of the Development. There is a railway line and works compound to the North of the Development. The Applicant has committed to identifying and undertaking measures to minimise traffic and transportation impacts during construction.
- The North Northamptonshire Council Highways Officer raised no objection to the Development on highway safety or capacity grounds.
- A CEMP must be produced and followed to ensure that accepted good practice methods are adhered to and to mitigate any impacts associated with the Development.
- The Secretary of State is satisfied that, subject to the implementation of the committed mitigation measures and the development of a final CEMP, no significant construction or operational effects relating to traffic, transport, and PRoWs are anticipated.

Taking account of all matters including the above and having regard to schedule 2 of the 1999 Regulations, the Secretary of State concludes that the documents provided with your letter of 8 June 2023 and the evidence supplied by the relevant LPA are sufficient, and that he can conclude that the Development **is not EIA** development as it is unlikely to have significant effects on the environment due to its nature, size or location.

A copy of this letter is sent to the following for information:

Duncan Law
North Northamptonshire Council.

Yours sincerely,

John McKenna

John McKenna
Head of Networks Planning
Energy Infrastructure Planning
Energy Development Directorate