



Department for
Business, Energy
& Industrial Strategy

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Your ref: NGGA164RS01

Dear Mr Spencer,

REQUEST FOR SCREENING OPINION 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).

NATIONAL GRID GAS PIPELINE DIVERSION FOR A164 JOCK'S LODGE HIGHWAY IMPROVEMENT SCHEME

Thank you for your letter of 8 November 2022, 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 a plan sufficient to identify the proposed works, an e-mail dated 14 October 2022 from National Grid ("the Applicant") to East Riding of Yorkshire Council (the Local Planning Authority "LPA"), the LPA response dated 17 October 2022, letter from Natural England dated 7 November 2022 and information which details the works to be undertaken, the predicted effects on the environment and mitigation to be put in place.

Project background:

BEIS officials, acting on behalf of the Secretary of State, met with the Applicant online on 4 October 2022, the purpose of the meeting was to provide the Applicant with the opportunity to

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introduce the works to be undertaken prior to submitting a formal request for an environmental determination.

The request for a determination, was made by the Applicant under Regulation 6 of the 1999 Regulations for a pipeline diversion (“the Development”) which is required to facilitate construction works for a highway improvement scheme to the Jock’s Lodge junction (where the A1079 and A164 meet). The highway improvement scheme was granted planning permission by the Local Planning Authority, in July 2020. To implement the planning permission the LPA have requested the Applicant divert a short section of the pipeline to facilitate the construction works. The Development is located on agricultural land to the south of the A1079 and east of the A164, south of the town of Beverley.

It is noted that the Development involves the undertaking of the following works:

- installation of approximately 220m of new 1200mm diameter carbon steel pipeline and associated tie-ins to the existing pipeline;
- installation using open cut trenches 3m below ground to the base of the trench;
- establishment of a single works area, with works anticipated to commence in April 2023 and to take six to seven months to complete;
- this will allow for site establishment and set-up, material and plant delivery, the main pipeline diversion works, testing, commissioning, and site removal and restoration; and
- the redundant section of pipeline will be abandoned and left in-situ.

Local Planning Authority response:

The Development affects one LPA, (East Riding of Yorkshire Council). The LPA was contacted by the Applicant who conveyed the written views of the LPA to the Secretary of State as per Regulation 6(2)(b) of the 1999 Regulations. Below is a summary of the LPA’s response:

- the LPA considers that the Development would not change the previous EIA Screening Opinions (ref. 18/01846/EIASCOR and 19/03259/EIASCOR) issued by the LPA regarding the Jock’s Lodge highway improvement scheme (planning permission ref. 20/01073/STPLF);
- both above-mentioned EIA Screening Opinions issued for the highway improvement scheme confirmed that it would not comprise EIA development as it would not have the potential to have significant adverse impact on the environment.

Secretary of State considerations and decision:

The Secretary of State has considered the information submitted, including the views of the LPA and Natural England.

The Development does not meet the criteria in Part 1 of Schedule 3 to the 1999 Regulations. However, the operational design pressure for this pipeline will exceed 7 bar gauge and therefore fall under Part 2 of Schedule 3 to the 1999 Regulations. Consequently, an environmental determination is required from the Secretary of State as to whether the Development constitutes EIA development 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

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Secretary of State notes that the Applicant has coordinated with the highway improvement scheme to minimise environmental effects and particularly notes the following matters:

- there are no local or statutorily designated nature conservation sites or landscapes within the Development limits;
- the location of the western tie-in and temporary construction compound/pipe storage area will ultimately either form part of the permanent highway improvement scheme or be used as a temporary construction compound by the LPA contractor to support the construction of the highway improvement scheme;
- the Preliminary Ecological Appraisal (PEA) submitted in support of the highways improvement scheme identified the Development site as being Cultivated Arable Land and did not identify any habits or features of ecological interest;
- the Applicant will require that the appointed contractor allow for, and take full account of the ecological requirements of the Development, and that they prepare and maintain a register of Sensitive Habitats and Protected Species actually encountered and take all necessary precautions in respect of the Wildlife and Countryside Act 1981 during the construction of the Project;
- the Applicant states that pre-construction checks will be carried out and in the eventuality that an unforeseen species is found before or during construction, the contractor will isolate and protect the area from any further construction activities immediately and shall propose mitigation options;
- no vegetation clearance or tree removal beyond that to be carried out for the highways improvement scheme is expected to be required for the Development;
- there are no listed buildings or non-designated heritage assets within or close to the Development. Historic England did not object to the granting of planning permission for the highway improvement scheme;
- the Applicant has in place procedures in case any ancient remains or antiquities are uncovered during any excavation work on the pipeline operation and site areas.
- some short-term temporary landscape impacts are expected to arise during the construction phase, but given the temporary nature and minor significance of these impacts no significant landscape and visual effects are anticipated.
- as the pipeline will be below ground with no above-ground infrastructure visible during operation, aside from restoration of the land following completion of the works to the pre-works condition, no additional landscape mitigation measures are considered to be necessary by the Applicant;
- with regard to ground contamination and pollution, no geotechnical constraints have been identified associated with the Development;
- any risks to the environment will be managed in line with best practice measures to be set out in the Contractors Construction Environment Management Plan (CEMP);
- it is anticipated that the Development will utilise existing field access off the A164. Traffic may temporarily increase during the construction phase, with a Traffic Management Plan to be employed to ensure minimal impacts to the road network;
- there is expected to be a short-term temporary increase in noise and dust emissions during the construction phase, the CEMP will be prepared by the contractor to set out how best practicable measures will be used to minimise and manage dust and noise impacts;
- there are sufficient controls in place, that the Development is not anticipated to give rise to significant effects on air quality and noise; and
- Natural England were consulted by the Applicant and responded on 7 November 2022 (by email, ref. 409908). Natural England advised that significant effects on statutorily designated nature conservation sites or landscapes are unlikely.

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Taking account of the above-mentioned factors and having regard to schedule 2 of the 1999 Regulations, the Secretary of State concludes that the documents provided with your letter of 8 November 2022 and the evidence supplied by the relevant LPA, are sufficient and that he can confirm 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:

East Riding of Yorkshire Council: Matthew Sunman.

Yours sincerely,

John McKenna

John McKenna
Head of Networks consents
Energy Infrastructure Planning Delivery team
Energy Development Directorate