



Department for
Energy Security
& Net Zero

By email only: RDomeney@rsk.co.uk

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Your ref: RSK/HE/663240/02/02/03-Rev01

Dear Mr Domeney,

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).

CADENT GAS LTD. PROPOSED WORKS TO DIVERT TWO EXISTING HIGH PRESSURE GAS PIPELINES AT LAND EAST OF CHELMSFORD CITY CENTRE, ESSEX.

Thank you for your letter of 5 May 2023, in which you requested an environmental determination by the Secretary of State in accordance with Regulations 3,4 and 6 of the Public Gas Transporter Pipeline Works (Environmental Impact Assessment) Regulations 1999 (as amended) (“the 1999 Regulations”), on behalf of Cadent Gas Limited (“the Applicant”). 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:

Department for Energy Security and Net Zero officials acting on behalf of the Secretary of State, met with the Applicant online on 20 January 2023. The purpose of the meeting was to provide the Applicant with the opportunity to introduce the works to be undertaken prior to submitting a formal request for an environmental determination.

The request for a determination is made by the Applicant under Regulation 6 of the 1999 Regulations for the diversion of approximately 200m each of a 300mm and a 600mm diameter high pressure gas pipeline (around 400m in total) (“the Development”). The Development is located on land to the east of Chelmsford City centre, Essex.

The diversions are required as part of a wider scheme to relocate an existing Gas Pressure Reduction System (“GPRS”) and divert other intermediate and low-pressure pipelines to run into the new infrastructure. The new GPRS and District Gas Governor sites were granted planning permission in February 2022 under planning permission 22/00239/FUL. The existing two high pressure and other gas pipelines currently run in open land north of the River Chelmer, south-east of the new GPRS site, and will need to be diverted to the north and then west to enter the new GPRS. The total length of each high-pressure diversion is approximately 200m, thus 400m of pipeline in total, but these would be in the same c. 200m length of easement (which would also include the other pipeline diversions).

A tie-in excavation will be constructed during the construction phase to allow for the diversion of the pipelines. The redundant sections of pipelines will be grouted, abandoned and left in situ.

Local Planning Authority consultation:

The Development affects one Local Planning Authority (“LPA”), Chelmsford City Council. The Applicant engaged with the LPA prior to submitting a request for an environmental determination. The LPA stated (letter dated 02 May 2023, ref. 22/00239/FUL) that: *“The extent of this work is relatively minor in terms of likely planning or environmental impact. The environmental report and accompanying documents demonstrate an adequate understanding of local constraints and potential impacts, all of which would appear to give rise to potential environmental considerations of local significance only.”* The LPA concludes that based on the information available, it had no specific comments or objections to the Development.

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 11 May 2023. The LPA responded on 11 May 2023 stating that it did not wish to raise any objection or submit any further comment in addition to those already made to the Applicant.

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 under Part 2 of Schedule 3 to the 1999 Regulations. Consequently, an environmental determination is required 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:

- The Development is not located within any statutorily designated nature conservation sites. It is located within the Chelmsford Watermeadows Local Wildlife Site (“LWS”) and 30 meters north of the River Chelmer LWS.
- The Applicant has undertaken baseline surveys and technical assessments for a range of environmental receptors.
- A National Vegetation Classification of the Watermeadows LWS reported that the LWS is dominated by species poor grassland, with a habitat of low ecological value with little diversity in structure and species composition, comprising poor semi-improved grassland and minimal scattered shrub and no notable plant species. Therefore, management of the proposed works will ensure that there is no detrimental effect on the habitats that are present. It also provides an opportunity to enhance the botanical value of the LWS.
- The Applicant commits to preparing an Ecological Management Plan (“EMP”) for works within the LWS with the aim to restore and enhance the habitat. Consultation will be undertaken with the LPA Ecologist and/or managing body of the LWS. Measures committed to by the Applicant include:
 - appropriate soil and traffic management to maintain soil structure, prevent mixing of topsoil/subsoil and ensure soils are not compacted e.g. by limiting stockpile heights;
 - ensure that there are no long-term changes to the existing drainage regime e.g. by not introducing new field drains;
 - ensure that the existing seedbank is retained with no agricultural seed mixes applied;
 - ensuring effective scrub reinstatement to retain habitat used by birds and reptiles;
 - best practice pollution control measures to prevent pollution, including effective flood planning, waste and fuel use/storage and silt prevention; and
 - reinstatement proposals looking to reduce the density of dominant grasses, if possible.
- Regarding ecology, a Preliminary Ecological Assessment including site survey was completed with further botanical, reptile and water vole surveys carried out in August 2022. Ecological field surveys identified a population of slow worm *Anguis fragilis* within the LWS. Mitigation (to be included in the EMP) will include preconstruction fingertip searches, searches for any hibernacula and presence of an Ecological Clerk of Works (“ECoW”). No other reptiles or amphibians were identified within the site.
- A 5 m section of a single hedgerow, which surveys have shown not to be important under the criteria set out in The Hedgerow Regulations 1997, is to be removed where the diversion exits the new GPRS site and will be reinstated upon completion of works with a suitable planting mix to reflect that removed. This is detailed on the Planting Plan (Appendix 5 of the ER).
- The presence of cetti’s warbler on the site is confirmed, and habitats could provide suitable breeding habitat for other small passerine species.
- Vegetation clearance will be undertaken outside of bird nesting season in the winter between September and February. If vegetation removal works are required during the breeding bird season, such works will only proceed following the completion of a nesting bird check undertaken by an experience ornithologist and supervised by an ECoW. Any active birds’ nest identified during this check must be protected from harm until the nesting attempt is complete.
- Particular care will be taken when clearing ground in case of disturbance or injury to skylarks (and other ground nesting birds). Should clearance need to take place between March – August, a watching brief by an ecologist will be required to ensure no nests are present up to 48 hours before the vegetation is removed. A buffer zone of 20 m in which no works can continue, will be established around any cetti’s warbler nests discovered.

- 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.
- The Development lies entirely within land of Flood Zone 3. A Flood Risk Assessment has been conducted and the Environment Agency (“EA”) have been consulted and confirmed that no Environmental Permits are required for the works within the floodplain, however a discharge licence for water quality may be needed (email dated 11 March 2022). The Applicant’s contractor will put in place a Flood Plan and will register with the EA Flood Warning alert system. The Development is currently proposed to be undertaken during the summer months to minimise any potential flood risk issues.
- A Pollution Prevention Plan and Environmental Emergency Response Plan will be prepared by the Applicants contractor as either a part of the Construction Environment Management Plan or as separate documents. This will detail the contractor’s control methods, such as for storage of oil and other potential contaminants, and will include commitments such as the following:
 - all construction equipment will be serviced prior to delivery to site and on arrival will be checked it is in good working order;
 - static plant will have drip trays or equivalent, or, where this is not practical for larger items, regular checks for any defects / leaks will be completed; and
 - the mitigation to be put in place to manage silt runoff from the working areas, pumping of silty water from excavations and the management of fuels, waste and chemicals on site. It will look to identify any potential pathways for contaminants to enter both surface and groundwater, including via any existing drainage.
- Slurry or washout wastewater and/or water from dewatering operations will only be disposed of to a watercourse or sewer if the Applicant has obtained consent from the EA or local sewerage undertaker and installed appropriate silt separation and/or water treatment.
- There are no registered or historic landfills within the working area, nor any other potential sources of existing contamination.
- The Secretary of State notes that the Applicant **must** comply with its ongoing duties² with regards to obtaining any necessary environmental permits. The Secretary of State is satisfied that significant effects on the water environment are unlikely.
- An archaeological desk-based assessment concludes that no designated sites or significant archaeology will be affected. However, there are two known non-designated heritage assets within the Development area: the site of a post-Medieval Gas works (MEX1035223) and Water Meadows (MEX19397). There remains a potential for the survival of previously unknown archaeological remains within the footprint of the scheme primarily in the form of buried gas works structures, and the water meadows may contain archaeological remains relating to its drainage and agricultural use during the post-Medieval period which may be encountered during trenching.
- The Essex County Council Historic Environment Consultant has been consulted and stated (email dated 01 February 2023) that, whilst any post-medieval features present in this area are likely to be of lower interest, a watching brief would be beneficial as features could still be recorded if present. The Applicant commits (email dated 06 February 2023) to establish a Watching Brief during trenching works until maximum depth has been reached as advised.
- Any landscape visual impacts will be during construction and decommissioning works. Given the short-term temporary nature of landscape and visual impacts, there are no anticipated likely significant effects on the landscape.

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

² <https://www.gov.uk/topic/environmental-management/environmental-permits>

- The Development forms part of a wider project to install the GPRS, other gas pipeline diversions and compound areas. The ER and other assessments consider the potential impacts of both the entirety of the project and the Development itself, thereby adequately considering potential intra and inter-project cumulative impacts.

Taking account of the above matters and having regard to schedule 2 of the 1999 Regulations, the Secretary of State concludes that the documents provided with your email of 05 May 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:

Chelmsford City Council: Neil Jordan

Yours sincerely,

John McKenna

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