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By email only:

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Dear Jon,

REQUEST FOR SCREENING OPINION BY THE SECRETARY OF STATE UNDER THE PROVISIONS OF REGULATION 6 OF THE PUBLIC GAS TRANSPORTER PIPE-LINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT (EIA)) REGULATIONS 1999 (AS AMENDED).

BRENTWOOD DEVELOPMENT

Thank you for your letter of 01/06/2023, in which you requested an environmental determination by the Secretary of State in accordance with The Public Gas Transporter Pipe-line Works (Environmental Impact Assessment (EIA)) Regulations 1999 (as amended) ("the 1999 Regulations"), on behalf of Brentwood Gateway Park Limited ("the Applicant"). The proposed development site is on the Land to the Rear of The Nags Head Brook Street, Brentwood, Essex (the "Proposed Development"). This letter was supplemented with the Generic Scheme Information, as well as the reports on air quality, arboriculture, contamination, ecology, flood risk, heritage, landscape, noise and site status. These documents support the request, detail the work to be undertaken and the mitigation to be put in place, and consultation undertaken by the Applicant to date.

Project background:

The Brentwood Development involves diverting the existing run off feeder 18 of the high-pressure gas line on the land to the rear of The Nags Head in Brentwood, Essex. The land is bound by Brook Street (A1023) to the north, Nags Head Lane to the east, a railway line to the south, and the M25 to the west.

The diversion is required to facilitate the construction of a mixed-use development, consisting of, amongst others, a car showroom, offices and 50 residential dwellings. The new diverted network is to be a 19.1mm 900NB pipework, and all works will be

completed in accordance with the Required National Gas Quality Management Procedures.

Prior to works beginning, 105 individual trees and 10 hedges, and 9 tree groups will be removed, and a HSG 47 Cat and Genny survey will be carried out site wide. The construction of the diversion will take place after Q10 sampling of the existing pipelines, and after all preparatory work has been completed.

The trench excavations will be bench and battered, and the pipe laid in sections, around 1.2m below the surface, before being backfilled and compacted. The pipe will cross above two diverted Thames Water foul sewer pipes. Topsoil will be replaced, and a specialist sub-contractor will carry out pre-commissioning works, including hydrotesting and drying of the pipeline. Once tie-ins are complete, A.Hak (the Contractor) will then remove and legally dispose the abandoned pipeline

Local Planning Authorities response:

The Brentwood Diversion affects one Local Planning Authority (LPA); Brentwood Borough Council (BBC). BBC was contacted directly, as per Regulation 6 subsections (2) (b), to express its opinions and provide evidence to support the Secretary of State's decision. The LPA commissioned the external consulting company Capita to undertake the screening process on behalf of BBC, and an EIA Screening Report was produced. Following the production of this report, the LPA responded that (letter dated 21 September 2023):

“Taking into account relevant criteria in Schedule 2 of the Regulations is the Council considers that the proposed development is not likely to give rise to any potential significant environmental impacts and as such, that the proposed development should not constitute EIA development.

Accordingly, the Local Planning Authority considers that the proposed development should not require an Environmental Impact Assessment”.

Secretary of State considerations and decision:

The Secretary of State has considered the information submitted, including the views of the LPA and all consultees and the following documents submitted by the Applicant:

- Generic Scheme Information
- Air Quality Assessment
- Arboricultural Impact Assessment
- Geotechnical and Geo-Environmental Site Investigation Report
- Preliminary Ecological Appraisal (PEA)
- Proposed Drainage Strategy
- Flood Risk Assessment
- Heritage Assessment
- Noise Assessment
- Site Photos
- Sequence of Works to date

The proposed pipeline project 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. Therefore, an environmental determination is required from the Secretary of State as to whether the proposed works constitute EIA development under the 1999 Regulations.

In considering whether the proposed 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 proposed gas pipeline diversion **is not EIA** development under the 1999 Regulations, due to the evidence that the proposed development would be unlikely to have significant effects on the environment. In coming to her decision, the Secretary of State particularly notes the following matters:

- There are no Special Areas of Conservation, Special Protection Areas, Ramsar sites, Sites of Special Scientific Interest (SSSIs), National Nature Reserves, Local Nature Reserves or areas of ancient woodland within the proposed works limits. The project also does not sit inside the zone of influence for any National Site Network Site or Ramsar site, nor is it in a SSSI Impact Risk Zone.
- The works are located within Flood Zone 1, but the site has little possibility of water infiltration, due to the upper geographical strata consisting of London Clay. Therefore, to dispose of foul and surface water, a drainage strategy has been developed, which involves the use of Deep Bore Soakaways. The Secretary of State is content that this strategy is sufficient to mitigate any effects from the excess water.
- Given the flat topography of the land, the distance from any nearby watercourses and how the works involved excavation and remediation to a similar land level, no threat to local waterways is identified by the Secretary of State.
- A baseline assessment of the air quality surrounding the site was carried out. The impacts from the construction and demolition phases of the project were assessed, and the site was deemed to be a 'Medium Risk Site'.
- It is expected that the construction of the Proposed Development will lead to dust, air pollution, noise and vibration. The report commissioned by BBC includes the suggestion of implementing a Construction Environment Management Plan (CEMP), a Dust Management Plan (DMP) and the use of electric vehicles and/or machinery where possible, to reduce the effect of the Proposed Development on local air quality. The Secretary of State agrees with the LPA and considers the outline measures contained within the Generic Scheme Information and the Air Quality Assessment to be appropriate to mitigate any likely significant effects resulting from changes in air quality. This conclusion is on the basis that the Applicant will agree the final CEMP and DMP with the LPA prior to works commencing.
- Although initial surveys did not record any roosting bats, several trees within the site showed possible suitability for bat roosting. Further bat surveys are to

be carried out between July and October 2023. Trees which are scheduled to be removed should be soft-felled under the supervision of an ecologist. In addition, the PEA recommends that lights are used in a limited fashion where possible, and lights that are used are to be adapted to lessen their effects on bats, which are known to be affected by light. The Secretary of State agrees that these measures are sufficient, and it is on the basis of these measures being employed that she is satisfied that there will be no significant effect on bats.

- Previous studies have shown the presence of an immature grass snake, and the area is a suitable habitat for other reptiles due to its long sward length. A further terrestrial survey for reptiles has been commissioned, and artificial and refugia for reptiles have been set up. These, along with natural refugia, will be checked regularly.
- No evidence of badger activity was found, but the Secretary of State notes that the Applicant must implement precautionary construction measures, so any badgers that come on site to forage and commute will be unaffected.
- The Secretary of State notes that the Applicant **must** comply with its ongoing duties¹ with regards to protected species.
- Most of the hedgerows on the site will be removed. Although these are a Priority Habitat, the PEA report noted that the loss is not significant, and that landscape planting will provide some compensation.
- The removal of the 10 hedgerows, 105 individual trees, and 9 tree groups (specified in the arboricultural report) must be undertaken outside of the bird nesting season (March – September (inclusive), or after a nesting bird check by a qualified ecologist.
- The nearest record of Great Crested Newts (GCN) is 1.2km from the site, and it is split from the site by the M25, which would act as a dispersal barrier. No ponds are present within the site, and only one pond was found within 250m of the site on OS maps. When GCN surveys were conducted in January 2022, spring and summer 2022, and September 2022, this pond was dry, and it was deemed that it would only hold water during extreme heavy rain events. Due to the lack of suitable habitats, and the distance between the nearest record of GCN, the Secretary of State is satisfied that there is no threat to GCN from the Proposed Development.
- The PEA evaluated that there is no threat to other protected species such as dormice, water voles or otters.
- The PEA noted numerous ecological enhancements that could be made to the development, including new shrub and herb planting, bird boxes, bat boxes, and bee bricks. The Secretary of State agrees with these enhancements, and strongly encourages the Applicant to incorporate these into the Proposed Development.
- Although there are development proposals for nearby sites, such as residential apartments and the redevelopment of a petrol station, the Secretary of State considers that any cumulative effects between these new developments, and the Proposed Development are unlikely to be significant, given their distance from the site, and their proximity to the M25.

Taking account of the above-mentioned factors, including measures intended to reduce the significance of potential effects, and having regard to Schedule 2 of the 1999 Regulations, the Secretary of State concludes that the documents provided with your letters of 30/05/2023 and 21/08/2023, and the evidence supplied by the relevant LPA are sufficient and that she can confirm that the proposed gas pipeline works are not EIA development as they are 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:

Brentwood Borough Council: Justin Booij

Yours sincerely,

John McKenna

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