



Department for
Energy Security
& Net Zero

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Dear Ms Drewett,

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).

WALES AND WEST UTILITIES PROPOSED WORKS TO REPLACE AN EXISTING GAS TRANSMISSION PIPELINE BETWEEN DERWENLAS AND TYWYN AND TO INSTALL A NEW PRESSURE REDUCTION STATION AT CWRT.

Thank you for your letter of 13 September 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 replacement gas pipeline and new pressure reduction station (“the Development”) is located within Eryri/Snowdonia National Park. The route of the replacement pipeline is proposed to start to the south of Pennal, Gwynedd and finish at Tywyn Pressure Reduction Station, south of Tywyn, Gwynedd. The new pressure reduction station (PRS) is proposed to be installed at Cwrt, Gwynedd.

The proposed replacement pipeline is approximately 14.8km long, comprising 2.2km of buried steel pipeline until the new PRS at Cwrt where the pipeline will continue for 12.6km as a buried plastic pipeline to Tywyn.

To facilitate construction of the Development, temporary compounds and access tracks will be required.

Local Planning Authority consultation:

The Development affects one Local Planning Authority (“LPA”), Snowdonia National Park Authority (SNPA). 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 6 October 2023. The LPA responded on 27 October 2023 stating that: *“Assuming those mitigation measures specified are implemented on site, the risk of significant effects arising as a result of the development are considered to be unlikely. Overall, based on the information provided, the proposed pipeline replacement included within the submission is not considered to give rise to any likely significant effects and is not considered to be ‘EIA development’.”*

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 Eryri/Snowdonia National Park, 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 her decision, the Secretary of State particularly notes the following matters:

Natural Resources and Waste

- The majority of the Development is located across agricultural land and will require temporary land take and excavation to facilitate construction. The Application has minimised the footprint of the construction site as far as possible and adopted a mixture of open-cut trenching and trenchless techniques to reduce the volume of excavated material and to minimise long-term impacts on land use. Arisings generated by construction will be stored on site and reused following completion.
- The Applicant has committed to, on completion, reinstating land disturbed by construction to its previous condition to an enduring effect on existing land uses.
- The Secretary of State is satisfied that, subject to implementation of mitigation measures, no significant effects on natural resources and waste are anticipated.

Ecology

- The Development is located within Snowdonia National Park and partly within the buffer/transition zone of the UNESCO Dyfi Biosphere Reserve. The Development is also in close proximity of the Lleyn Peninsula and the Sarnau Special Area of Conservation (SAC) (0.1km south), the Dyfi Estuary Special Protection Area (SPA) (0.9km south), and

the West Wales Marine SAC (0.9km west). The Dyfi Site of Special Scientific Interest (SSSI) and Cors Barfog SSSI are also located within 0.1km of the Development.

- The Development has been assessed through a Habitats Regulation Assessment (HRA), which determined that, following proposed mitigation measures, there would be no adverse effects on the integrity of European Sites.
- The HRA identified a potential effect pathway for habitat degradation due to potential impacts on water quality during construction of the Development. This was identified for the Lleyn Peninsula and the Sarnau SAC, Dyfi Estuary SPA, West Wales Marine SAC, Cors Fochno and Dyfi Ramsar, and the Northern Cardigan Bay SAC. However, with a commitment to best practice mitigation measures, the short and temporary nature of the construction, as well as a commitment to reinstating watercourse beds and banks, the Development will avoid adverse effects on the integrity of European Sites.
- The HRA identified a potential effect pathway for habitat degradation due to the potential spread of invasive species during construction of the Development. This was identified for the Lleyn Peninsula and the Sarnau SAC, Dyfi Estuary SPA, West Wales Marine SAC, Cors Fochno and Dyfi Ramsar, and the Northern Cardigan Bay SAC. However, with a commitment to best practice mitigation measures, pre-construction ecological surveys, as well as the safe removal of invasive species, the Development will avoid adverse effects on the integrity of European Sites.
- The HRA identified a potential effect pathway on otter (*Lutra lutra*), a qualifying feature of the Lleyn Peninsula and the Sarnau SAC, due to the Development proposing construction within watercourses known to be used by otter populations. However, with a commitment to implementing best practice measures to avoid and mitigate impacts on otters, pre-construction ecological surveys, and a precautionary method of works, the Development will avoid adverse effects on the integrity of the European Site.
- The HRA also raised the potential for impacts on Greenland white-fronted goose (*Anser albifrons flavirostris*), a qualifying feature of the Dyfi Estuary SPA, due potential disturbance or harm/mortality during construction of the Development. However, as the route of the proposed replacement pipeline is on land considered to be of low value for Greenland white-fronted goose and the characteristics of the landscape are considered unsuitable, they are not likely to occur within the area of works. Additionally, the Applicant has committed to ensuring that no works are to be conducted in the winter period (October to March) to avoid disturbance of over-wintering birds. The HRA, therefore, did not identify a potential effect pathway.
- The Applicant commits to undertaking ecological pre-construction surveys 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 commits that vegetation removal will not be undertaken during the bird nesting season from 1 March to 31 July (inclusive), where possible. The Applicant also commits to appointing an Ecological Clerk of Works (ECoW) to monitor construction at ecologically sensitive points to ensure impacts on ecology are avoided and minimised.
- The Applicant has noted a requirement for a dormouse mitigation licence due to the presence of nesting sites within the vicinity of the Development. A European Protected Species mitigation licence must be obtained from Natural Resources Wales (NRW) prior to works commencing. A final dormice mitigation strategy must also be agreed by NRW.
- The Secretary of State notes that the Applicant **must** comply with its ongoing duties¹ with regards to protected species and obtaining licences from NRW where relevant.
- The Applicant commits, on completion, to reinstating habitat and landscape features removed during construction of the Development to avoid an enduring effect on existing ecology. It is understood reinstatement of mature trees, hedgerows, and other features may take longer to re-establish. A remediation strategy, outlining measures to ensure the

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

recovery of habitat and landscape features disturbed by the construction of the Development, must be agreed by NRW and the SNPA prior to works commencing.

- The Secretary of State invites the Applicant to ensure that within a final remediation strategy, reinstated features are maintained and replaced in case of loss or damage for a minimum five-year period following completion.
- The Applicant has noted that invasive plant species, including Japanese Knotweed (*Reynoutria japonica*), have been identified along the route of the proposed pipeline. The Applicant has committed to producing a biosecurity method statement detailing avoidance and removal measures. This must be agreed by the relevant authorities prior to works commencing and be adhered to during construction of the Development.
- The Secretary of State notes that the Arboricultural Impact Assessment (AIA) was undertaken prior to the route and construction methodology of the Development being finalised. The Applicant must update the AIA prior to works commencing to ensure that the impacts on arboriculture from the Development are accurately reflected within construction, mitigation, and remediation strategies.
- During the operational phase of the Development, no significant impacts on ecology are anticipated.
- The Secretary of State invites the Applicant to consider opportunities to enhance the site for ecology following completion, such as the creation of artificial otter holts or the installation of bat and bird boxes.
- The Secretary of State is satisfied that, subject to the implementation of mitigation measures and the production of an appropriate remediation strategy and revised AIA, no significant effects on ecology are anticipated.

Pollution and Nuisances

- The Development is located within Snowdonia National Park and partly within the buffer/transition zone of the UNESCO Dyfi Biosphere Reserve.
- During the construction phase of the Development, the proposed works may produce noise affecting nearby human and ecological receptors for a temporary period. The Applicant has committed to phased construction, site-specific noise monitoring, and the fitting of silencers to machinery to minimise impacts during construction.
- During the construction phase of the Development, the proposed works may produce dust affecting nearby human and ecological receptors for a temporary period. The Applicant has committed to measures to minimise impacts during construction.
- During the construction phase of the Development, the proposed works may produce light affecting nearby human and ecological receptors for a temporary period. The Applicant has committed to using site lighting during construction hours and avoiding unnecessary light spillage onto surrounding land to minimise impacts during construction.
- During the operational phase of the Development, no significant noise, vibration, light, or dust impacts are anticipated.
- The Secretary of State is satisfied that, subject to the implementation of mitigation measures, no significant effects relating to pollution and nuisances are anticipated.

Water Resources and Flood Risk

- The proposed replacement pipeline crosses a total of 22 watercourses, including 5 main rivers. The Development includes works within floodplain areas, and at the eastern extent, 2.12km of the pipeline falls within Flood Zone 2 and 3.
- The Applicant has committed to phasing construction to avoid working within flood zone areas during periods of greater flood risk. Relevant permits authorising temporary construction works within floodplain areas and in proximity to watercourses must be agreed by NRW and the Lead Local Flood Authorities prior to works commencing.
- Where possible, the Applicant has committed to installing the proposed pipeline beneath watercourses via trenchless techniques to avoid adverse impacts on watercourses.

Where trenchless techniques are not possible, the Applicant has committed to best practice methods to ensure that adverse impacts on watercourses from open-cut trenching are avoided and mitigated for as far as possible. The Applicant has committed to, on completion, reinstating watercourse beds and banks disturbed by construction to their previous condition to avoid significant adverse impacts. This methodology must be agreed by NRW prior to works commencing.

- The Applicant has committed to pollution prevention and mitigation measures to minimise the risk of pollutants entering watercourses or damaging habitats.
- During the operational phase of the Development, no significant impacts on watercourses are anticipated.
- The Secretary of State is satisfied that, subject to the implementation of mitigation measures and the approval of relevant consents, no significant effects relating to water resources and flood risk are anticipated.

Archaeology and Cultural Heritage

- The Development is not within a World Heritage Site, Scheduled Monument, Listed Building, or Registered Historic Park and Garden. A large part of the pipeline falls within the Dysynni Valley, a Registered Landscape of Special Historic Interest.
- Applicant has undertaken geophysical surveying and archaeological trial trenching to inform modifications of the proposed pipeline route to avoid archaeological sites of known or potential significant importance. However, as trial trenching only tested a small proportion of geophysical anomalies, the potential for yet unidentified archaeological remains of significant importance along the route remains. The Applicant has committed to undertaking a phased programme of archaeological recording to mitigate the potential impact of the Development on yet unidentified archaeological remains.
- Prior to works commencing, a programme of intended archaeological work and mitigation, within a Written Scheme of Investigation (WSI), must be prepared by a suitably qualified archaeological contractor. The WSI must be agreed by both the SNPA and the Gwynedd Archaeological Planning Service.
- The Secretary of State also invites the Applicant to revise the existing Construction Environmental Management Plan (CEMP) to ensure that a 'toolbox talk' on archaeology is delivered by the appointed archaeological contractor.
- During the operational phase of the Development, no significant impacts on archaeology or cultural heritage are anticipated.
- The Secretary of State is satisfied that, subject to the implementation of mitigation measures and the production of an appropriate WSI and revised CEMP, no significant effects on archaeology and cultural heritage are anticipated.

Landscape and Visual Amenity

- The Development is located within Snowdonia National Park and partly within the buffer/transition zone of the UNESCO Dyfi Biosphere Reserve. A large part of the pipeline also lies within an Area of Natural Beauty and the Dysynni Valley, a Registered Landscape of Special Historic Interest.
- During the construction phase of the Development, the proposed works may be temporarily visible to road users, users of Public Rights of Way in the vicinity, as well as nearby residential and farmstead properties. The construction phase of the Development would also result in temporary localised disturbance to the surrounding landscape.
- The Applicant commits, on completion, to reinstating habitat and landscape features removed during construction of the Development to avoid an enduring effect on existing landscapes. It is understood reinstatement of mature trees, hedgerows, and other features may take longer to re-establish. A remediation strategy, outlining measures to ensure the recovery of habitat and landscape features disturbed by the construction of the Development, must be agreed by NRW and the SNPA prior to works commencing.

- The Secretary of State invites the Applicant to ensure that within a final remediation strategy, reinstated features are maintained and replaced in case of loss or damage for a minimum five-year period following completion.
- On completion, the pipeline will be buried beneath ground level and therefore not visible. The proposed PRS at Cwrt would be the only visible and permanent above ground component following completion.
- The Applicant commits to retaining existing hedgerows and field boundaries surrounding the proposed PRS to screen views of the structure from nearby receptors. The Applicant also commits to additional screening planting along the nearby highway and ensuring the external finish of the PRS is in keeping with the local vernacular, both of which must be agreed with the SNPA prior to works commencing.
- The Secretary of State is satisfied that, subject to the implementation of mitigation measures and the production of an appropriate remediation strategy, no significant effects on landscape and visual amenity are anticipated.

Traffic, Transport, and Public Rights of Way

- The proposed pipeline intersects with approximately 10 Public Rights of Way (PRoW) and requires temporary diversion or closure to enable construction. This must be agreed with the relevant authorities prior to works commencing.
- The proposed replacement pipeline intersects with roads in approximately 25 locations and will require construction works within the highways at 5 locations.
- The Applicant has committed to the production of a Construction Traffic Management Plan (CTMP) to outline routes for construction traffic, as well as weight and time restrictions to avoid peak traffic flows. This must be agreed with the local highways authority prior to works commencing. The Applicant has also committed within the CEMP to ensure any impacts to traffic and transportation during construction are mitigated for by implementing best practice measures.
- During the operational phase of the Development, only infrequent visits by maintenance personnel to the PRS are anticipated.
- The Secretary of State is satisfied that, subject to the implementation of mitigation measures and the production of a final CTMP, no significant 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 13 September 2023 and the evidence supplied by the relevant LPA are sufficient, and that she 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. Should changes occur to the design of the Development or any of the committed and requested mitigation measures not be implemented, the conclusions of this environmental determination will be subject to review.

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

Snowdonia National Park Authority: Jonathan Crawley
Gwynedd Council: Gwenan Jones

Yours sincerely,

John McKenna

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