



Department for
Energy Security
& Net Zero

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Department for Energy Security
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Energy Infrastructure Planning
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Dear Mr Wilson,

REQUEST FOR ENVIRONMENTAL DETERMINATION BY THE SECRETARY OF STATE FOR CADENT GAS LTD PROPOSED WORKS TO DIVERT AN EXISTING GAS PIPELINE ON LAND ADJACENT TO APPLEBY LODGE WAY, WELLINGBOROUGH, NN8 6BS.

Thank you for your letter of 22 May 2024, 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 area to the west of Appleby Lodge Way is currently undergoing development as part of Prologis Park Wellingborough West Zone C and D. The new buildings are to be positioned over the existing 18” high pressure and 8” intermediate pressure gas pipelines, owned and operated by Cadent Gas. To facilitate this, the existing gas pipelines are required to be diverted along the eastern and southern boundary of the site, through an approximately 1.2km high pressure gas pipeline and an 800m intermediate pressure heavy wall pipe (“the Proposed Development”).

Local Planning Authority consultation:

The Proposed 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 30 May 2024. The LPA responded on 23 July 2024 stating that the submitted details had been reviewed and they had no objections or comments to make.

Secretary of State considerations and decision:

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

The Proposed 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 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 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 Development 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 his decision, the Secretary of State particularly notes the following matters:

Ecology

- The Proposed Development is not within 1km of a European designated site or nationally designated site. The Applicant identified no potential effect pathways.
- The Proposed Development is located approximately 50m north-west of the Corrie's Spinney Potential Wildlife Site ("PWS"), and approximately 600m north-west of another PWS. The Proposed Development is also located approximately 450m south-west of The Vivians Covert Local Wildlife Site ("LWS") and 700m west of the Park Farm Industrial Estate LWS.
- The Proposed Development is not within 1km of a Tree Preservation Order area.
- The Secretary of State notes that, as part of the Prologis Park Wellingborough West planning approvals, an ecological survey concluded that the habitats present on site were of low ecological value, although the trees and hedgerows were of heightened ecological interest for bats and common bird species. It is also noted that as part of these planning approvals, all trees and vegetation were removed from the site in early 2024 and would be replaced by appropriate planting following construction. The Secretary of State notes that North Northamptonshire Council have granted approval to divert and culvert the open ditch dissecting the site, which would be completed prior to the construction works of the Proposed Development.
- The Applicant has committed to producing a Constructional Environmental Management Plan ("CEMP") to identify measures to avoid and mitigate potential impacts on ecology. This must include relevant measures to avoid and mitigate potential impacts on the Corrie's Spinney PWS and the hedgerows along the southern boundary of the site. If the presence of a protected species is also confirmed the Applicant **must** comply with its ongoing duties¹ and obtain licences from Natural England where relevant.
- During the operational phase of the Proposed Development, no significant impacts on ecology are anticipated.
- The Secretary of State is satisfied that, subject to the implementation of the CEMP, no significant effects on ecology are anticipated.

Pollution and Nuisances

- The Proposed Development is located adjacent to several commercial properties along Appleby Lodge Way. Appleby Bungalow, a residential property, is also located approximately 80m to the west of the Proposed Development. Wilby Hall and various farm buildings are located approximately 290m to the west.

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

- The Proposed Development is not located within 1km of a Noise Important Area. During the construction phase of the Proposed Development, works may produce noise and vibration affecting nearby human and ecological receptors for a temporary period. The Applicant has committed to producing a CEMP to identify measures to avoid and mitigate potential impacts from noise and vibration during construction. The Applicant has also committed to undertaking consultation with the Local Authority's Environmental Health Officer if adverse impacts become anticipated during construction.
- The Proposed Development is not located within 1km of an Air Quality Management Area. During the construction phase of the Proposed Development, works may produce dust affecting nearby human and ecological receptors for a temporary period. The Applicant has committed to producing a CEMP to identify measures to minimise and mitigate potential impacts from dust during construction.
- During the construction phase of the Proposed Development, works may produce light affecting nearby human and ecological receptors for a temporary period. The Applicant has committed to using site lighting only during construction hours and avoiding unnecessary light spillage onto surrounding land to minimise impacts during construction. The Applicant has also committed to producing a CEMP to identify measures to avoid and mitigate potential impacts from lighting during construction.
- No historic landfills or potential for made ground have been identified by the Applicant along the route of the Proposed Development.
- During the operational phase of the Proposed Development, no significant noise, vibration, light, dust, or pollution impacts are anticipated.
- The Secretary of State is satisfied that, subject to the implementation of the CEMP, no significant effects relating to pollution and nuisances are anticipated.

Water Resources and Flood Risk

- The Proposed Development is not located within 1km of a Flood Zone.
- The Proposed Development is located within the River Nene Drinking Water Safeguard Zone and the River Nene Nitrate Vulnerable Zone ("NVZ"). The Applicant has committed that no nitrates will be used during construction.
- The Secretary of State notes that North Northamptonshire Council have granted approval to divert and culvert the open ditch dissecting the site, and that the Proposed Development would be constructed underneath the aforementioned culvert.
- The Applicant has committed to producing a CEMP and Water Management Plan ("WMP") to identify measures to avoid and mitigate potential impacts on surface and groundwater, including measures to avoid and mitigate the risk of silt and pollutant spillages.
- During the operational phase of the Proposed Development, no significant impacts on watercourses are anticipated.
- The Secretary of State is satisfied that, subject to the implementation of the CEMP and WMP, no significant effects relating to water resources and flood risk are anticipated.

Archaeology and Cultural Heritage

- The Proposed Development is not within a World Heritage, Scheduled Monument, Listed Building, or Registered Historic Park and Garden. Manor Farmhouse (Grade II*) is located approximately 990m to the north-west of the Proposed Development.
- During the construction and operational phase of the Proposed Development, no significant impacts on archaeology or cultural heritage are anticipated.
- The Secretary of State is satisfied that no significant effects on archaeology and cultural heritage are anticipated.

Landscape and Visual Amenity

- The Proposed Development is located entirely within the Northamptonshire Vales National Character Area (89). The Proposed Development is also approximately 950m south-east of the Hardwick Conservation Area.
- During the construction phase of the Proposed Development, works may be temporarily visible to road users, as well as nearby commercial receptors. The construction phase of the Proposed Development would also result in temporary localised disturbance to the surrounding landscape.
- On completion, the pipeline will be buried beneath ground level and therefore not visible.
- The Secretary of State is satisfied that no significant effects on landscape and visual amenity are anticipated.

Traffic, Transport, and Public Rights of Way

- The Proposed Development is located approximately 50m north of Footpath TU3, 300m east of Footpath UL24, 270m south-east of Bridleway TG9, and 300m south-east of Bridleway UL25. The Applicant has not identified a requirement to temporarily close or divert the PRowS to enable construction of the Proposed Development.
- The Applicant has committed to producing a CEMP to identify measures to avoid and mitigate potential impacts on traffic and transportation during construction.
- During the operational phase of the Proposed Development, only infrequent visits by maintenance personnel are anticipated.
- The Secretary of State is satisfied that, subject to the implementation of the CEMP, 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 22 May 2024 and the evidence supplied by the relevant LPA are sufficient. He can conclude that the Proposed Development **is not EIA** development as it is unlikely to have significant effects on the environment due to its nature, size and location. Should substantial changes occur to the design of the Proposed Development or any of the 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:

North Northamptonshire Council: FAO Mr. D. Law

Yours sincerely,

Nicola Parker

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