

**Date**  
05 February 2026

**Cadent Gas Limited**  
Pilot Way Ansty Park  
Coventry CV7 9JU  
United Kingdom  
cadentgas.com

**John Wheadon**  
Head of Energy Infrastructure Planning Delivery  
Department for Energy Security and Net Zero



By email: [REDACTED]  
Cc: [REDACTED]  
Cc: [REDACTED]

Dear Mr Wheadon

**H2East Pipeline: Humber to Nottinghamshire (the “Project”)**

**Request for a Section 35 Direction (“Request”)**

**Planning Act 2008 (the “Act”)**

**Introduction**

Cadent Gas Limited (“**Cadent**”) is writing to request that the Secretary of State for Energy Security and Net Zero (“**SoS**”) grants a direction under Section 35 of the Act that the Project is of national significance and therefore should be treated as a project for which development consent is required.

This Request constitutes a qualifying request for the purposes of the Act and the following sections of this demonstrate compliance with the requirements of the Act. A draft direction is included at Appendix 1 to this letter.

Cadent is the largest gas distribution company in the United Kingdom, delivering gas to over 11 million homes and businesses throughout the North West, West Midlands, East Midlands, South Yorkshire, East of England and North London. As a licenced gas transporter, Cadent also has a statutory duty to maintain its network, ensuring that it operates safely



and reliably. Cadent is committed to ensuring that low carbon gases, such as hydrogen, play a major role in the net zero energy system of the future.

Cadent is developing a hydrogen pipeline, known as the H2East Pipeline: Humber to Nottinghamshire within the East Coast Region which would connect newly constructed hydrogen production plants at North Killingholme (the Humber H2ub (Green) Hydrogen Production Plant and the Humber H2ub (Blue) Hydrogen Production Plant) and High Marnham (the HyMarnham Hydrogen Production Plant) with industrial users located near Immingham, Scunthorpe, Kirton and Newark.

The main objective of the Project is to convey low carbon hydrogen and connect these production facilities with industrial users to decarbonise industry.

The Project will therefore deliver a critical component of the Government's hydrogen and decarbonisation strategy by connecting hydrogen production facilities and industrial users. Further information on the national planning and energy policy support for the Project is set out at section 7.

## **The Project**

The key components of the Project are:

1. circa 150km of hydrogen pipeline connecting hydrogen production and industrial users comprising the following:
  - a. a hydrogen pipeline from North Killingholme to Immingham;
  - b. a hydrogen pipeline from Immingham to Scunthorpe;
  - c. a hydrogen pipeline from Scunthorpe to High Marnham;
  - d. a hydrogen pipeline from High Marnham to Kirton and Newark; and
  - e. pipeline spurs connecting the hydrogen pipeline to an identified point either on the boundary of, or within industrial user premises.
2. up to 21 hydrogen above ground installations (HAGIs) along the hydrogen pipeline corridor, required to control the flow and pressure of hydrogen at key points along the pipeline. The HAGI footprint will also contain Pressure Reduction Units, metering facilities, pigging facilities, and instrumentation / control kiosks;
3. up to 4 block valve installations;

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4. a Cathodic Protection System
5. fibre optic cables;
6. pipeline marker posts; and
7. visual mitigation and ecological compensation..

Cadent requests that the Section 35 direction confirms that the Project is to be treated as development for which development consent is required.

On 20 June 2025 Ofgem issued a direction to Cadent pursuant to a re-opener request that Cadent had submitted pursuant to its gas transporter licence in relation to the Project. In issuing the direction, Ofgem provided funding to Cadent to develop the Project and imposed project funding conditions pursuant to Cadent's gas transporter licence, which regulate the development of the Project. This demonstrates that Ofgem has provided funding for the Project and that Cadent is required to develop the Project pursuant to its gas transporter licence.

### **Reason for the Request**

#### **NSIP Thresholds**

Under Section 31 of the Act, development consent is required where infrastructure proposals are, or form part of a Nationally Significant Infrastructure Project (“**NSIP**”). Under Section 14(1)(f) of the Act, a project which consists of the construction of a pipeline by a gas transporter (where the requirements of Section 20 of the Act are met) is an NSIP. Cadent is a gas transporter for the purposes of the Act and hydrogen is a gas for the purposes of the Act.

Section 21 of the Act does not apply to the Project as it only applies to development other than by a gas transporter.

Section 20 of the Act states that the construction of a pipeline by a gas transporter is a NSIP within section 14(1)(f) of the Act if (when constructed) each of the following conditions are expected to be met:

1. The pipeline must be wholly or partly in England (**criterion 1**);
2. Either: - (i) the pipeline must be more than 800 millimetres in diameter and more than 40 kilometres in length; or (ii) the construction of the pipeline must be likely to have a significant effect on the environment (**criterion 2**);
3. The pipeline must have a design operating pressure of more than a 7 bar gauge (**criterion 3**); and

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4. The pipeline must convey gas for supply (directly or indirectly) to at least 50,000 customers, or potential customers, of one or more gas suppliers (**criterion 4**).

The first three criteria as set out in Section 20 of the Act will be met in relation to the Project because the:

1. pipeline is located wholly in England in accordance with criterion 1;
2. pipeline is circa 150km in length and varies from 150 to 1050 millimetres in diameter, and in any case the construction of the pipeline is likely to have a significant effect on the environment and so would exceed the requirements of criterion 2; and
3. main hydrogen pipeline would operate at a pressure of more than a 7 bar gauge in accordance with criterion 3.

However, it is not yet clear whether the Project would meet criterion 4 of Section 20 of the Act. The reason for this is that the Project does not currently include proposed blending into the gas distribution or transmission network, and in any event the government is yet to make a decision on whether to permit the blending of hydrogen into the gas distribution or transmission network. As such, the Project would convey hydrogen to less than 50,000 customers given the number of industrial users would be significantly lower than this. Therefore, it is considered likely that at the stage that Cadent will be constructing the Project, criterion 4 would not be met.

#### *Nature of the Project and Consents Required*

Given the linear nature of the Project, it is likely that Cadent would require compulsory purchase powers to ensure that it would be able to acquire the land, and rights over land, required to deliver the Project. The Project may also require a marine licence for the crossing of the River Trent and if not consented pursuant to the Act would necessitate multiple planning applications creating significant complexity given that the Project is located across five different local planning authority jurisdictions. In addition to planning permission, it is likely that Cadent will need to obtain a range of other consents and approvals from various consenting bodies. The Project would benefit from a unified consenting process with consideration of all elements of the Project by one consenting authority to ensure consistency in assessment, determination and timing.

Additionally, a section 35 direction would allow the Project to benefit from the firm timescales that apply to the DCO consenting process and help avoid unnecessary delays to the delivery of the Project.

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Paragraph 3.4.12 of National Policy Statement EN-1 (December 2025) (“**NPS EN-1**”) provides that there is an urgent need for all types of low carbon hydrogen infrastructure to allow hydrogen to play its role in the transition to net zero and so an expedient consenting process would help address this urgent need.

If the Project supplied 50,000 customers, then it would be an NSIP by virtue of Section 20 of the Act; and if the Project were promoted by an entity which did not have the benefit of a gas transporter licence, then it would be an NSIP by virtue of Section 21 of the Act. The purpose of the Act and the NSIP regime is to capture and deliver infrastructure of the nature of the Project. Cadent does not consider it appropriate to circumvent the Act by virtue of technicalities.

Finally, similar pipeline infrastructure has been directed into the Act for similar reasons. On:

1. 5 July 2022 the SoS issued a Section 35 direction in respect of the HyNet Northwest Hydrogen Pipeline on the basis that criteria 4 of Section 20 of the Act may not have been met in respect of that project;
2. 22 December 2022 the SoS issued a Section 35 direction in respect of the H2 Teesside project, including pipeline infrastructure;
3. 22 November 2024 the SoS issued a Section 35 direction in respect of the H2NorthEast Project which included pipelines on the basis that there was uncertainty as to whether the threshold in section 21 of the Act of the Act would have been met in respect of that Project; and
4. 10 June 2025 the SoS issued a Section 35 direction in respect of the Humber Hydrogen Pipeline Project on the basis that section 20 and section 21 of the Act may not have been met in respect of that project.

Therefore, there is precedent for substantially similar infrastructure being directed into the Act pursuant to section 35 directions.

#### Conclusion On Reasons for Request

As the Project may not meet the criteria identified in Section 20 of the Act, Cadent requests a direction pursuant to Section 35 of the Act, in order for the Project to be consented pursuant to the Act. Issuing a Section 35 direction pursuant to the Request is required to provide certainty as to the relevant consenting regime for the Project, given its national significance.

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## **Request**

For the reasons set out above, Cadent requests that a direction pursuant to section 35 of the Act be granted in relation to the Project to ensure that there is no uncertainty in relation to the Project's designation as an NSIP.

Cadent requests that the Spurs (totalling 41km in length) are not subject to the direction. There are alternative consenting routes for the Spurs, including as associated development in an application for development consent made in respect of the proposed Project under the Planning Act 2008. This would be consistent with the Secretary of State's section 35 direction dated 5 July 2022 in respect of the HyNet Northwest Hydrogen Pipeline Project.

## **Associated Development Status**

Certain works may be consented as associated development pursuant to Section 115 of the Act.

There is detailed Government guidance on what may constitute associated development for the purpose of the Act in the Ministry of Housing, Communities and Local Government Guidance "Planning Act 2008: associated development applications for major infrastructure projects" (26 April 2013) (the "**AD Guidance**").

Any application for development consent is expected to include all the elements of the Project, including those elements that constitute the Project, the associated development (as defined by section 115 of Act) to the Project and ancillary development.

The HAGIs, infrastructure within the HAGIs, block valve installations, Cathodic Protection System, fibre optic cables, pipeline marker posts, visual mitigation and ecological compensation associated with the pipeline:

1. have a direct relationship with Project because they are necessary to convey the hydrogen and support the operation of the Project;
2. are subordinate to the Project;
3. are necessary to allow the purpose of the Project to be achieved and so are not included
  - a. or additional review or to provide cross-subsidy; and
  - b. are considered to be proportionate to the scale to the NSIP itself.

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The AD Guidance includes as an example of associated development specific to gas transporter pipelines (in Annex B): “Above ground installations such as pumping/booster stations, compressor and/or regulator stations” – these cover the types of associated development being proposed.

Therefore, it is considered that the HAGIs, infrastructure within the HAGIs, block valve installations, Cathodic Protection System, fibre optic cables, pipeline marker posts, visual mitigation and ecological compensation associated with the Project are all properly capable of being consented as associated development.

### **Qualifying Request**

The Request is a qualifying request for the purposes of Section 35ZA(11) of the Act.

For the purposes of Section 35 of the Act, Cadent confirms that the development:

1. forms part of a project (or proposed project) in the field of energy and so satisfies the condition in Section 35(2)(a); and
2. will (when completed) be wholly in England and so satisfies the condition in Section 35(2)(b).

For the purposes of Section 35ZA(1) of the Act, Cadent confirms that no application for a consent or authorisation mentioned in section 33(1) or (2) has been made in relation to the development to which the Request relates.

By virtue of Section 35(2)(c), the Secretary of State must think that the project (or proposed project) is of national significance, either by itself or when considered with one or more other projects (or proposed projects) in the energy field. The following section sets out the national significance of the project and the other projects in the energy field to which it relates.

### **National Significance**

#### **National Planning Policy**

Paragraph 3.4.12 of NPS EN-1 states that there is an urgent need for all types of low carbon hydrogen infrastructure to allow hydrogen to play its role in the transition to net zero. The Project will help meet this need.

Paragraph 3.4.23 of NPS EN-1 further recognises this, and states that to support the urgent need for low carbon hydrogen infrastructure, hydrogen distribution, pipelines and storage, are considered to be critical national

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priority (“**CNP**”) infrastructure. Government strongly supports the delivery of CNP Infrastructure and it should be progressed as quickly as possible.

Paragraph 3.3.49 of NPS EN-1 recognises that low carbon hydrogen is essential to achieve the Government’s Clean Energy Superpower and Growth Missions and will be a crucial part of our future energy system. Paragraph 2.3.8 of NPS EN-1 recognises that we will need to adapt existing networks or build new ones to integrate low carbon hydrogen into the system and enable the transport and storage of carbon dioxide. The Project comprises one such network.

Paragraph 161 of the National Planning Policy Framework (December 2024) (“**NPPF**”) provides that the planning system should support the transition to net zero by 2050 and support renewable and low carbon energy and associated infrastructure.

Paragraph 168 of the NPPF provides that when determining planning applications for all forms of renewable and low carbon energy developments and their associated infrastructure, local planning authorities should: a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and b) give significant weight to the benefits associated with renewable and low carbon energy generation and the proposal’s contribution to a net zero future.

On 18 December 2025, a draft updated version of the NPPF was issued for consultation. National decision-making policy W3 sets out that substantial weight should be given to the benefits of renewable and low carbon energy development (including hydrogen infrastructure) for improving energy security, supporting economic development and moving to a net zero future. That same policy also states that Applicants should not be required to demonstrate the need for renewable or low carbon energy development

The Project will deliver the benefits identified in national planning policy.

### National Energy Policy

The Climate Change Act 2008 sets the UK a statutory target to reduce the net carbon account to zero (net zero) by 2050 and following the sixth carbon budget the UK has a legislative requirement to cut emissions by 78% by 2035 compared to 1990 levels.

Successive governments have published a number of strategies, white papers and action plans to achieve net zero and a low carbon economy. Many of these documents identify the replacement of natural gas with hydrogen together with associated carbon capture, as critical if the UK is to achieve the 2050 target.

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The Clean Growth Strategy published in October 2017 (the “**Clean Growth Strategy**”) sets out proposals for the decarbonisation of all sectors of the UK economy through the 2020s. It explains how the whole country can benefit from low carbon opportunities, while meeting national and international commitments to tackle climate change.

The Green Future: Our 25 year plan to improve the environment sets out Government action to help the natural works regain and retain good health, with the aim to deliver cleaner air and water in our cities and rural landscapes, protect threatened species and provide richer wildlife habitats.

The Government’s Ten Point Plan for a Green Industrial Revolution published in November 2020 (the “**Ten Point Plan**”) aims to make the UK a global leader in green technologies. It identifies technologies which when brought forward together will deliver significant numbers of new jobs and support the UK to ultimately address its climate change commitments by 2050. Point 3 of the Plan is to ‘drive the growth of low carbon’ and Government has set an aim of delivering 10GW of low carbon hydrogen production capacity by 2030, attainment of which would be supported by the Net Zero Hydrogen Fund.

The Energy White Paper, ‘Powering our Net Zero Future’, December 2020 (the “**Energy White Paper**”) recognises that setting a net zero target as a means of reducing the effects of future climate change requires investment and innovation and refers to the Ten Point Plan and the National Infrastructure Strategy providing a strategy for the wider energy system.

The Industrial Decarbonisation Strategy was published in March 2021 (the “**Industrial Decarbonisation Strategy**”) and sets out how industry can decarbonise in line with net zero, while remaining competitive and without pushing emissions abroad. Building on the Ten Point Plan, the Strategy sets out the government’s vision for a prosperous, low carbon UK industrial sector in 2050.

The UK Hydrogen Strategy was published in August 2021 (the “**Hydrogen Strategy**”). It establishes the case for low carbon hydrogen and the role of hydrogen in meeting net zero, recognising that it will play an important complementary and enabling role alongside clean electricity in decarbonising the UK’s energy system. Furthermore, the Hydrogen Strategy states that hydrogen is suited to use in a number of sectors where electrification is not feasible or is too costly, and other decarbonisation options are limited. Examples cited are the generation of high temperature heat, as in industrial furnaces, and long-distance, and heavy-duty transport. The Strategy sets out options for an emissions standard that defines ‘low carbon’ hydrogen, including a methodology for calculating GHG emissions associated with hydrogen production and a subsequent

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greenhouse gas emissions threshold, against which different low carbon hydrogen production pathways would be measured. The importance of the Hydrogen Strategy has been recognised by the current Government with an updated version expected in 2026.

Published in October 2021 the Government's Net Zero Strategy: Build Back Greener (the "**Net Zero Strategy**") builds upon the Ten Point Plan and provides policies and proposals to keep the UK on track to meet its carbon budgets and sets out a vision for a decarbonised economy in 2050. Under the heading of 'Fuel Supply and Hydrogen' it aims to support the creation of up to 10,000 jobs by 2030 in fuel supply, mobilise additional private and public investment of between £20 and £30 billion by 2037 and deliver 5GW of hydrogen production capacity by 2030 (with the expectation this could increase to 10 or 17GW by 2035 depending upon the role of hydrogen for heat).

The government's Hydrogen Strategy Delivery Update issued in December 2023 reiterated the need for low carbon hydrogen in the UK to help deliver decarbonisation of heavy industry and transport, as well as helping to build a resilient and secure net zero energy system.

The Government's Hydrogen Transport and Storage Networks Pathway issued in December 2023 identified the vital role that low carbon hydrogen will play in decarbonising industrial processes that are harder or more expensive to electrify, and can provide cleaner, homegrown energy for power, transport, and potentially heating.

The Hydrogen Investment Roadmap published in February 2024 (the "**Roadmap**") sets out the scale of the UK's ambition for the role of the hydrogen economy in meeting net zero. The Roadmap details investment opportunities across the hydrogen value chain and includes details of key elements of the UK policy framework.

The current government has continued the same approach as previous governments, publishing a number of strategies and action plans to achieve net zero and a low carbon economy.

In December 2024 the government published the Clean Power 2030 Action Plan (the "**Clean Power Action Plan**"). The Clean Power Action Plan recognises that hydrogen will need to be deployed for net zero to be reached.

The Clean Power Action Plan also recognises the Government is committed to designing new business models for hydrogen transport and storage infrastructure. The Energy Act 2023 provides the legislative framework that will underpin the delivery of the hydrogen transport and

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storage business models. The government is currently progressing the design of the commercial models.

The Climate Change Committee's ("CCC") recommendations to deliver the Seventh Carbon Budget, published on 26 February 2025, recognises the important role that hydrogen will play: within subsectors that will be difficult to electrify; in decarbonising industrial sectors; and in power generation. This recognises the meaningful role of hydrogen in four subsectors in the CCC's pathway to Net Zero: 1) chemicals, 2) glass and other minerals, 3) iron and steel, and 4) non-road mobile machinery. At section 7.7, the CCC state that: "Government should fast-track low-regret hydrogen infrastructure development, including networks and storage. These investments have long lead-times and action will need to start soon to enable them to be available from the 2030s".

The seventh Carbon Budget sets out the CCC's recommendations for the UK's seventh carbon budget, which will run from 2038 to 2042. The document is a blueprint for a fully decarbonised UK. It recognises the rapid roll-out of Carbon Capture Storage and hydrogen infrastructure at industrial sites is required when questioning whether the UK can achieve Net Zero significantly before 2050. The CCC's recommendations for the UK's seventh carbon budget continue to recognise the role of hydrogen to achieve Net Zero.

In June 2025, the Government recognised the need for the wider East Coast Hydrogen programme of which the Project is part, awarding £96 million by way of further funding. As part of its announcement of this funding, the Government noted that there were many legacy industries across the country that would not be able to convert to electricity. As a result hydrogen offers a clean energy source that can support energy intensive regions, and in doing so, protect jobs and local industries.

In June 2025, the Government published its Industrial Strategy which supports the deployment of hydrogen through a clear trajectory.

In July 2025, the Government published the 'Hydrogen Strategy update to the market: July 2025' which sets out progress in developing policies and projects across the hydrogen value chain and looks forward to further hydrogen plans into 2026. The document sets out the Government's vision that there is "a thriving low-carbon hydrogen economy that decarbonises hard-to-electrify sectors, strengthens energy security, and fuels good jobs and economic growth across the UK".

The Carbon Budget and Growth Delivery Plan issued in October 2025 sets out how the government will meet its statutory carbon budgets and secure the benefits of this transition for people and businesses. In the statement "unlocking the benefits of the clean energy economy", issued alongside

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the Carbon Budget and Growth Delivery Plan, the Government recognises that hydrogen will have a key role to play in replacing fossil fuels in hard-to-electrify sectors.

In October 2025, the Government also issued its Hydrogen Infrastructure Strategic Planning Policy Statement. This statement sets out how the Government considers that the National Energy System Operator (“**NESO**”) should carry out its strategic planning for hydrogen infrastructure. Importantly this statement reiterates the importance of hydrogen transport to enable hydrogen production to service demand across different end use sectors and support the delivery of the Government’s decarbonisation commitments.

NESO has consulted on its methodology, and completed a Strategic Environmental Assessment Scoping Report for the Strategic Spatial Energy Plan (“**SSEP**”) which is expected to be adopted in 2027. The SSEP will include hydrogen infrastructure.

The Project will enable the delivery of these key national energy policies.

### **Other Projects**

The Project will form part of and connect into the wider East Coast Hydrogen programme that is a collaboration between Cadent, National Gas, and Northern Gas Networks. This programme is designed to connect planned hydrogen production and storage with industrial users in the East Coast region. Other elements of the wider programme which were also awarded funding by Ofgem in June 2025 include:

1. National Gas’s Project Union East Coast; and
2. Northern Gas Network’s East Coast project.

### **Conclusion**

As set out, the Project is of national significance and will play a crucial role in achieving the Government’s objectives of transitioning to a low carbon hydrogen economy.

By progressing the Project through the Act, it would provide the certainty of a single, unified consenting process with a fixed timescale for determination. It will reduce the need to apply for separate consents and it will also remove the potential requirement to make one (or more) separate compulsory purchase orders. In addition, the Project will benefit from being assessed comprehensively at the same time, through the same clear process and in a consistent manner by the same decision maker. The EIA process would also be streamlined, and it will also simplify the

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consideration of any likely significant environmental effects for the Project, by ensuring the Project is considered comprehensively by a single decision maker.

We look forward to receipt of your response.

Yours sincerely

**CMS Cameron McKenna Nabarro Olswang LLP**

on behalf of

**Rebecca Evans BA (Dual Hons) PGCE MPlan MRTPI**

Head of Consents (Major Projects), Cadent