



Department for
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By email: [REDACTED]

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Dear Mr Wilson,

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).

Request for an Environmental Determination – Ulverston Gas Pipeline Diversion

Thank you for your letter of 4 February 2021, in which you requested, on behalf of your client, Cadent Gas Limited (Cadent), an environmental determination by the Secretary of State in accordance with Regulation 6 (1) (a) of the Public Gas Transporter Pipeline Works (Environmental Impact Assessment) Regulations 1999 (as amended) (“the 1999 Regulations”). This letter was supplemented with an Environmental Constraints Report which supports the request and details the work to be undertaken and the mitigations to be put in place.

Project background:

The request for a determination under the 1999 Regulations has been made in regards to the Ulverston to Barrow Gas Pipeline, which was commissioned in 1975 and is routed underneath the Ulverston Canal northern towpath. It is noted from the Environmental Constraints Report – which has been commissioned by Cadent Gas Limited (Cadent), a regulated business with statutory responsibilities for the transportation of gas - that the embankment has a history of settlement and it currently carries a single carriageway path used by pedestrians and cyclists. The landowner has carried out several investigations into the structural integrity of the embankment in the past including some remedial works to maintain the structure. The current

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stress on the embankment poses a risk to the gas pipeline laid underneath and any future development in the vicinity.

It is also noted that the pipeline is subjected to longitudinal / axial stress due to the settlement profile of the embankment. This has caused a history of leakages linked to Stress Corrosion Cracking (SCC). The Environmental Constraints Report states that in 2008, as part of a developed management and protection strategy, Cadent Gas Limited commissioned residual stress measurements at two locations along the pipeline to determine the level of actual stress. The pipeline has had follow up measurements taken since 2008 and it has since been determined that the level of stress that the pipeline is subject to has exceeded previously defined acceptable limits. To mitigate the issues identified a pipeline diversion is required, which is the Ulverston Gas Pipeline Diversion project.

The Environmental Constraints Report details the following actions required as part of the Ulverston Gas Pipeline Diversion project:

- Diversion of approximately 1000m of 300mm diameter steel pipeline;
- Tie into existing pipework at the Ulverston Above Ground Installation (AGI);
- Open-cut crossing of Back Drain (main river);
- Open cut crossing of railway underneath viaduct arch, if possible. If not possible then the railway will be crossed via non-open cut techniques such as Horizontal Directional Drill (HDD);
- Open cut installation through fields on the northern side of Ulverston Canal. Concrete sleeves on the pipe may be required to alleviate buoyancy issues;
- Non-open cut crossing of Ulverston Canal and Back drain, potentially tunnelling or HDD; and
- Tie into existing pipework on the south side of Ulverston Canal.

It is noted that a Construction Environmental Management Plan (CEMP) will be developed by the construction contractor to ensure that appropriate environmental management practices are followed during construction and/or operation of the project and will detail the necessary environmental control plans required.

Local Planning Authorities response:

South Lakeland District Council is the Local Planning Authority (LPA) and the Secretary of State, as per regulation 6 section (2) (b) of the Regulations, contacted them for their opinions. A response was received from Andrew Martin, Principal Planning Officer, on 16 March 2021, stating that, in the LPA's opinion, the proposed works do not constitute EIA development and no Environmental Statement is required.

Secretary of State considerations and decision:

The Secretary of State has considered the information you have submitted, including the Environmental Constraints Report, the HRA Screening report (dated 19 November 2020), the supplementary mitigation and method statement and consulted with the appropriate LPA as mentioned above.

The proposed pipeline diversion project does not meet the criteria in Part 1 (a) or (b) nor Part 2 (a) of the Regulations. However, the design operating pressure will be in excess of 7 bar gauge. Therefore, an environmental determination is required from the Secretary of State as to whether the proposed works constitute EIA development under the 1999 Regulations as amended.

In considering the application and whether the proposed development is likely to have significant effects on the environment, the Secretary of State has had regard to the matters

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contained in Schedule 2 of the 1999 Regulations. The Secretary of State's conclusion is that the proposed Ulverston 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 particular, the Secretary of State has noted the following matters:

- It is noted that discussions with South Lakeland District Council's planning officers will take place once plans for the works have been fully developed and they will be notified of any intention to undertake development under Permitted Development rights.
- Before any construction can begin, the developer will need to obtain written agreement with United Utilities Water (Uuw) in regards to a water main aqueduct which crosses the proposed works area.
- It is noted that there are a number of local planning application developments within the study area, however each of these are located over 500m from the centreline of the proposed works and it is not anticipated that they will have a significant impact.
- It is noted that there are five statutory designated sites within 5km of the proposed works and four of which are within 1km of the proposed works and in close enough proximity that the proposed works could potentially have adverse effects e.g. through construction related impacts. The Environmental Constraints Report states that an HRA Screening exercise would be carried out due to the proximity of designated sites and further surveys related to features may be required to support this, and discussions with Natural England and the Local Council Ecologist are recommended.
- The Secretary of State wrote to the Developer on 12 April 2021 asking for further information in regards to the HRA Screening exercise and potential mitigations. On 23 April 2021, the Developer forwarded a copy of the HRA Screening report (dated 19 November 2020) along with a supplementary mitigation and method statement which details the environmental measures for the exploratory boreholes and trial trenches which will be taking place and will be captured in the CEMP. The Secretary of State notes that the HRA Screening report states that no likely significant effects will occur and that Natural England and the Environment Agency also accept this conclusion.
- The Environmental Constraints Report also details potential impacts on mammals and other wildlife and makes a number of recommendations – which is supported by the mitigation and method statement - on how to mitigate potential issues, which includes the use of a detailed ecological review of the work extents; the Secretary of State notes and agrees with this recommendation.
- The proposed works are located entirely within Flood Zone 2 & 3 and consultation with the Environment Agency, or a Flood Risk Activity Permit, may be required.
- In regards to pollution issues, it is noted that, If impacts are anticipated during the design process, then discussions should be undertaken with the local authority Environmental Health Officer.
- Although there is no mention of any issues regarding Public Rights of Way, it is noted that a discussion will be held with the LPA to determine if a Construction Traffic Management Plan, Transport Impact Assessment or Public Right of Way Closure / Diversion is required.

Taking account of the above-mentioned factors, the Secretary of State concludes that the documents provided with your letter of 4 February 2021, the evidence supplied by the LPA and the subsequent HRA Screening report and mitigation and method statement supplied to the Secretary of State on 23 April 2021, are sufficient and that he can confirm that the proposed gas pipeline works are not an EIA development as they are unlikely to have significant effects on the environment.

A copy of this letter is being sent to the following:

Andrew Martin - Principal Planning Officer
South Lakeland District Council.

Yours sincerely,

John McKenna

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