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Mr J Turner Consents Officer National Grid National Grid House Warwick Technology Park Gallows Hill Warwick CV34 6DA	Your Ref: TX000028 Our Ref: 120430_EN060002_1197955 Date: 30 April 2012
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Dear Mr Turner

**PROPOSED RIVER OTTER PIPELINE DIVERSION
PROPOSAL BY NATIONAL GRID
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 SI 2263 (as amended) (the EIA Regulations)**

We refer to your letter dated 5 April, requesting a screening opinion under Regulation 6(1)(a) of the EIA Regulations. On the basis of the information provided by the Developer, the proposed Development is not a pipeline with a diameter of more than 800 millimetres and a length of more than 40 kilometres for the transport of gas, as defined under Paragraph 16 of Schedule 1 of the EIA Regulations, as the proposed pipeline would have a diameter of approximately 500mm and be approximately 260m in length. It therefore falls to be considered as a possible 'Schedule 2 development' under paragraph 3(b) or 10(k) or of Schedule 2 of the EIA Regulations, which are as follows:

3(b) Industrial installations for carrying gas, steam and hot water; transmission of electrical energy by overhead cables (projects not included in Schedule 1);

10(k) Oil and gas pipeline installations and pipelines for the transport of carbon dioxide streams for the purposes of geological storage (unless included in Schedule 1).

In accordance with Regulation 7(1) of the EIA Regulations the Secretary of State has taken into account the selection criteria set out in Schedule 3 of the EIA Regulations in order to decide whether this proposed development is EIA development under paragraph 3(b) or 10(k) or of Schedule 2 of the EIA Regulations. The Secretary of State has based his decision on the following documents and information provided by the Developer:

- Diversion of Gas Transmission Pipeline at River Otter, Fluxton, Ottery St Mary, Devon: EIA Screening Request Letter (National Grid, 5 April 2012);



- River Otter Pipeline Diversion – 500NB Barrington to Kenn Pipeline (Feeder 14): Environmental Report (Jacobs, March 2012);
- River Otter Feeder 14 Pipeline Diversion – Figure 1: Site Layout (Jacobs, March 2012);
- Proposed River Otter Pipeline Diversion: email from Joe Turner, National Grid, of 12 April 2012;
- Proposed River Otter Pipeline Diversion: email from Joe Turner, National Grid, of 13 April 2012, containing GIS shapefiles.

The Secretary of State's Screening Opinion is set out below:

Screening Opinion

Characteristics of the Proposed Development

The proposed development is the replacement and diversion of an existing high pressure gas pipeline (Feeder 14) under the River Otter which has become exposed due to erosion of the riverbed and riverbanks. The existing pipeline would be filled with grout and left in situ. The new pipeline would be approximately 500mm in diameter, approximately 260m long, and would be buried under the river up to 8m deep. It would have an expected operational life of 40 years.

The main construction area on river west bank would include: a construction compound; a temporary access track; an exit pit; a trench for the pipe connection; a crane access area around the exit pit excavations; a laydown area where the pipeline would be welded and tested before being pulled through, and a spoil storage area. The construction area on the east bank would include: a construction compound; a temporary access track; an entry/launch pit; a trench for the pipe connection; and storage tanks containing drilling mud and pumping and filtering equipment. The proposed construction would involve horizontal directional drilling (HDD) under the river for up to 3 days, including overnight drilling.

There would be a temporary loss of up to 7m of hedgerow (1 x 5m and 1 x 2m stretches), and some tree lopping. The land would be restored to grazing, and hedgerows and other removed vegetation would be reinstated in the planting season (autumn) following completion of the works.

The Environmental Report (ER) also makes reference to the possible construction of a temporary footbridge across the river for construction staff, and a dewatering lagoon and deep entry pit on the west riverbank.

The construction works would be expected to take up to 5 months between May and September, including 4 weeks of preparatory works.

Location of the Development

The proposed development site is in a rural area, and is on greenfield agricultural land currently used for livestock grazing, within a 1 in 100 year floodplain. The site and surrounding area contain hedgerows and woodland. The local area contains mixed residential and agricultural buildings. The East Devon Area of Outstanding Natural Beauty (AONB) is approximately 1km to the south of the proposed development site.

There is a catering business to the north east, and Lancercombe Farm Bed and Breakfast, and Ghyll rental cottages, within 200m of the study area. The Tipton Mill hydro electric power turbine is approximately 250m downstream of the existing pipeline crossing. A

sewage treatment works is on the south west boundary of the study area, and the Stonehill Quarry inert landfill site is approximately 350m south of the proposed development site. The proposed development site is crossed by a disused railway line.

There are a number of ecologically designated sites in the area. The East Devon Pebblebed Heaths Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Special Protection Area (SPA), and Fire Beacon Hill Local Nature Reserve (LNR) all lie approximately 2.5 km from the site.

There are two non-statutory local wildlife sites within 1 km of the site: Shute Farm, and Fluxton and Tipton Vale County Wildlife Sites (CWSs). The proposed development site is within the Ottery St Mary - Newton Poppleford Marsh Unconfirmed Wildlife Site (UWS), and within an area containing UK BAP priority habitats (floodplain grazing marsh, lowland river [River Otter], and species-rich hedgerows).

There are a number of public rights of way (PROW) in the area, including three on the proposed development site: one on the west riverbank; a closed PROW on the east riverbank; and one from the east riverbank to a nearby road (Sidmouth Road).

Characteristics of the potential impact

On the basis of the information provided by the Developer, the Secretary of State considers that potential significant effects may arise in relation to:

- **Pollution and nuisances** – due to movement of construction vehicles, drilling and other noise and the location of the works under the river;
- **Water resources including flood risk** – due to the location of the works near and under the River Otter, and in the flood plain;
- **Ecology** - due to the potential for impacts on habitat used by notable or protected species;

Conclusion

The significance of the environmental effects, identified on the basis of the information provided by the Developer, has been evaluated using professional judgment and current best practice screening guidance with particular attention paid to the extent, magnitude and complexity, probability of occurrence, duration and reversibility of the effects.

The potential impacts identified would not be significant for the main reasons listed below:

- **Pollution and Nuisances** - dust would be likely to be generated during construction, and construction vehicles on site and travelling to and from the site would release emissions to air. The nearest relevant receptors are residential properties and agricultural buildings within 250m of the proposed development site. The ER indicates that a dust management plan would be drawn up and no more than 3 lorry movements/week for spoil removal are anticipated. The ER indicates that construction work for the new pipeline would adhere to good practice and the Environment Agency's (EA's) Pollution Prevention Guidelines (PPG). This, together with the limited construction period during which incidents could occur, should reduce the potential for accidents. Based on the scale of the project, the limited construction period, and the small number of vehicle movements, the level of emissions and dust generation is not likely to result in a large change in environmental conditions.

- **Pollution and Nuisances** - during construction, vehicles and works on site, including HDD which could be for 24 hours/day for up to 3 days, and welding, would cause noise and vibration. Site lighting would be required during overnight drilling. There are residential receptors and agricultural buildings within approximately 250m of proposed development site, and footpaths on the site used by walkers. However, the construction night lighting would be directed and low-level, and motion-sensitive lighting would be used for security purposes. Noise impacts would be limited to the relatively short construction period. Fencing would be placed around the working areas, and night working would be avoided, apart from up to 3 nights of HDD. Impacts would be temporary for a limited period during the construction phase, and not of a magnitude likely to result in significant impacts on nearby receptors.
- **Pollution and Nuisances** – there would be a risk of river and groundwater contamination from spills during the construction period, and potential for HDD drilling muds to break through the ground during the construction period. There would be a risk of contamination during the operational phase if the pipeline is damaged. However, the works would adhere to the EA's PPG, and regular inspections would be made to ensure that the measures in place are sufficient. The contractor would be required to provide a method statement, and the approach would need to be approved by the EA. The pipeline would be laid sufficiently deep to minimise the risk of erosion, and the risk of leaks and contamination during the operational phase is low. Bearing in mind the scale and duration of the construction works, construction impacts would be limited and temporary.
- **Water resources** – the pipeline is to be buried under the River Otter, and the site is within a 1 in 100 year floodplain. The river is within the South West River Basin Management Plan and is a designated protected area under the Fresh Water Fish Directive, the Bathing Water Directive and the Nitrates Directive. The pipeline to be buried at depth and flood risk is unlikely to be increased during the operational phase. There would be a temporary flood risk during construction but it would be of a limited period and the works would have to be undertaken in accordance with a Flood Defence consent required from the EA, and would include preparing an emergency flood plan and signing up to the EA's flood warning system. The ER indicates that drilling could be timed to be undertaken within a week of low rainfall in order to minimise flood risk.
- **Ecology** - various fish species are recorded in the River Otter at this location, including bullhead (Habitats Directive Annex II species) and trout (UKBAP species). The use of HDD for the new pipeline, and the proposal to leave the existing pipeline in situ, would minimise disruption to flora and fauna. The ER indicates that the construction work for the new pipeline would adhere to good practice and the EA's PPG. Impacts on the River Otter are likely to be of limited magnitude and of temporary duration for a short period.
- **Ecology** – there will be a temporary loss of 7m (5m and 2m stretches) of hedgerow. There are records of protected species, eg dormouse in hedgerows and woodland areas on site, badgers in site hedgerows and nearby woodland, and mute swans in the wider area around the river crossing. There may be some pruning of some trees near the eastern access route which may provide bat roosts, and bats are likely to use the site for foraging. There is evidence of breeding birds, eg sand martins and kingfishers, on site, including in the hedgerows. Otters, grass snakes, slow worms and various bat species have been recorded within 1km of the site.

However, there would be only temporary and limited disturbance, assuming as stated in the ER that the works would be kept back 30m minimum from the

riverbanks, and that protective fencing would be installed to minimise disturbance during construction and prevent species, eg sand martins, from preparing nesting sites on the site prior to the construction works. The Secretary of State notes that the ER states that alternative nesting sites are available upstream, but also indicates that other riverbank works are being undertaken locally and acknowledges the need to assess cumulative impacts and propose mitigation measures if necessary. The Secretary of State notes that effects are likely on dormice and their habitat, and that a dormouse licence has been obtained from NE. On the basis that surveys have been undertaken, and potential impacts and mitigation measures identified, the Secretary of State considers that impacts on protected species have been minimised and are likely to be only of a temporary nature for a short period and not of a significant magnitude.

Other comments

- The Secretary of State notes that a number of protected species surveys have been undertaken on the basis of the proposed development as set out in the ER, but also that other features may also be included in the works, including a temporary footbridge which may involve works close to the riverbanks. The developer would need to be satisfied that the need for any further surveys, mitigation measures, and/or licences as a result of those works is addressed prior to any construction works. The ER indicates that, if required, the footbridge would need to be located away from the sand martin bank, in accordance with advice which would be provided by the project ecologist, and that the design and method statement for the footbridge would be agreed with the EA.

The Secretary of State's opinion is that the proposed development is not likely to have significant effects on the environment by virtue of the characteristics or location of the development, and characteristics of the potential impact, and that it is not EIA development requiring environmental impact assessment.

This opinion has been based on the information provided by the Developer at this stage. In the event of substantial changes to the scheme, for example a substantial change in the area of permanent land take and/or in the nature or scale of the proposed development, new information coming to light in respect of the receiving environment, and/or any other developments being identified in the vicinity having a cumulative impact with the proposed development, then the Developer may wish to review the need for an environmental impact assessment, and request a further screening opinion from the Secretary of State.

Yours sincerely



ALISON L DOWN
EIA and Land Rights Adviser
On behalf of the Secretary for State

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the Planning Inspectorate website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.