

A428 Black Cat to Caxton Gibbet improvements

TR010044

Volume 7

7.8 Pipeline Statement

Planning Act 2008

Regulation 6(4)

Infrastructure Planning (Applications: Prescribed Forms and
Procedure) Regulations 2009

26 February 2021

Infrastructure Planning

Planning Act 2008

**The Infrastructure Planning
(Applications: Prescribed Forms and
Procedure) Regulations 2009**

**A428 Black Cat to Caxton Gibbet
improvements
Development Consent Order 202[]**

Pipeline Statement

Regulation Reference:	Regulation 6(4)
Planning Inspectorate Scheme Reference	TR010044
Application Document Reference	TR010044/APP/7.8
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Version	Date	Status of Version
Rev 1	26 February 2021	DCO Application

Table of contents

Chapter	Pages
1 Introduction	1
1.2 Energy National Policy Statements	2
2 Information required under Regulation 6(4) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009	4

1 Introduction

- 1.1.0 Highways England has submitted an application under Section 37 of the Planning Act 2008 (PA 2008) for an order to grant development consent for the A428 Black Cat to Caxton Gibbet improvements (the Scheme). The Scheme is defined as a nationally significant infrastructure project (NSIP) under s14(1)(h) and s22(1)(a) of the PA 2008.
- 1.1.1 The Scheme also includes the diversion of a high-pressure gas pipeline (Work No. 51) (Pipeline) which will be treated as an NSIP if it meets the thresholds as set out in section 20 of the PA 2008. The relevant thresholds are:
- a. The construction of gas pipeline by a gas transporter
 - b. Wholly in England
 - c. That is likely to have a significant effect on the environment
 - d. That will have a design operating pressure of more than 7 bar gauge; and
 - e. When constructed, will convey gas for the supply (directly or indirectly to at least 50,000 customers, or potential customers, of one or more gas suppliers
- 1.1.2 The Pipeline will be wholly in England, has a design operating pressure of more than 7 bar gauge and supplies more than 50,000 customers.
- 1.1.3 The Pipeline is expected to be constructed by Cadent Gas Limited (the current operator of the gas pipeline to be diverted) who is a "gas transporter" (as it holds a licence under the Gas Act 1986).
- 1.1.4 In order to apply the test contained in section 20(3)(b) of the PA 2008 and determine whether the diversion of the Pipeline will have a significant effect on the environment, Highways England has prepared a screening assessment of the environmental effects of Work No. 51. The results of the screening assessment can be found within Appendix 4.4 of the Environmental Statement **[TR010044/APP/6.3]**.
- 1.1.5 The new highway forming part of the Scheme will be constructed in the same location as the diversion of the Pipeline, although the precise alignment of the Pipeline diversion has not yet been settled within this location. In order to facilitate the construction of the new highway in this area, high heritage value archaeological remains will need to be excavated.
- 1.1.6 The programme of works for the Scheme requires the excavation of certain areas of archaeological remains and certain utility diversions to occur in advance of the main works. The excavation of the archaeological remains in the location of the Pipeline diversion, and the Pipeline diversion works themselves, are programmed as 'advance works'.

- 1.1.7 To authorise excavation of these archaeological remains in advance, planning permission has been sought outside of the Development Consent Order (DCO) process. However, the screening assessment within Appendix 4.4 of the Environmental Statement [TR010044/APP/6.3] is based on the current baseline with the archaeological remains in situ. It also assumes that the alignment of the Pipeline diversion has the potential to impact on the archaeological remains given that the limits of deviation for the Pipeline diversion (shown on the Works Plans [TR010044/APP/2.3]) extend into the area where archaeological remains are present.
- 1.1.8 As set out in the screening assessment, the impact on the high heritage value archaeological remains is the only factor in the diversion of the Pipeline that is likely to give rise to significant effects on the environment. Therefore, to the extent that the archaeological remains are excavated to facilitate the construction of the new highway under a separate planning permission, or the final alignment of the Pipeline diversion can minimise the magnitude of effect on the high heritage value archaeology, the diversion of the Pipeline will not itself give rise to significant effects on the environment "when constructed", which means that s20(3)(b) would not be engaged and the Pipeline diversion would not be an NSIP. In the event that the Pipeline diversion does not qualify as an NSIP, Cadent and/or Highways England may obtain the necessary consents to carry out the Pipeline diversion works outside of the DCO process (through express planning permission or the use of permitted development rights).
- 1.1.9 However, given that planning permission has not yet been granted and the archaeological remains have not yet been excavated, the advance works are included in the DCO application, and to the extent that the diversion of the Pipeline gives rise to likely significant effects "when constructed", it will be an NSIP under section 20 of the PA 2008. For this reason, the Pipeline has been treated as an NSIP for the purposes of this application and a Pipeline Statement prepared accordingly.
- 1.1.10 Further details concerning the qualification of the Scheme as an NSIP can be found within the Application Form [TR010044/APP/1.3] and in the Explanatory Memorandum to the draft DCO [TR010044/APP/3.2].
- 1.1.11 The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the Regulations) set out the statutory requirements for what information must accompany an application for development consent. In order to satisfy the requirements of Regulation 6 'Matters prescribed in relation to applications for specific types of projects', this Pipeline Statement (Statement) has been prepared to address Regulation 6(4) which requires an application to be accompanied by details of the pipeline(s) that meet the thresholds for an NSIP under the PA 2008. The information required by Regulation 6(4) of the Regulations is set out in section 2 of this Statement.

1.2 Energy National Policy Statements

- 1.2.1 As the Pipeline diversion is being treated as an NSIP in its own right for the purpose of the application it has been considered against the relevant energy

National Policy Statements (NPS). These are the Overarching National Policy Statement for Energy (EN-1) and the National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4). Appendix B of the Case for the Scheme **[TR010044/APP/7.1]** sets out an assessment of the Scheme against these documents.

2 Information required under Regulation 6(4) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

2.1.0 Where an application for development consent is for the construction of a pipeline, Regulation 6(4) of the Regulations sets out that the application must be accompanied by the following information:

- a. The name of the proposed pipeline.
- b. The owner of the proposed pipeline.
- c. The start and end point of the proposed pipeline.
- d. The length of the proposed pipeline in kilometres.
- e. The external diameter in millimetres of the proposed pipeline.
- f. What will be conveyed by the proposed pipeline.
- g. Whether the grant of any rights in land or consents to road or river crossing works are required and if so whether they can be obtained by agreement.

2.1.1 The following table sets out the required information under regulation 6(4) of the Regulations.

Table 2-1 Information required under Regulation 6(4) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

Regulation	Requirement	Response
6(4)(a)	Name of the proposed pipeline	Girtford to Horsey Lock High Pressure Pipeline
6(4)(b)	Owner of the proposed pipeline	Cadent Gas Limited (Company registration number 10080864) whose registered address is Ashbrook Court Prologis Park, Central Boulevard, Coventry, United Kingdom CV7 8PE
6(4)(c)	Start point of the proposed pipeline	Subject to the limits of deviation in article 9 of the Order [TR010044/APP/3.1] , the indicative start point is grid reference: Easting 518226.1 and Northing 255548.8

Regulation	Requirement	Response
6(4)(c)	End point of the proposed pipeline	Subject to the limits of deviation in article 9 of the Order [TR010044/APP/3.1] , the indicative end point is grid reference: Easting 518200.7 and Northing 255350.4.
6(4)(d)	Length of the proposed pipeline in kilometres	The entire existing Girtford to Horsey Lock pipeline is approximately 50km long. The section of pipeline to be diverted, and therefore the length of the proposed pipeline, is approximately 270 metres in length.
6(4)(e)	External diameter in mm of proposed pipeline	The existing high pressure pipeline is 323.9mm (12 inch) and the new section of pipeline to be diverted will also have an external diameter of 323.9mm (12 inch).
6(4)(f)	What will be conveyed by the proposed pipeline	Natural gas is currently being conveyed by the Girtford to Horsey Lock pipeline and natural gas will continue to be conveyed following the proposed diversion.
6(4)(g)	Whether the grant of any rights in land or consents to road or river crossing works are required and if so whether they can be obtained by agreement	The proposed pipeline diversion works do not affect any highway and no river crossing is required. Therefore, no consents to road or river crossings are being sought in respect of the pipeline diversion. The pipeline diversion is shown as Work 51 of the Works Plans [TR010044/APP/2.3] and will be undertaken on agricultural land adjacent to the East Coast Main Line (ECML). While the precise location of the diversion is yet to be finalised, once constructed, it would be rerouted further to the east of the ECML. A detailed description of the Scheme is set out in Chapter 2 of the Environmental Statement [TR010044/APP/6.1] . There are a small number of landowners where the pipeline diversion will be undertaken: (a) Mr Owen Wynne (landowner of land plots 4/1h, 4/1i, 4/1j, 4/1k and 4/1l as shown on the Land Plans [TR010044/APP/2.2]).

Regulation	Requirement	Response
		<p>(b) Lattenbury Farming Company and Mr Chris Wisson (lessee and tenant of land plots 4/1h, 4/1i, 4/1j as shown on the Land Plans [TR010044/APP/2.2]).</p> <p>(c) Mr Alexander Steele (lessee and tenant of land plots 4/1k and 4/1l as shown on the Land Plans [TR010044/APP/2.2]).</p> <p>Whilst the application includes a request for compulsory acquisition powers in respect of the diverted pipeline, Highways England has actively engaged in negotiations with each of the affected landowners to acquire the rights in land by voluntary agreement rather than exercising compulsory powers. This approach has been taken to allow the works to be undertaken in advance of DCO consent if possible. Letters sent to landowners offer an opportunity to open discussions with the district valuer to explore this option.</p> <p>While the pipeline diversion will not take place on land owned by Network Rail, they have been made aware of the pipeline diversion. In addition, protective provisions are being negotiated with Network Rail and have been included in the draft Order for their benefit.</p> <p>The compulsory acquisition of rights in land is sought in order to provide certainty that the diverted pipeline, and therefore the Scheme can be delivered efficiently and expeditiously. Further details of the rights required (and justification for their compulsory acquisition) can be found in the Book of Reference [TR010044/APP/4.3], and the Statement of Reasons [TR010044/APP/4.1].</p> <p>Further information on consents and agreements required for the Scheme is provided in the Consents and Agreements Position Statement [TR010044/APP/3.3].</p>