Date: 30 November 2011
Our ref: PGRC/29691/1
Your ref: 
DO: 020 3400 4478
e-mail: Paul.Grace@blplaw.com

Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

For the attention of Tom Carpen

By hand

Dear Sirs

Planning Act 2008
Halite Energy Group Limited
Application to the Infrastructure Planning Commission ("IPC") for a Development Consent Order ("DCO") to construct and operate an Underground Gas Storage Facility at Preesall, Lancashire
Covering letter
Document Reference 1.1

As set out in previous correspondence in this matter, we act for Halite Energy Group Limited ("Halite"). We hereby submit an application (the "Application") for an Order granting development consent pursuant to section 37 of the Planning Act 2008 (the "2008 Act") on its behalf.

1 Subject of the Application

1.1 The enclosed Application is for development consent to authorise the construction and operation of an underground gas storage facility and associated development, including a brine pipeline and gas interconnector pipeline, in Preesall, Lancashire (the "Project").

1.2 Section 31 of the 2008 Act provides that a development consent order is required to the extent that a development is or forms part of a nationally significant infrastructure project ("NSIP"). Under sections 14(1)(c), 17(2) and 17(4) of the 2008 Act, an underground gas storage facility in England having a capacity of at least 43 million standard cubic metres or a maximum flow rate of at least 4.5 million standard cubic metres per day constitutes an NSIP.

1.3 The proposed underground gas storage facility is an NSIP because it has a working capacity of up to 600 million standard cubic metres. It is for this reason that the Project is an NSIP and therefore falls within the remit of the IPC.

2 Documentation enclosed and application fee

2.1 We enclose three hard copies of:

2.1.1 a completed and signed application form;
the environmental statement (the "ES");

2.1.3 each other document listed in the enclosed Register of Application Documents (document reference 1.3).

2.2 We also enclose 6 memory sticks containing the Application documents in electronic format.

2.3 The application fee of £4,500 has already been submitted by CHAPS transfer to the IPC’s designated account. We understand this has now been received by the IPC.

3 The Application

3.1 The Project, for which development consent is sought, is more particularly described in Schedule 1 of the draft Order (document reference 6.1) and the ES (document reference 5.1) submitted with the Application.

3.2 Schedule 1 of the draft Order lists (a) the underground gas storage caverns which constitute the NSIP and (b) the remaining elements of the Project, which are associated development in accordance with section 115(1) of the 2008 Act and the principles set out in the Department for Communities and Local Government’s “Guidance on associated development: Applications to the Infrastructure Planning Commission” published in September 2009. Further explanation of Hallite’s approach to defining associated development in respect of the Project can be found in the section of the Explanatory Memorandum (document reference 6.2) indicated as relating to Schedule 1 of the draft Order.

3.3 The draft Order seeks (1) powers of compulsory acquisition for land that is required for, facilitates or is incidental to the Project under section 122 of the 2008 Act and (2) the power to override any existing easements and rights over the application site under sections 120(3) and (4) and paragraphs 2 and 3 of Schedule 5 of the 2008 Act. Justification for the necessity of these powers is set out more particularly in the Statement of Reasons (document reference 7.1) and the explanation of article 21 in the Explanatory Memorandum (document reference 6.2).

3.4 Included within the draft Order, at Schedule 7, is a deemed marine licence as provided for in section 149A of the 2008 Act. The wording of this licence, as incorporated into the draft Order, has been agreed with the Marine Management Organisation, the body responsible for enforcing its terms. Further information on pre-application consultation undertaken by Hallite in relation to the deemed marine licence is contained in document reference 4.2 (Application for deemed Marine Consent).

4 Indicative Design Drawings

4.1 The design drawings for approval are contained at Document Reference 2.5.

4.2 Certain additional indicative plans have also been provided under Regulation 5(2)(o) of the APFP Regulations. These are:
Directionally Drilled River Crossings

Profile of Wyre Estuary North Crossing  C.01112.X04
Electric Cable South Crossing  C.01210.X04

Wellhead Componds & Indicative Cavern Layout

Wellhead Compound No 1 Plan & Elevation  A-1000-011 Rev.B
Wellhead Compound No 2 Plan & Elevation  A-1000-012 Rev.B
Wellhead Compound No 3 Plan & Elevation  A-1000-013 Rev.B
Wellhead Compound No 4 Plan & Elevation  A-1000-014 Rev.B
Wellhead Compound No 5 Plan & Elevation  A-1000-015 Rev.B
Wellhead Compound No 6 Plan & Elevation  A-1000-016 Rev.B
Wellhead Compound No 7 Plan & Elevation  A-1000-017 Rev.B
Indicative Cavern Location Plan  D-9000-030 Rev.B
Indicative Cavern Reach from Wellhead Locations  D-9000-031 Rev.B

Pipeline & Brine Outfall

Bathymetry & Topographical Survey of Pipeline Outfall  C.01118.X04
Outfall Profile  C.01125.X03
Outfall Trench Indicative Detail  C.01126.X03
Photomontage of Proposed Sea Wall Crossing-Rossall  A-8000-001 Rev.B

General

Temporary Closure or Diversion of Public Footpaths  A-9000-030 Rev.B
Regional Location Map  A-9000-012 Rev.B
Preesall site  D-9000-032

4.3 These plans are not for approval but provided to assist in the determination of the application by providing contextual information as to how various elements of the proposed development may be carried out.

5 Works Plans

5.1 Halite is providing the IPC with a copy of a document entitled "Technical explanation of DCO Schedule 1 (authorised development) and works plans" (document reference 9.4.6). This is not a document being submitted to the IPC for approval, as such. Instead, it is provided to assist the IPC with a narrative explanation of the Project, which can be used alongside an examination of the formal works plan drawings and description of works in Schedule 1 of the draft Order.

6 Application documentation

6.1 The Application is made in the form prescribed by section 37(3)(b) of the 2008 Act. It is considered that the application documentation complies with the overall requirements of section 37 and the requirements of:
6.1.1 the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the "APFP Regulations");

6.1.2 the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009;

6.1.3 the published Communities and Local Government ("CLG") Guidance; and

6.1.4 the IPC's Advice Note 6 on the preparation of application documentation, save as set out in paragraph 6.3 and 6.4 below.

6.2 In relation to the Application documents required pursuant to Regulation 5(2) APFP Regulations we would point out the following:

(a) the plan required pursuant to Regulation 5(2)(k) is contained in the series of plans entitled "Access and Temporary Stopping-up Plans" (document reference 2.4);

(b) the land plan required pursuant to Regulation 5(2)(i) (document reference 2.2) identifies the plots which are special category land for the purposes of Regulation 5(2)(i)(iv), in this case open space. Please note that no land has been identified in relation to which it is proposed to extinguish easements, servitude and other private rights;

(c) Crown land (required to be shown on a plan pursuant to Regulation 5(2)(n)) is shown on the Land Plan (document reference 2.2);

(d) the plan required pursuant to Regulation 5(2)(I)(i) is contained at figures 9.1 and 9.2 of Volume 2B of the ES (document reference 5.4) in respect of nature conservation interests. Figure 10.3 of volume 2B of the ES delineates the geological site. There are no sites of landscape importance;

(e) the plan required pursuant to Regulation 5(2)(I)(ii) is contained at Figure A9.5 (2011 Phase 1 Habitat Plan) within Appendix 9.5 of Volume 1B of the ES (document reference 5.2) and Figure A9.11 (2009/2011 Great Crested Newt Surveys) within Appendix 9.11 of Volume 1B of the ES (document reference 5.2);

(f) the plan required pursuant to Regulation 5(2)(I)(iii) is contained at Figure 17.2 of Volume 2B of the ES (document reference 5.4);

(g) the assessment required pursuant to Regulation 5(2)(I) is contained at Chapter 9: Ecology and Nature Conservation, Chapter 10, Geology, Hydrogeology and Stability and Chapter 17: Water Environment of the ES Volume 1A (document reference 5.1); and

(h) the plan required pursuant to Regulation 5(2)(m) is contained at Figures 7.1 and 7.2 of Volume 2B of the ES (document reference 5.4). The required assessment is contained at Chapter 7: Archaeology and Built Heritage of Volume 1A of the ES (document reference 5.1).

6.3 Advice Note 6 states that "any photographs should be correctly labelled, annotated and dated. The location at which photographs have been taken should be identified on a map."
The type of lens used must also be specified”. Halite has been particularly careful to heed this guidance in relation to images key to any visual impact assessment of the Project. However, in certain other cases, the information required by Advice Note 6 has not been reasonably practicably available and, therefore, has not been provided;

6.4 Advice Note 6 further requires that “any plans, drawings or sections should be drawn to an identified scale (not smaller than 1:2500).” Appendix 1 to this letter sets out the drawings submitted pursuant to Regulation 5(2) AFPP Regulations where a smaller scale than 1:2500 has been used together with an explanation of why the scale used is considered to be appropriate. We consider that the drawings submitted at a smaller scale than 1:2500 are legible and the reasons stated are consistent with the approach undertaken on other IPC applications which have been accepted by the IPC to date.

6.5 We note, for example, that the IPC’s acceptance checklist for Network Rail’s Ipswich Rail Chard application states: “The plan under section 5(2) (i) (i) any statutory/non-statutory sites/ features of nature conservation is at a scale of 1:50000. The plan under section 5(2) (i) (iii) water bodies in a river basin management plan is of a scale of 1:4000. The plan under section 5(2) (m) a plan with accompanying information identifying any statutory/non-statutory sites or features of the historic environment is at a scale of 1:5000 […] The inclusion of plans at scales smaller than 1:2500 is noted, however the plans remain legible and all other plans comply: technical non-compliance”. We note other applications have also been accepted by the IPC on a similar basis.

6.6 We submit that the application drawings and plans referred to above and at Appendix 1 to this letter are legible and therefore should be acceptable to the IPC.

7 Other consents

7.1 The application form (document reference 1.2) and the schedule of other consents (see appendix 3.2 of the Environmental Statement - document reference 5.2) set out brief details of the various consents not forming part of the draft Order which Halite will be seeking in relation to the Project.

7.2 Halite proposes to update the IPC periodically in relation to their progress.

Deemed hazardous substances consent

7.3 Paragraph 45 of Schedule 2 of the 2008 Act amended the Planning (Hazardous Substances) Act 1990 to enable the IPC on making a development consent order, to direct that hazardous substances consent shall be deemed to be granted (subject to any conditions that may be specified). As set out in the application form (document reference 1.2), Halite is applying for such a direction. Halite has followed the guidance provided to it by the IPC in correspondence in relation to the procedure for seeking such a direction. Information relating to the application for deemed consent is included with the Application (document reference 4.1).

Open space certificate application

7.4 Some of the pipelines or cables forming part of the Project run under parts of three small areas of open space. However, it is not envisaged that special parliamentary procedure
under sections 131 and 132 of the 2008 Act will be relevant to the draft Order. This is because no replacement land is necessary on the basis that (a) no land forming part of open space is being compulsorily acquired under the Order, save in relation to an area which falls below the 200 sqm threshold in section 131(5)(a) and (b) the rights compulsorily acquired over the open space will leave it no less advantageous under section 132(3). An application for a certificate to this effect has been made to the Secretary of State, with the intention that he will have the benefit of the same final form Application documents, such as the book of reference, land plan and draft Order, as the IPC.

8 Pre-application consultation

8.1 Halite has had careful regard to the pre-application consultation requirements of the 2008 Act, and the guidance on pre-application consultation issued by CLG and the IPC, and its pre-application discussions held with the IPC, as required by sections 50 and 55(4) of the 2008 Act.

8.2 As required by section 37(3)(c), the Application is accompanied by the Consultation Report and Appendices (document references 3.1 and 3.1.1), which provides details of Halite’s compliance with sections 42, 47 and 48 of the 2008 Act. The responses of statutory and non-statutory consultees are listed and summarised in the Consultation Report and these have informed the evolution of the Application and the Project overall.

We look forward to hearing from you in relation to the formal acceptance of the Application. If we can be of any assistance in that regard, please do not hesitate to contact us.

Yours faithfully

Berwin Leighton Paisner LLP

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## Appendix 1

### Explanation of Drawings at a Scale of less than 1:2500

**Volume 2b Of The Environmental Statement Regulation Drawings (Doc Ref 5.4)**

<table>
<thead>
<tr>
<th>Figure Number</th>
<th>Title</th>
<th>Scale</th>
<th>Reason for scale</th>
</tr>
</thead>
<tbody>
<tr>
<td>Figure 7.1</td>
<td>Regulation 5(2)(m) Archaeological Assets (Sheets 1 to 8)</td>
<td>1:10000</td>
<td>Shows designated sites in relation to the Project</td>
</tr>
<tr>
<td>Figure 7.2</td>
<td>Regulation 5(2)(m) Built Heritage Assets (Sheets 1 to 8)</td>
<td>1:10000</td>
<td>Shows designated sites in relation to the Project. In addition, because the setting of some sites could potentially be affected the study area includes those at some distance to the DCO application boundary</td>
</tr>
<tr>
<td>Figure 9.1</td>
<td>Regulation 5(2)(l) Statutory Designated Sites for Nature Conservation (Sheets 1 to 4)</td>
<td>1:25000</td>
<td>Shows designated sites in relation to the Project – this is particularly important given the distance of some sites from the DCO application boundary</td>
</tr>
<tr>
<td>Figure 9.2</td>
<td>Regulation 5(2)(l) Non-Statutory Designated Sites for Nature Conservation (Sheets 1 to 3)</td>
<td>1:25000</td>
<td>Shows designated sites in relation to the Project</td>
</tr>
<tr>
<td>Figure 10.3</td>
<td>Regulation 5(2)(l) Designated Sites for Geology and Exploratory Hole Locations</td>
<td>1:25000 at A1</td>
<td>Shows designated site in relation to the Project</td>
</tr>
<tr>
<td>Figure 14.10</td>
<td>Regulation 5(2)(o) Landscape and Ecological Management Strategy Plan</td>
<td>1:5000</td>
<td>Shows the proposals in relation to the Project and the wider area – this is the minimum scale possible which allows all the features to be shown</td>
</tr>
<tr>
<td>Figure 17.2</td>
<td>Regulation 5(2)(l) North West River Basin Management Plan Waterbodies (Sheets 1 to 3)</td>
<td>1:25000</td>
<td>Shows designated sites in relation to the Project</td>
</tr>
</tbody>
</table>
Regulation 5(2)(o) drawings

The linear nature of elements of the proposed Project (particularly the brine pipeline and the NTS gas interconnector pipeline) equate to a distance of 19k from the eastern to western extremities. To show the Project more legibly in the context of its surroundings, the following drawings have been produced at a scale smaller than 1:2500. These are primarily masterplan drawings and key plans.

A-9000-001 Rev.B  Master Plan Overall 1:10,000 @ A1
A-9000-002 Rev.B  Fleetwood Master Plan 1:5000 @ A1
A-9000-003 Rev.B  Preesall Master Plan 1:6000 @ A1
A-9000-005 Rev.B  Master Plan/Metering Station 1:12,500 @ A1
A-9000-033 Rev.B  NTS Master Plan 1:12,000 @ 1700x584
144.10-WX40004-01  Landscape & Ecological Management Strategy Plan 1:500 @ AO
MMD-277663-C-DR-00-XX-0000  Key Plan for Works Plans & Access and Temporary Stopping Up Plans 1:20,000 @ A1
021/Halite/LP/18/11/0/6.0  Location Plan for Land Plans 1:20,000 @ A1
A-9000-030 Rev.B  Base Plan to locate details of Temporary Footpath closures 1:10,000 @ A1
A-9000-012 REV.B  Regional Location Plan 1:40,000 @ A1
C.01118.0X4  Bathymetry & Topo. Survey for Pipeline Outfall 1:5000 @ A1
C.01125.X03  Outfall Profile 1:5000 @ A1
C.01117.0X3  Location of Outfall OS Map 1:12500 @ A1
A-9000-016 Rev.B  Application Boundary Index Plan Not to Scale @ AO
A-9000-014  Master Site Location Plan (Reference Drawing) Not to Scale @ AO