THE INFRASTRUCTURE PLANNING (APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

Preesall Underground Gas Storage Facility, Lancashire

Application for Deemed Marine Consent

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</table>
| Author:        | Hyder Consulting (UK) Limited  
                  330 Firecrest Court  
                  Centre Park  
                  Warrington  
                  WA1 1RG  
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                  www.hyderconsulting.com |
| Date:          | November 2011 |
| Version Number:| 1        |
Preesall Underground Gas Storage Facility

Application for Deemed Marine Consent
Regulations 5(2)(q)

Author: David Hoare
Checker: Nicola Macmillan
Approver: Andrew Saunders

Report No: 0021-WX40004-NHR-01
Date: November 2011

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1 INTRODUCTION

1.1.1 Halite Energy Group Limited (Halite) is applying for a Development Consent Order (DCO) to construct and operate an Underground Gas Storage (UGS) facility with a total capacity equivalent to 900 million cubic metres of gas to provide an operational working capacity of up to 600 million standard cubic metres (the Project).

1.1.2 Marine licences, issued under Part 4 of the Marine and Coastal Access Act 2009, are required for the deposit or removal of a substance or object below the mean high water springs mark or in any tidal river to the extent of the tidal influence, unless an exemption applies. In the case of Nationally Significant Infrastructure Projects (NSIPs), pursuant to section 149A of the Planning Act 2008, a DCO application may include provisions deeming a marine licence to have been issued under Part 4 of the Marine and Coastal Access Act 2009. Halite is applying for such a deemed marine licence pursuant to this section as part of its application for a DCO. This document provides details of the pre-application consultation Halite has undertaken with relevant bodies in relation to the proposed application for a deemed marine licence.

1.1.3 Where a marine licence is deemed within a DCO, the Marine Management Organisation (MMO) is the delivery body responsible for post-consent monitoring, variation, enforcement and revocation of provisions relating to the marine environment. As such, they have a keen interest in ensuring that provisions drafted in the deemed marine licence enable the MMO to fulfil these obligations. This includes ensuring that there has been a thorough assessment of the impact of the works on the marine environment (both direct and indirect), that it is clear within the DCO which works are consented within the deemed marine licence, that conditions or provisions imposed are proportionate, robust and enforceable and that there is clear and sufficient detail to allow for monitoring and enforcement. To achieve this, the MMO is advising promoters of NSIPs to seek to agree the provisions of the draft marine licence to be deemed within the DCO at the pre-application stages. Halite has therefore undertaken consultation with the MMO and other key stakeholders during the pre-application stage specifically on the provisions to be included in the deemed marine licence.

2 WORKS TO BE CONSENTED

2.1.1 The following elements of the Project would require a licence under Part 4 of the Marine and Coastal Access Act 2009, and therefore have been included in the marine licence to be deemed within the DCO:

- Construction of the offshore elements of the brine discharge pipeline, due west of the sea wall at West Way to a two port single diffuser approximately 2.3 km in the Irish Sea
- Construction of a new observation platform including a crossing for the pipeline to pass through the sea wall
3 PRE-APPLICATION CONSULTATION

3.1.1 Through various initial discussions with the MMO, it was agreed that Halite would undertake a targeted consultation specifically to inform the deemed marine licence. It was concluded that this consultation would commence with the submission of a ‘bespoke’ marine report to the MMO (“Deemed Marine Licence Report”) and other key stakeholders. Whilst it was recognised that only two elements of the Project would be licensable (refer to Section 2), the Deemed Marine Licence Report focussed on all of the marine elements of the Project and the Environmental Impact Assessment (EIA) (this was done at the request of the MMO).

3.1.2 The purpose of the Deemed Marine Licence Report was to allow the MMO and key stakeholders to review the marine elements of the EIA in order to respond with any conditions that may be required within the marine licence to be deemed within the DCO. The Deemed Marine Licence Report was issued to the following organisations on 22 September 2011:

- English Heritage
- Environment Agency
- Lancashire County Council
- Local Harbour Authority
- Maritime and Coastguard Agency
- MMO
- Natural England
- North Western Inshore Fisheries & Conservation Authority (NWIFCA)
- Royal Yachting Association
- Trinity House
- Wyre Borough Council

3.1.3 Table 3-1 summarises the responses received to the Deemed Marine Licence Report.

<table>
<thead>
<tr>
<th>Consultee</th>
<th>Date of Response</th>
<th>Appendix within which full Response is Included</th>
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</thead>
<tbody>
<tr>
<td>English Heritage</td>
<td>14 October 2011</td>
<td>A</td>
</tr>
<tr>
<td>Environment Agency</td>
<td>18 October 2011</td>
<td>B</td>
</tr>
<tr>
<td>Lancashire County Council</td>
<td>No marine capability, and therefore declined to comment</td>
<td>N/A</td>
</tr>
<tr>
<td>Local Harbour Authority</td>
<td>13 October 2011</td>
<td>C</td>
</tr>
<tr>
<td>Maritime and Coastguard Agency</td>
<td>S42 consultation response received 13 June 2011, which outlined a number of conditions</td>
<td>D</td>
</tr>
<tr>
<td>Consultee</td>
<td>Date of Response</td>
<td>Appendix within which full Response is Included</td>
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<td>-------------------------</td>
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<tr>
<td></td>
<td>to include in the draft marine licence. Response received on 17 October 2011 stating that the conditions remained valid.</td>
<td></td>
</tr>
<tr>
<td>MMO</td>
<td>14 October 2011</td>
<td>E</td>
</tr>
<tr>
<td>Natural England</td>
<td>6 October 2011</td>
<td>F</td>
</tr>
<tr>
<td>NWIFCA</td>
<td>10 October 2011</td>
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<tr>
<td>Royal Yachting Association</td>
<td>No response received</td>
<td>N/A</td>
</tr>
<tr>
<td>Trinity House</td>
<td>17 November 2011</td>
<td>H</td>
</tr>
<tr>
<td>Wyre Borough Council</td>
<td>No marine capability, and therefore declined to comment</td>
<td>N/A</td>
</tr>
</tbody>
</table>

3.1.4 Responses received from both Natural England and NWIFCA raised certain issues that required further discussion. Therefore, on 20 October 2011, a conference call was held with the Environment Agency, Natural England, the MMO and NWIFCA to discuss the responses received. A majority of issues were resolved during the call, which subsequently assisted the MMO in the drafting of the conditions. Meeting notes of this call are provided in Appendix I.

3.1.5 In consideration of the responses received to the Deemed Marine Licence Report, and the issues discussed on the conference call held on 20 October 2011, the MMO compiled a list of draft conditions for inclusion within the marine licence to be deemed within the DCO. These draft conditions were received on 28 October 2011 (refer to Appendix J). Conditions included the requirement to:

- Submit method statements and monitoring plans prior to construction works commencing
- Submit a Vessel Movement Plan prior to construction works commencing
- Undertake an updated benthic survey prior to construction works commencing

3.1.6 The draft conditions were subsequently sent to the Environment Agency, Natural England, NWIFCA and the Maritime and Coastguard Agency on 31 October 2011 for approval. Such approval was obtained from the Maritime and Coastguard Agency on 31 October 2011 (refer to Appendix K), the Environment Agency on 7 November 2011 (refer to Appendix L) and Natural England on 7 November 2011 (refer to Appendix M). No response has been received from NWIFCA.

3.1.7 As a result of the final responses received, the draft conditions presented in the letter received from the MMO on 28 October 2011 were incorporated into Section 7 of the draft DCO (DCO Application Document Reference Number 6.1). This was sent to the MMO for approval. Such approval was obtained on 11 November 2011 (refer to Appendix N).
Appendix A

English Heritage Response to the Deemed Marine Licence Report
Dear Mr Hoare,

**Underground Natural Gas Storage Facility at Preesall (Lancashire)**

Thank you for your email of 22nd September 2011 regarding the Preesall Underground Gas Storage Facility Deemed Marine Licence Report (Report Number: 0012-WX40004-NHR-02, dated September 2011, prepared for Halite Energy Group by Hyder Consulting Ltd.).

We have reviewed the information supplied to us with particular regard to Chapter 4 (Marine Archaeology) and we have no further comment to offer at this stage.

Yours faithfully,

Christopher Pater
Marine Planning Unit

Cc Elaine Young (MMO, Newcastle)
Appendix B

Environment Agency Response to the Deemed Marine Licence Report
Dear Sir/Madam

UNDERGROUND GAS STORAGE - MARINE CONSENT CONSULTATION
PREEASALL SALTFIELD, SALTMINE, WYRE ESTUARY, LANCASHIRE

Thank you for consulting us on the above Marine Management Organisation Deemed Consent Application.

We have no objections to the detail within the Deemed Marine Licence Report subject to compliance with the previously issued Environmental Permit (017290628).

The detail relating to the construction of the pipeline will be authorised through MMO consenting.

For Information
The assessment of ecological receptors considers wintering wildfowl sufficiently but fails to assess the impact to breeding birds which are listed as interest features for Morecambe Bay SPA SAC and also listed in the citation for Ribble estuary SSSI. It is recommended that impacts to breeding birds in these designated sites are assessed in consultation with Natural England.

Yours faithfully

Amy Heys
Planning Liaison Technical Specialist

Direct dial 01768 215716
Direct fax 01768 865606
Direct e-mail penrith.planning@environment-agency.gov.uk

Environment Agency
PO Box 519, Lancashire, South Preston, PR5 8GD.
Customer services line: 03708 506 506
www.environment-agency.gov.uk
Cont/d..
Appendix C

Local Harbour Authority Response to the Deemed Marine Licence Report
Good morning David,

Further to your email below and attachment, both Neil and I have read through the document, and would comment as follows:-

Point 3.3.29 - should read 420 berths

Point 3.5.14 - I think you should refer to the minimum dock level as identified in the ABP/Canatxx agreement lease schedule 2 part 2, and similarly with point 3.5.22

Otherwise, I believe the document is in order from ABP's perspective.

Best wishes,

Paul

Paul Jervis
Port Manager
ABP North West Ports

From: Neil Atkinson
Sent: 22 September 2011 18:07
To: Paul Jervis
Subject: FW: Preesall Underground Gas Storage Facility - Deemed Marine Licence
Importance: High

Paul,

I have only forwarded this to you so far, will you send on to any one else who needs?
Thanks
Neil

---

From: David Hoare [mailto:david.hoare@hyderconsulting.com]
Sent: 22 September 2011 13:17
To: Neil Atkinson
Cc: Gerring, Anna (MMO); Andrew Saunders; Jon Dyson
Subject: RE: Preesall Underground Gas Storage Facility - Deemed Marine Licence
Importance: High

[Disk Folder K:\projects\WX40004-Fleetwood Solution Mining\M-Mail]
[Filed 2011-09-22 13:17:04]

Dear Neil

Sincere apologies for the delay, but please find attached the bespoke report. Please note that the figures and appendices will be posted to you shortly on CD.

As outlined in my initial e-mail, please review the bespoke report and respond by return to myself with any conditions you would like to suggest be included within the deemed marine licence.

I appreciate that you will no longer be able to respond by 23rd September. However, it would be really appreciated if you could respond as quickly as you possibly can (we would ideally like a response by Friday 7th October). If you could give me an indication of when you feel you may be able to respond, that would be much appreciated.

Please do not hesitate to get in touch if you have any questions regarding the bespoke report.

Best wishes

David

---

David Hoare
Principal Consultant - Environment
Hyder Consulting (UK) Limited
Firecrest Court, Centre Park, Warrington, WA1 1RG
Direct Dial Tel: +44 (0) 1925 800 752
Reception Tel: +44 (0) 1925 800 700
Mob: +44 (0) 7796 300376
Dear Neil

Further to my e-mail below notifying you of our impending report, you’ll no doubt be aware by now that we’ve failed in issuing the report to you by the date I originally suggested (2nd September).

We are working very hard to finalise the report, and I hope it will be issued sometime next week.

I also appreciate that I asked for responses to be with us by 23rd September. I realise that the delay in issuing the report has not helped this request. However, it would be much appreciated if you could do all you can to respond as quickly as possible when you do receive the report.

Many thanks for your continued help, and apologies once again for the delay in getting the report to you.

Best wishes

David

David Hoare
Principal Consultant - Environment
Hyder Consulting (UK) Limited
Dear Neil,

As discussed earlier today, we are currently working with the Marine Management Organisation (MMO) towards agreeing a deemed marine licence for submission to the IPC for the Preesall Underground Gas Storage Project in Lancashire.

We have been advised by the MMO to produce a bespoke report for their review, focusing on all aspects of the marine environment. The purpose of this report will be to identify the potential impacts of the Project on the marine environment, which will allow the MMO to produce a list of any conditions considered necessary. These conditions will then be listed in the deemed marine licence, which will be included as a schedule to the DCO application.

The MMO has advised that we also send the bespoke report to yourselves, so that you also have the opportunity to review the bespoke report and outline any conditions you would like to suggest as part of the deemed marine licence.

We are aiming to issue the bespoke report on **Friday 2nd September 2011**. Due to programme deadlines, we would very much appreciate if you could respond with any conditions you would like to suggest by **Friday 23rd September 2011**, or earlier if at all possible.

Please do not hesitate to contact me in the mean time if you have any questions.
Best wishes

David

David Hoare
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Appendix D

Maritime and Coastguard Agency Response to the Deemed Marine Licence Report
Morning David,

I have reviewed our conditions for this development and feel they are still valid.

Regards,
Clive.

Capt.Clive Lane
Ports Liaison Policy Lead
Navigation Safety Branch
Maritime & Coastguard Agency
Spring Place
105 Commercial Road
Southampton SO15 1EG
United Kingdom

Phone: 0044(0)2380329394

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>>> "David Hoare" <david.hoare@hyderconsulting.com> 15/10/2011 20:39 >>>

Dear Clive

Really sorry to chase, but could you let me know whether you intend to respond to my original e-mail below, and if so, when you feel you will be in a position to respond.

Many thanks
Morning David,

Thanks for that.

Regards,
Clive.

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Hi Clive

I couldn't see an attachment, but yes, we are aware of your previous responses.

I attach your letter we received in response to the recent S42 consultation. Within this letter, you outline a number of 'conditions'. However, the letter does state that "we would, however, only confirm these conditions once we have sighted the appropriate Marine Licence application from the Marine Management Organisation or as appropriate". Therefore, we have sent you this report to allow you to review the conditions you originally outlined.

I hope this explanation helps. Please do not hesitate to contact me if you require further clarification.

Best wishes

David
From: Clive Lane [mailto:Clive.Lane@mcga.gov.uk]  
Sent: 23 September 2011 09:55  
To: David Hoare  
Subject: RE: Preesall Underground Gas Storage Facility - Deemed Marine Licence

David,

Are you aware of the response we sent last year, I presume this is for the same development see attched.

Regards,
Clive.

Capt.Clive Lane  
Ports Liaison Policy Lead  
Navigation Safety Branch  
Maritime & Coastguard Agency  
Spring Place  
105 Commercial Road  
Southampton SO15 1EG  
United Kingdom  

Phone: 0044(0)2380329394

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>>> "David Hoare" <david.hoare@hyderconsulting.com> 22/09/2011 13:20 >>>
[Disk Folder K:\projects\WX40004-Fleetwood Solution Mining\M-Mail <file:///K:\projects\WX40004-Fleetwood%20Solution%20Mining\M-Mail>] [Filed 2011-09-22 13:20:38]

Dear Clive
Sincere apologies for the delay, but please find attached the bespoke report. Please note that the figures and appendices will be posted to you shortly on CD.

As outlined in my initial e-mail, please review the bespoke report and respond by return to myself with any conditions you would like to suggest be included within the deemed marine licence.

I appreciate that you will no longer be able to respond by the end of September. However, it would be really appreciated if you could respond as quickly as you possibly can (we would ideally like a response by Friday 7th October). If you could give me an indication of when you feel you may be able to respond, that would be much appreciated.

Please do not hesitate to get in touch if you have any questions regarding the bespoke report.

Best wishes

David

David Hoare
Principal Consultant - Environment
Hyder Consulting (UK) Limited
Firecrest Court, Centre Park, Warrington, WA1 1RG Direct Dial Tel: +44 (0) 1925 800 752
Reception Tel: +44 (0) 1925 800 700
Mob: +44 (0) 7796 300376
Fax: +44 (0) 1925 572462
Dear Clive,

We are currently working with the Marine Management Organisation (MMO) towards agreeing a deemed marine licence for submission to the IPC for the Preesall Underground Gas Storage Project in Lancashire.

We have been advised by the MMO to produce a bespoke report for their review, focussing on all aspects of the marine environment. The purpose of this report will be to identify the potential impacts of the Project on the marine environment, which will allow the MMO to produce a list of any conditions considered necessary. These conditions will then be listed in the deemed marine licence, which will be included as a
schedule to the DCO application.

The MMO has advised that we also send the bespoke report to yourselves, so that you also have the opportunity to review the bespoke report and outline any conditions you would like to suggest as part of the deemed marine licence.

We are aiming to issue the bespoke report next week. Due to programme deadlines, we would very much appreciate if you could respond with any conditions you would like to suggest by the end of September, or earlier if at all possible.

Please do not hesitate to contact me in the mean time if you have any questions.

Best wishes

David

David Hoare
Principal Consultant - Environment
Hyder Consulting (UK) Limited
Firecrest Court, Centre Park, Warrington, WA1 1RG
Direct Dial Tel: +44 (0) 1925 800 752
Reception Tel: +44 (0) 1925 800 700
Mob: +44 (0) 7796 300376
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Dear Keith

Proposed Presall Saltfield Underground Gas Storage Facility

Thank you for your letter dated 10th May 2011 in which you invited MCA to comment on the proposed application for the Presall Underground Gas Storage facility.

We have considered the information provided and it can be noted that the works are unlikely to have an adverse impact with regards to the safety of navigation provided the conditions below are applied to this development.

Please note that these conditions only apply to the cables/pipelines crossing the river and salt water outfall as described in the project plan. We would however, only confirm these conditions once we have sighted the appropriate Marine Licence application from the Marine Management Organisation or as appropriate:

1. A copy of this consent must be given to each contractor appointed to carry out part or all of 'the works' in order that they are clear about the extent of 'the works' for which consent has been given and the conditions that are attached to the consent.

2. The Consent Holder should ensure appropriate steps are taken to minimise damage to the beach/foreshore/river bank by the works.

3. The Consent Holder should ensure that any equipment, temporary works and/or debris associated with the works are removed from the foreshore upon completion of the works.

4. The Consent Holder should ensure the best method of practice is used to minimise re-suspension of sediment during these works.

5. The Consent Holder should ensure suitable bunding, storage facilities are employed to prevent the release of fuel oils, lubricating fluids associated with the plant and equipment into the marine environment.
6. The Consent Holder must ensure the beach/foreshore/riverbank is returned to the original profile following the completion of the works.

7. The Consent Holder should ensure the local mariner's and fishermen's organisations are notified.

8. The Consent Holder should notify the UK Hydrographic Office to permit the promulgation of maritime safety information and updating of nautical publications.

9. The works shall be maintained at all times in good repair.

10. The works should be removed from below the level of mean high water springs within one month of notice being given by the Secretary of State at any time he considers this necessary or advisable for the safety of navigation, and not replaced without further consent by the Secretary of State.

11. No radio beacon or radar beacon operating in the Marine frequency bands shall be installed or used on the works without prior written approval by the Secretary of State.

12. If in the opinion of the Secretary of State the assistance of a Government Department, including the broadcast of navigational warnings, is required in connection with the works or to deal with any emergency arising from the failure to mark and light the works as required by the consent or to maintain the works in good order or from the drifting or wreck of the works, the owner of the works shall be liable for any expense incurred in securing such assistance.

13. Officers of the MCA, or any other person authorised by the Secretary of State, should be permitted to inspect the works at any reasonable time.

14. The site is within port limits and the responsible local navigation authority, in close consultation with the Harbour Commissioners where appropriate, may wish to issue local warnings to alert those navigating in the vicinity to the presence of the works during the construction. Additionally, they may need to review their Port Marine Safety Code risk assessments.

15. The matter is an issue for the local harbour authority with conservancy responsibilities. They have the responsibility within their port limits for ensuring their harbour is fit for use by, for example, not permitting the spoil to foul navigable channels thus assuring the safety of navigation.

16. Vessels to comply with the International Regulations for Preventing Collisions at Sea, 1972 (COLREGs) – as amended, particularly with respect to the display of lights, shapes and signals.

17. The works should be marked and lighted in accordance with the requirements of the General Lighthouse Authority in this case Trinity House Lighthouse Service.

18. Any jack up barges/vessels utilised during the works, when jacked up, should exhibit signals in accordance with the UK Standard Marking Schedule for Offshore Installations.
The developers must also consult with the local Harbour / Navigation Authority, who has jurisdiction over the area, and under the Port Marine Safety Code the following will apply:

From the Guide to Good Practice, section 6 Conservancy, a Harbour Authority has a duty to conserve the harbour so that it is fit for use as a port, and a duty of reasonable care to see that the harbour is in a fit condition for a vessel to use it. Section 6.7 Regulating harbour works covers this in more detail and have copied the extract below from the Guide to Good Practice.

6.7 Regulating harbour works

6.7.1 Some harbour authorities have the powers to license works where they extend below the high watermark, and are thus liable to have an effect on navigation. Such powers do not, however, usually extend to developments on the foreshore.

6.7.2 Some harbour authorities are statutory consultees for planning applications, as a function of owning the seabed, and thus being the adjacent landowner. Where this is not the case, harbour authorities should be alert to developments on shore that could adversely affect the safety of navigation. Where necessary, consideration should be given to requiring the planning applicants to conduct a risk assessment in order to establish that the safety of navigation is not about to be put at risk. Examples of where navigation could be so affected include:

- high constructions, which inhibit line of sight of microwave transmissions, or the performance of port radar, or interfere with the line of sight of aids to navigation;
- high constructions, which potentially affect wind patterns; and
- lighting of a shore development in such a manner that the night vision of mariners is impeded, or that navigation lights, either ashore and onboard vessels are masked, or made less conspicuous.

There is a British Standards Institution publication on Road Lighting, BS5489. Part 8 relates to a code of practice for lighting which may affect the safe use of aerodromes, railways, harbours and navigable inland waterways.

Yours sincerely

Capt. Clive Lane
Navigation Safety Branch
Subject to the need to keep up to date file records, please consider your environmental responsibility before printing this email

---

Helen Croxson 13/06/2011 11:56 >>>

Dear Keith,

Please find attached response from MCA regarding the above application as requested.

Kind regards

Helen

Helen Croxson
Navigation Safety Specialist Support
Navigation Safety Branch
Maritime and Coastguard Agency
Bay 2/04
Spring Place
105 Commercial Road
Southampton, SO15 1EG
tel: +44 (0) 23 80329 437
fax: +44 (0) 23 80329 204
Helen.Croxson@mcga.gov.uk

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Preesall Salt...doc (234 KB)
Appendix E

MMO Response to the Deemed Marine Licence Report
By email only


Dear David,

Thank you for consulting the Marine Management Organisation (MMO) on the Marine Licence Report and for the invitation to contribute to the drafting of the marine licence and conditions to be included with your application to the Infrastructure Planning Commission (IPC) for a Development Consent Order (DCO). We welcome the pro-active approach taken by Hyder and Halite and would hope to continue in positive dialogue throughout the lifetime of this project.

To assist with this, you have also provided the MMO with correspondence you have received from other organisations during this consultation exercise; namely Natural England (NE), the North Western Inshore Fisheries and Conservation Authority (NWIFCA) and the Association of British Ports (ABP). Where I feel it appropriate, I have commented on some of the points raised by those organisations and have borne their comments in mind when drafting conditions. However, some comments contained in those responses are for the IPC to consider when assessing the application for a DCO and it would not be appropriate explore them at this stage. It may be that additional conditions for the marine licence are identified during that process.

I have provided some general comments followed by some conditions I feel it would be appropriate to include in a draft of the marine licence and the reasons for those conditions.

General comments

Licensing requirements
As we have previously discussed, all activities which would require a licence under Part 4 of the Marine and Coastal Access Act 2009 (MCAA) will need to be included in the marine licence to be deemed within the DCO. We previously agreed that the only elements of the project that this would include would be the brine discharge pipe and the associated diffuser. Section 2.1.71 Seawall Crossing mentions some works which may also be licensable under the MCAA and, if so, would need to be included in a marine licence. Depending on the location of the works, this may include the pipe crossing the seawall, the new observation platform, removal and construction of the access ramp, construction of a temporary aggregate ramp, the cofferdam and
HDPE pipe. Under the MCAA, all removals or deposits below the level of mean high water springs would require a licence unless an exemption applies. This includes all temporary deposits. If you could provide further details of these works, including the location, I would be happy to confirm which elements, if any, would require a marine licence.

Section 3.5.14 notes that there may be future additional dredging requirements due to sediment accumulation in the estuary. I understand that the likelihood of this is unknown at present but I would take this opportunity to remind you that dredging and disposal of dredged material are licensable activities under MCAA and a licence would be required before these works could commence should the need arise.

Section 3.5.30 mentions decommissioning of the plant. Should the pipeline be removed, this would also require a licence under the MCAA.

Natural England have commented on the directional drilling under the Wyre estuary and sought reassurances from Halite that the construction methodology would avoid an adverse effect on the interest features of the Wyre Estuary. We have previously agreed that the boring of the tunnel for the pipeline under the Wyre estuary would be exempt under paragraph 35 of The Marine Licensing (Exempted Activities) Order 2011. Paragraph 35 is as follows:

**Bored tunnels**

35.—(1) Article 4 applies to a deposit or works activity carried on wholly under the sea bed in connection with the construction or operation of a bored tunnel.

(2) Paragraph (1) is subject to conditions 1 and 2.

(3) Condition 1 is that notice of the intention to carry on the activity must be given to the licensing authority before the activity is carried on.

(4) Condition 2 is that the activity must not significantly adversely affect any part of the environment of the UK marine area or the living resources that it supports.

(5) But article 4 does not apply to any such deposit carried on for the purpose of disposal.

For the exemption to apply, it must be demonstrated in the Environmental Statement that Condition 2 can be satisfied.

**Methods statement**

We would expect that a detailed methods statement be submitted and agreed prior to the works commencing. It is likely that the MMO would wish to consult with some interested parties and as such, we would wish to see the methods statement a minimum of 6 months prior to expected commencement of works. Based on the information provided to date, I would expect the methods statement to include, but not be limited to, the following elements:

- The quantities of material to be dredged or trenched in the laying of the pipeline and the location of where this material will be temporary stored before backfill;
- The proposed corridor for trenching should be mapped and proximity to high conservation value species and biotopes noted;
- Any mitigation and/or conditions arising from the Habitats Regulations Assessment (HRA) or Environmental Impact Assessment (EIA) process and any mitigation and/or conditions which are detailed in the Construction Environmental Management Plan (CEMP) which are applicable to the marine environment;
• Timing of all phases of the works;
• Quantities of rock armouring to be used and locations to be deposited;
• Location and marking of the safety exclusion zone around the head of the brine discharge;
• Vessel movements and proposed transit routes;
• A monitoring plan – e.g. to assess the impact of the pipeline construction on sensitive habitats and on coastal processes;
• Detailed mitigation, including mitigation to be employed to minimise impacts to sensitive habitats and species during construction and to minimise the re-suspension of sediments.

It should be noted that the MMO would only be able to approve a methods statement or amend a marine licence deemed within a DCO if a full assessment of the environmental impacts was previously assessed during examination by the IPC. If details provided post-DCO consent were outside of the parameters assessed in the EIA for the DCO, then any approval or amendments would have to be sought through the IPC.

Conditions
I have provided a list of draft conditions below. This is based on the MMO’s assessment of the Marine Licence Report and incorporates the views of our scientific advisors at the Centre for Fisheries and Aquaculture Science (Cefas). As agreed with Hyder, a technical assessment of the content of the Marine Licence Report was not undertaken; rather we have provided comments to being the drafting of the marine licence. As such, we reserve the right to provide further comments once we have sight of the full Environmental Statement and a full technical assessment has been made.

Should any marine-related mitigation or conditions arise through the Habitats Regulations Assessment process or Environmental Impact Assessment process they should also be included in the marine licence. I would be grateful if we could be consulted on the inclusion of any additional conditions such that they are fit for purpose post-consent.

Conditions to be included in the marine licence

Before works commence
1. The Licence Holder must submit a full method statement to the MMO at least 6 months prior to the commencement of the works. The scope of the methods statement should be agreed beforehand. Written approval/agreement by the MMO is required prior to works commencing.

   Reason: To ensure the MMO are aware and satisfied with the chosen methods. So, where necessary, mitigation can be included, such as the addition of licence conditions.

2. The Licence Holder must ensure the local mariner’s and fishermen’s organisations are notified through a Notice to Mariners prior to commencement of works.
Reason: To ensure other vessels in the vicinity can safely plan and conduct their passage.

3. The Licence Holder must ensure that a full method statement and location of the transhipment area and barge approach routes for delivery of rock armouring is submitted to the MMO at least 6 weeks prior to the commencement of the works. Written approval/agreement by the MMO is required prior to works commencing.

Reason: To manage the associated safety/ navigation issues associated with rock transhipment and the potential loss of material that could cause an obstruction/hazard to other sea/sea-bed users.

4. The Licence Holder must ensure that lighting and marking of the works are agreed with the MMO prior to commencement of the works

Reason: To mark and light any potential dangers to navigation.

5. The District Marine Office must be notified of the timetable of works/operations at least 10 days prior to any activities commencing. The District Marine Office must also be noticed within 10 days of completion of the works. Contact: blackpool@marinemanagement.org.uk or 01253 362 130.

Reason: To ensure that the MMO officer is aware of the operation at sea occurring within its jurisdiction in order to notify other sea users and arrange enforcement visits as appropriate.

During works

6. The Licence Holder must ensure that pre and post works trawl surveys are conducted within any transhipment area and barge approach routes, or Fisheries Liaison Officers are employed on the transhipping vessel to observe all transhipment operations and record any losses

Reason: To satisfy the MMO that no rock has been lost during the transhipment operation that would pose an obstruction/hazard to other sea/sea-bed users.

7. The Licence Holder must only work and access the site within a defined and marked out area thereby limiting personnel and plant access to the site. The work area and access routes are defined and agreed in the Methods Statement.

Reason: To minimise damage and disturbance to sensitive habitat or species from construction plant and personnel.

8. Diffusers must be fitted to the discharge end of the pipeline to maximise dispersion.

Reason: This is to ensure the dispersion is maximised to mitigate the potential risk of the brine discharge on sensitive environmental receptors.
9. The Licence holder must ensure that all chemicals utilised are selected from the list of notified chemicals assessed for use by the offshore oil and gas industry under the Offshore Chemicals Regulations 2002 (this list can be sourced on www.cefas.co.uk) or has gone through a similar level of ecotoxicological hazard/risk assessment. Should any system other than a water-based mud be considered for use in the drilling operation written approval and guidance of disposal of any arisings will be required from the Licensing Authority.

Reason: Required for large scale marine works where chemicals are needed for drilling sockets etc. Use of chemicals from the list in this context is only intended to be indicative of the environmental effects (OCNS registration involves testing for toxicity, bioaccumulation and persistence) because the criteria in classification are specific to oil and gas. Registration or equivalent testing is to ensure that hazardous chemicals that may be toxic, persistent or bioaccumulative are not released into the marine environment and used appropriately.

10. The Licence Holder must ensure that any coatings/treatments are suitable for the use in the marine environment and are used in accordance with best environmental practice (e.g. approved by HSE, EA Pollution Prevention Control Guidelines).

Reason: To ensure that hazardous chemicals that may be toxic, persistent or bioaccumulative are not released into the marine environment and used appropriately.

11. The Licence Holder must ensure that soft-start procedures are used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration should be a period of not less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.

Reason: To allow mobile sensitive receptors to move away from the noise source, and reduce likelihood of exposing the animal to sounds which can cause injury.

12. The Licence Holder must install bunding and/or storage facilities to contain and prevent the release of fuel, oils, and chemicals associated with plant, refuelling and construction equipment, into the marine environment i.e. secondary containment should be used with a capacity of not less than 100% of the containers storage capacity.

Reason: To prevent marine pollution incidents by adopting best practice techniques.

13. The Licence Holder must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO, Marine Pollution Response
Reason: To ensure that any spills are appropriately recorded and managed to minimise the impact to sensitive receptors and the general marine environment.

14. The Licence Holder must ensure that during the works all wastes are stored in designated areas that are isolated from surface water drains, open water and bunded to contain any spillages.

Reason: To prevent material being washed away by unfavourable weather conditions and tides, and increasing the risk of environmental damage.

15. The Licence Holder must ensure that no waste concrete slurry or wash water from concrete or cement works are discharged into the marine environment. Concrete and cement mixing should be contained and sited at least 10 metres from any watercourse or surface water drain to minimise the risk of run off entering a watercourse.

Reason: To avoid damage to the marine environment by contamination of concrete wash water which are highly alkaline and contain high levels of suspended sediment.

16. The Licence Holder must ensure that any vessels used for rock transhipment or delivery operations are suitably constructed and loaded to prevent rock falling over the side by accident. Suitable screening should be used to prevent rock/shingle loss through drainage holes.

Reason: To reduce the risk and potential loss of material that could cause an obstruction/hazard to other sea/sea-bed users.

17. The Licence Holder must ensure that any rock misplaced/lost below Mean High Water Springs are reported to the District Marine Office within 48 hours, and located and recovered. Contact: blackpool@marinemanagement.org.uk or 01253 362 130.

Reason: To manage the associated safety/ navigation issues associated with rock transhipment and the potential loss of material that could cause an obstruction/hazard to other sea/sea-bed users.

**After works**

18. The Licence Holder must ensure that backfill operations return the intertidal area to its original profile.

Reason: This is to ensure the seabed is returned to a similar state as soon as possible after works to promote recovery.

19. The Licence Holder must ensure that any equipment, temporary structures, waste and/or debris associated with the works are removed within 6 weeks of
completion of the works.

*Reason: To prevent the accumulation of unlicensed material/debris and the potential environmental damage, safety and navigational issues associated with such materials/debris.*

20. The Licence Holder should notify the UK Hydrographic Office to permit the promulgation of Maritime Safety Information and updating of nautical charts and publications.

*Reason: To ensure other vessels in the vicinity can safely plan and conduct their passage.*

**Next steps**

I would be happy to develop this initial draft with you further and would recommend that you discuss the contents with other interested parties. You may find it useful to define which elements of the project necessarily need to be developed and agreed post-consent (for example, the detailed methods statements) and include these as well defined conditions, and I would be happy to speak with you more on this point.

Should you have any questions arising from this letter, please do not hesitate to contact me.

Kind regards,

Anna Gerring
Appendix F

Natural England Response to the Deemed Marine Licence Report
Dear David

Halite Underground Gas Storage Facility

Thank you for your consultation on the deemed marine licence report for the Halite underground gas storage facility, received 22 September 2011

The following points are Natural England’s advice on what conditions we would like to see set out within the Marine Licence. Whilst Natural England are aware that the only licensable element of the project would be the construction of the offshore elements of the brine discharge pipeline we have provided comments on the full project proposal which has been included in the report at the request of the Marine Management Organisation. These comments include Natural England’s advice on the requirements of Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (known as “the Habitats Regulations”).

1. Impacts on Liverpool Bay SPA

The report considers the indirect impacts of the proposal on the Liverpool Bay SPA but has not taken into account the potential direct impacts of disturbance to Common Scoter or Red Throated Diver within the SPA. There is potential for direct disturbance to these birds through increased vessel use during construction, maintenance and monitoring of the brine discharge pipeline and diffuser. These species are highly sensitive to visual stimuli and easily flushed by vessel movement. Natural England advise that vessels accessing the area for construction, maintenance and monitoring avoid the Liverpool Bay SPA particularly in the vicinity of Shell Flats which is an important feeding area. If the EIA cannot guarantee the vessels will not cross Liverpool Bay SPA it will need to identify whether the construction vessels are likely to operate in Liverpool Bay SPA between August through March (moulting and wintering period).

Consequently if operations do take place between August and March (inclusive) then the EIA will need to identify the likely routes the construction vessels will take. If these cross Liverpool Bay then the EIA should estimate the number of transits they will take. For construction traffic the number of transits across Liverpool Bay should be estimated over the construction period, for maintenance traffic this should be estimated per year. It is likely that the number of transits will be small but the number of vessel transits should be used to assess significance.

2. Directional drilling

The report makes reference to directional drilling below the Wyre estuary and its adjacent marsh habitat. Direct impacts to this site have been scoped out of the report however Natural England would
like to raise that there have been problems with intertidal directional drilling activities in other areas of the country and therefore seek reassurance from Halite that their construction methodology will avoid an adverse effect on the interest features of the Wyre Estuary.

Geophysical surveys need to show that the sediment/rock at the 8 metres drill depth is compatible with directional drilling. If at a later date problems arise with the directional drilling methodology and the pipeline is, for example, proposed to be surface trenched across the Wyre estuary, the environmental consequences are likely to be severe and adversely damaging to the interest features of the Wyre Estuary site.

3. Excavation of the pipeline route

3.1 The survey information provided suggests that the habitat within the cable corridor is fairly impoverished including coarse sand and unstable stony sediments. However the *Sabellaria alveolata*, stable stony reef beds and Piddock biotopes are of a high conservation value and it is important to avoid damage to these habitats during the construction and operational phase of the outfall. To support Halite’s efforts in achieving this, a map should be produced outlining locations where survey information indicates areas of potentially stable cobble/boulder habitat (supporting high diversity), Piddock biotope and Sabellaria reef. These locations should be overlaid with polygons outlining the 25m wide trench along with an adjacent colour coded corridor indicating the area where smothering and disturbance is likely. These two corridors/polygons should not overlap with sites where information suggests the presences of stable/diverse stony habitat, Piddocks or Sabellaria dominated biotopes. This map should be included as part of the marine license application verifying the absence of high value habitats within the corridor.

3.2 Natural England advise that monitoring be conditioned as part of the marine licence to ensure that damage to the *Sabellaria alveolata* reef communities in the littoral/sublittoral area and the piddock biotopes is avoided.

3.3 We support Halite’s plan to mark the intertidal Sabellaria reef areas during construction to prevent damage via vehicles. We would also recommend that vessels be prevented from anchoring in areas where the survey data has indicated stable/sensitive biotopes.

3.4 The construction methodology will need to outline that it is using the least damaging technique for pipeline trenching and through monitoring show that no negative effect has been caused beyond the 60m corridor proposed. The technique likely to do result in the least benthic disturbance is via back hoe dredging.

4. Impact of the pipeline on the seabed and coastal processes

Natural England has some concerns regarding the impact of the pipeline on the seabed. Section 5.5.19 makes reference to the backfilling process and that surplus sediment is likely to result in a raised linear feature along the seabed. Is there any post construction monitoring in place to assess this redistribution of excess sediment? Natural England’s advice is that the pipeline should not cause any feature to sit proud of the seabed as this could have a negative impact on coastal processes in the area.

5. Additional comments on the report content

Whilst water quality has already been considered within the Environment Agency discharge consent dated 16 May 2007. The sites of Liverpool Bay and Shell Flats c SAC were not designated at the time of the granting of the discharge consent and Natural England would like to highlight that there exists the potential for impacts upon the interest features of Liverpool Bay SPA and Shell Flats cSAC not considered as part of the original consent.
5.1 Brine Plume Modelling

5.1.1 The ratio of mineral constituents in seawater is highly uniform regardless of overall salinity levels. In an average sample of seawater the overall saline element comprises around 30.6% sodium and 55% chloride. Even small changes in this ratio can have negative impacts on marine ecology. The overall saline element in the cavern brine will be 100% sodium and chloride. Has this property been considered in the modelling. For example at the 50m threshold (where salinity is expected to have dropped to below 40psu), will sufficient mixing have taken place that the ratio of mineral constituents will be in proportion with the surrounding water?

5.1.2 To the north of the diffuser a large outfall exists between the Lune Deep and the Fleetwood coast. This outfall is heavily rock armoured along its length and this rock armouring is a significant height above the seabed. The outfall has affected sediment transport in this region and some of our partners have expressed concern that this structure may prevent the natural movement of the brine northwards and create a pooling of the brine to the south of the outfall. Can you please verify that the structure is of a sufficient distance that the plume will have dispersed adequately prior to its reaching the outfall and no such pooling of brine will take place.

5.2 Impacts of brine on plankton

5.2.1 The report has considered the impacts of the brine plume on plankton in relation to Morecambe Bay however it does not make extensive comment on the impacts of planktonic mortality on the integrity of Shell Flats and Liverpool Bay. Primarily there is still some concern over the risk of mortality to larvae in planktonic phase dispersion moving through the plume. This specifically relates to key invertebrate species likely to colonise the Liverpool Bay and Shell Flats MPAs and is something that would need to be referred to in any habitats regulations assessment with regard to these sites.

To fulfil the requirements of a Habitats Regulations Assessment in relation to Shell Flats and Liverpool Bay we feel the potential impacts of the brine plume on larval dispersion of species related to Liverpool Bay and Shell Flats will need to be considered further in Halite’s marine license report. Whilst we feel the issue does need to be considered further (if it’s to fully support the habitats regulations assessment) a no significant effect conclusion could be supported by the fact that the outfall plume does not seem to affect an important pathway for larval movements into these sites. For example the diffuser is not in a habitat supportive of abundant in-faunal bivalve populations which could act as a larval source to surrounding sites. It also does not appear to be located in a flow pathway linking two areas of high bivalve productivity.

5.2.2 There is potential for large amounts of dead plankton to be washed across Shell Flats which could impact negatively on the bivalve and fish populations which are supporting features of these sites.

If you have any questions or comments about the above response or wish to discuss the report further then please contact me on the details below.

Mark Johnston
Marine Advisor Irish Sea
Mark.johnston@naturalengland.org.uk
07733307051

Miriam Knollys
Marine Advisor Irish Sea
Miriam.knollys@naturalengland.org.uk
03000600297
Appendix G

NWIFCA Response to the Deemed Marine Licence Report
Dear Mr Hoare,

Re: Pressall Underground Gas Storage Facility - Deemed Marine Licence

Following your email regarding the proposed Gas Storage facility at Pressall, please find below the response from the NWIFCA.

Our view is that the MMO should not grant a deemed Marine Licence for this proposal because of the potential negative impacts on the marine environment caused by the discharge of concentrated brine.

The EA Discharge Consent was issued based on the information contained within Halite’s Marine Dispersion Modelling Report. The four iterations of modelling on which this report was founded were conducted between March 2001 and February 2002. The report itself was produced in July 2003.

In June - August 2003, the sewage outfall pipeline at Rossall, which extends out into the sea for 5.2km, was rock armoured due to problems in keeping it buried. This resulted in what is in effect a 10 foot high wall running out from the beach, which has subsequently changed the hydrology of the area creating a ‘pooling’ effect to the south of the outfall during flood tides.

This area of ‘standing water’ is downstream from the proposed brine discharge point and therefore expert local opinion now suggests that the saline concentrations will be subjected to very little mixing, and as a dense water body will sink to the seabed in what are very shallow waters and the high concentration levels will remain. The potential impacts on the marine environment will be highly adversely significant, “as marine organisms cannot tolerate prolonged exposure to high salinity” (App. 5.4). The area in question is a nursery area for cod, plaice, sole and rays. There are recreational fisheries in this area for cod, codling, bass, plaice, and rays. There are concerns about the potential effects on migratory salmon and sea trout. The effects on benthic organisms and benthic-pelagic coupling mechanisms along with zooplankton could have irrevocable effects on the marine ecosystem in that locality.
The modelling on which the proposals and the EA Discharge Consent are based are out-dated. No further work should be carried out until new modelling has been carried out. The NWIFCA has requested that the EA revisits this Consent and the data on which it was granted.

This issue has been raised with Canatxx on previous occasions but does not appear to have been dealt with.

Details:

The brine discharge activity is likely to continue for 10 years. The theoretical maximum salinity discharged from the diffuser will be 260 ppt, with a ‘normal’ effluent salinity ‘likely’ to be 150 – 250 ppt. The EA has imposed conditions on the Consent that stipulates that following construction of the diffuser that:

a) the plume concentration must reduce to a maximum of 40 ppt salinity at 50m from the discharge location;

b) salinity should not exceed ambient plus 10% at 500m from the discharge location;

c) the plume should not impact on the local shoreline or upon Morecambe Bay.

The Marine Dispersion Modelling Report (Appendix 5.4) recognises that mixing (and therefore dispersion) is dominated by ambient velocity and water depth, reaching a minimum at low water. It also states that vertical dispersion is at a minimum at the diffuser, causing high concentrations at the seabed. There were problems calibrating and verifying the vertical dispersion coefficient in the original modelling, using the Delft 3-D model. It was assumed that given the potentially high salinity gradient around the outfall vertical dispersion would be reduced to a minimum (i.e. molecular diffusion only) in this region. It was deemed that this approach led to an under prediction of vertical dispersion and over prediction of salinity at the seabed; but this was considered reasonable given the nature of the discharge and the relatively high degree of conservatism provided (otherwise known as a precautionary approach).

The EA expressed concerns over the accuracy of this model on the near-field impacts, particularly in predicting plume concentration at 50m from the discharge location, and additional modelling was agreed and carried out using a Computational Fluid Dynamics model.

Three ‘representative tidal velocities’ were used in this modelling which were determined from marine surveys carried out in 2001 – ie. prior to the rock armouring work on the Rossall outfall pipe. Again, this modelling should be re-run using up-to-date data on the tidal velocities within the near-field area.

For a worst case scenario of maximum ambient salinity, peak discharge, minimum ambient velocity and minimum ambient depth the EA’s stipulated condition of reducing salinity to 40 ppt at 50m from the discharge point would not be met.

This suggests that the margin for conformity to the conditions is not great, and should one of the parameters have altered significantly (ie in this case mean tidal velocity) then the potential is there for the condition to be consistently breached.
Method Statement (Appendix 2.1)

The company and methods to be used for the construction of the brine discharge outfall are the same as the construction of the Rossall sewage outfall and the subsequent problems they had with securing the burial of the pipeline with the necessity for rock armouring. The NWIFCA is concerned at the very real possibility that rock armouring will be required to bury the brine discharge pipeline, thus creating a linear obstruction along the sea bed, lying across the flow of the tide leading to the shore from the diffuser. This will no doubt impact on the flood and ebb regimes. No account was made for this provision in the dispersion modelling and provides more reasoning for our request to the EA to review the Consent.

The position of the discharge pipe is situated in an area of the north Fylde coast that does not have a conservation designation despite its ecological value. Since the rock armouring of the Rossall outfall pipe the development of an increasingly diverse marine habitat has been reported. As a direct result of this a new local lobster and netting fishery has developed and the area’s potential as a leisure fishery has improved greatly.

A further interesting aspect is that local birdwatchers have suggested that the disturbance created by the changed tidal flow around the rock armouring is throwing up a lot of feed at certain states of the tide. The area’s interest to the bird watching community is well documented. An adjacent brine discharge has the clear potential to affect food availability and causes concern about the effects on the bird populations.

In summary, the NWIFCA suggests that the verification of the claims of dispersal should be completed before any permissions are granted. If the claims are incorrect, assuming this is detected immediately after discharge of concentrated brine begins, irrevocable damage to the marine environment and ecosystems may already have been done.

Yours sincerely,

Mandy Knott
Scientific and Morecambe Bay Fishery Order Officer
Appendix H

Trinity House Response to the Deemed Marine Licence Report
Good morning David,

Having reviewed the Deemed Marine Licence Report in connection with the above, it appears our previous comments have all been satisfactorily incorporated into the Report and therefore Trinity House has no further comments to make at this time.

Many thanks for our continued consultation.

Kind regards,

Steve Vanstone
Navigation Services Officer
Hi David,

My first day back on the Officer and If we have not yet responded, I will deal with this matter urgently.

I can confirm we will respond.

Regards

Martin

From: David Hoare [mailto:david.hoare@hyderconsulting.com]
Sent: 15 October 2011 20:38
To: Martin Thomas
Cc: Gerring, Anna (MMO)
Subject: RE: Preesall Underground Gas Storage Facility - Deemed Marine Licence

Hi Martin

Really sorry to chase, but could you let me know whether you intend to respond to my original e-mail below, and if so, when you feel you will be in a position to respond.

Many thanks

David

David Hoare
Principal Consultant - Environment
Hyder Consulting (UK) Limited
Firecrest Court, Centre Park, Warrington, WA1 1RG
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Reception Tel: +44 (0) 1925 800 700
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Fax: +44 (0) 1925 572462

www.hyderconsulting.com

Hyder is an international advisory and design consultancy
Hi David,

I can confirm that the cd has arrived.

Regards

Martin

Hi Martin

Many thanks for that, really sorry about have to ask for your response in such a short timeframe.....have you received the CD?

Best wishes

David

Hi David,

I should be in a position to respond to you early part next week. -- As soon as the cd arrives.
Dear Martin

Sincere apologies for the delay, but please find attached the bespoke report. Please note that the figures and appendices will be posted to you shortly on CD.

As outlined in my initial e-mail, please review the bespoke report and respond by return to myself with any conditions you would like to suggest be included within the deemed marine licence.

I appreciate that you will no longer be able to respond by 23rd September. However, it would be really appreciated if you could respond as quickly as you possibly can (we would ideally like a response by Friday 7th October). If you could give me an indication of when you feel you may be able to respond, that would be much appreciated.

Please do not hesitate to get in touch if you have any questions regarding the bespoke report.

Best wishes

David

David Hoare
Principal Consultant - Environment
Hyder Consulting (UK) Limited
Firecrest Court, Centre Park, Warrington, WA1 1RG
Direct Dial Tel: +44 (0) 1925 800 752
Reception Tel: +44 (0) 1925 800 700
Mob: +44 (0) 7796 300376
Dear Martin

Further to my e-mail below notifying you of our impending report, you’l no doubt be aware by now that we’ve failed in issuing the report to you by the date I originally suggested (2nd September).

We are working very hard to finalise the report, and I hope it will be issued sometime next week.

I also appreciate that I asked for responses to be with us by 23rd September. I realise that the delay in issuing the report has not helped this request. However, it would be much appreciated if you could do all you can to respond as quickly as possible when you do receive the report.

Many thanks for your continued help, and apologies once again for the delay in getting the report to you.

Best wishes

David

David Hoare
Principal Consultant - Environment
Hyder Consulting (UK) Limited
Dear Martin

We are currently working with the Marine Management Organisation (MMO) towards agreeing a deemed marine licence for submission to the IPC for the Preesall Underground Gas Storage Project in Lancashire.

We have been advised by the MMO to produce a bespoke report for their review, focusing on all aspects of the marine environment. The purpose of this report will be to identify the potential impacts of the Project on the marine environment, which will allow the MMO to produce a list of any conditions considered necessary. These conditions will then be listed in the deemed marine licence, which will be included as a schedule to the DCO application.

The MMO has advised that we also send the bespoke report to yourselves, so that you also have the opportunity to review the bespoke report and outline any conditions you would like to suggest as part of the deemed marine licence.

We are aiming to issue the bespoke report on Friday 2nd September 2011. Due to programme deadlines, we would very much appreciate if you could respond with any conditions you would like to suggest by Friday 23rd September 2011, or earlier if at all possible.

Please do not hesitate to contact me in the mean time if you have any questions.
Best wishes

David

David Hoare
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Appendix I

Notes of Conference Call Held on 20 October 2011
DH outlined the purpose of the meeting: to discuss the responses received in response to the Deemed Marine Licence and Hyder’s findings with respect to the HRA for the European marine sites. In response to a query from MJ, DH also identified the documents that would be presented to the IPC regarding the marine environment: the marine assessment in the Environmental Statement; and the Habitat Regulations Assessments with respect to Morecambe Bay SPA and Ramsar site (the subject of a previous telecom), Morecambe Bay SAC, Lune Deep and Shell Flats SAC and Liver pool Bay SPA. The Deemed Marine Licence has been submitted prior to the application to the IPC.

MK outlined her concerns regarding the brine modelling. She identified that the United Utilities (UU) outfall pipe has created a pooling effect which has not been considered. In response to a query from SC, MK identified that their local fisheries officer was familiar with the area. It is her understanding that a 10 foot high wall has been created from the diffuser end towards the land. [Post meeting note: MK circulated an aerial photograph via e-mail to
illustrate this fact] The outfall starts at a location close to Chatsworth Road and continues in a north-westerly direction.

MJ indicated that the UU outfall pipe is at 0.2 to 2m above chart datum and that UU have undertaken a study of the outfall pipe.

MK (in response to query from SC) indicated that the pooling holds the water back until it overtops the wall.

SC said that by the time the brine plume reached the UU pipe salt concentration would be back to background levels. Also the plume would reach the UU pipe at a point where the UU pipe is submerged and that there would not be a concentration of saline water near the coast where the pooling is thought to occur.

GF requested supplementary information regarding the brine discharge to be issued to the EA with respect to the discharge consent. AH indicated that it was Halite’s responsibility to identify any significant changes that have occurred, since the EA would need to make a record.

SC to draft response on brine modelling and the sewage outfall as part of Halite/Hyder’s response to comments on the Deemed Marine Licence application. SC

MJ requested post-construction monitoring. DH will draft a letter to respond to all of the issues raised in the responses to the Deemed Marine Licence and cc other in to this response (in response to request from MK). DH

3 MK identified that she had concerns regarding post construction monitoring and the remedial action that could be undertaken. In particular she is concerned that Halite is using the same company that UU used for their outfall pipe.

BG indicated that Halite is aware of the issues that the UU outfall has had, in particular that the pipeline has come afloat (the UU Pipeline originally had intermittent weighting collars and no rock armour). Lessons have been learnt and the Brine outfall will be installed in a 2.5m deep trench which is 7m wide. The pipe will be fitted with continuous weighted concrete collars throughout its length to provide negative buoyancy and covered by rock armour, all within a covered trench. During the excavation the sea bed material will be put to the side (up to 25m from the trench).

BG also stated that after the pipe trench is backfilled with rock armour and the sediment is replaced over this there would be a mound of approximately 400mm, but experience shows that after a month this will level out due to the action of the tidal conditions.

MJ requested that the back-filled trench be flush to the sea bed and that there is post-construction monitoring to prove that this is the case.

4 IGP identified that in MJ’s response he had raised the issue that the brine outfall could lead to an ion in balance. BG queried whether the concern was that the minerals in the Brine would not disperse in the same manner as the salt (sodium chloride). DH stated that Hyder would review this. MJ identified that there must not be any uncertainty. IGP identified that there would be certainty with regard to this issue. DH and IGP

5 MJ identified that the baseline level of disturbance is very low and thus disturbance to scoters and divers should be considered. He also identified that Mark Kaiser has produced papers with regard to disturbance distances. ME identified that disturbance has been considered in the HRA. This has identified that there is not an abundance of food resource in the area affected by the outfall route, that the vessel movements will be from the north and thus not cross Liverpool Bay SPA, and that the number of boat movements is also low. DH identified that these issues would be covered in the ES also.

MJ identified that he would like to see a management plan and a map to illustrate how the site will be accessed during construction.
BG identified that a vessel management plan would be produced.

DH identified that MJ’s concerns regarding directional drilling had been considered in a previous telecom, all agreed.

MJ identified that very little of conservation importance had been identified during the marine survey; although there were patches of Sabellaria reefs. He queried whether there was concrete evidence that sensitive habitats would not be affected by the outfall pipe route.

IGP identified that it would be unusual to produce a detailed map, it is known that the main interest is stony reef.

MJ requested that a map be produced on the basis of the information that is available. IGP identified that the guidance regarding what constitutes stony reef has changed since the survey were undertaken.

AH queried whether there was scope to micro-site the line of the pipe if Sabellaria was found to be on the route. AS identified that there is a limit of deviation on the consent form. BG indicated that there is a 60m limit of deviation. He also identified that there is a commitment to undertake an archaeological investigation before the pipeline is laid.

DH queried whether the sensitivity map could be produced post submission. MJ indicated that they would prefer a pre-construction survey, but it is up to the IPC. AG indicated that it could be condition for the Deemed Marine Consent Licence.

DH identified that it had been agreed that the marine survey was valid for the DCO application. MJ reiterated that he would like a map using the old data. CMACS to produce a map.

DH queried whether there were any other queries concerning rock armouring placing or sediment and no other points were raised.

DH identified that the discharge consent licence had been granted before both Liverpool Bay SPA and hell Flats and Lune Deep cSAC had been designated. MJ stated should be considered in the HRA and ME confirmed that they have been. MJ queried whether the effects of the brine discharge had been considered. ME confirmed that they had.

MJ identified that there appeared to be uncertainty with regard to the effects of the brine on plankton mortality. He has concerns particularly with respect to recruitment into Morecambe Bay. The text that MJ has seen indicates there is the potential for a significant effect. IGP to review this assessment. MJ identified that the EA should have considered this when they granted the discharge consent.

AH will look for the original HRA.

IGP identified that there are potential effects on fish recruitment, which would need to be monitored. MK would like to see the fish recruitment information. DH identified that it will be covered in the ES.

DH asked whether there were any other issues regarding the Deemed Marine Consent Licence.

MK queried whether monitoring could be conditioned. AG identified that the EA were responsible for monitoring the discharge consent. MJ identified that the Deemed Marine Consent Licence should cover monitoring of the physical environment.

MK queried whether the monitoring of the discharge consent could be altered. MJ confirmed that it is something that the EA and Halite can review.

AG queried why the aggregates ramp and some other activities had not been covered in the licence.

DH there had been a misunderstanding. However, the scheme has been fully described.
14 AH identified that EA consent is required for the seawall works. DH responded that this would be dealt with post-application.

14 DH will discuss with AG how to deal with the vessel Management plan and the pre- and post-construction surveys

15 ME provided a rapid summary of the HRA. The aspects of the Project that have the potential to cause significant effects are considered to be: sedimentation, construction works leading to noise and visual disturbance, and the effects of the brine discharge. The sediment mobilisation will last for 4 months and be restricted to the construction zone. The Brine modelling has shown how far brine would move and it is anticipated that the sediment would dissipate out far more quickly and thus not affect the sites of European importance. The works associated with the outfall have been timed to avoid the period when scoters and divers are present. The brine modelling has shown that the salinity will fall to ambient levels within 150m in an east/west direction and therefore not affect the designated sites or the species for which they have been designated to the west. It also reaches acceptable levels prior to reaching Morecambe Bay SAC.

MJ queried whether ME had considered killing plankton that feed into Morecambe Bay. ME had not thought that this would be an issue but will review with IGP.

MK queried whether she had seen the HRA. DH confirmed that the HRA had not been circulated to consultees, the purpose of the call was to confirm whether Hyder had covered the salient points; clearly matters arising from the Deemed Consent Licence have the potential to affect the HRA; thus there is some further work required to address the issues raised. JB asked when the HRA would be issued. DH will confirm by e-mail [Post meeting note: e-mail issued on 21.10.11].
Appendix J

Draft Conditions Received from MMO
28th October 2011

Our Reference: DC9194

By email only


Dear David,

Thank you for consulting with the Marine Management Organisation (MMO) on this project and for the invitation to contribute to the drafting of the marine licence and conditions to be included with your application to the Infrastructure Planning Commission (IPC) for a Development Consent Order (DCO).

Habitats Regulations Assessment: No Likely Significant Effects Report

Thank you for the opportunity to comment on this report, which we received on 26/10/11 with comments requested by 28/10/11. Given the tight deadline for comments we have not been able to undertake a technical review of the document and I have only undertaken a brief review to inform the drafting of the marine licence. As such, I reserve the right to comment further once the application is submitted to the IPC. However, I was pleased to see that a number of items raised in previous correspondence have been included.

I would usually expect the Mitigation and Monitoring section to detail any requirements which have been identified during the HRA process. This would then feed into conditions on the marine licence, rather than the other way round. Should any mitigation and monitoring requirements be identified through the HRA process as it progresses through the application stages once submitted to the IPC, these should also be captured on the marine licence if they relate to the marine area.

Deemed marine licence – drafting and conditions

I previously provided you with a blank template for a marine licence which would be used if the licence were to be issued by the MMO and you have chosen to use this as a template for the marine licence to be deemed in the DCO by the IPC. We welcome this approach, and the descriptions of the works that you have provided appear to be suitable for those purposes. You may wish to re-draft some of the references which relate to the licence being issued by the MMO, and to re-format the licence to be consistent with the main body of the DCO for the development. Should you wish me to comment further on any drafts I would be happy to do so.
I provided some draft conditions to you in our consultation response to the Marine Licence Report on 21 October 2010. Since then we have discussed some of the items raised in that letter with Hyder, Natural England (NE), the Environment Agency (EA) and the North Western Inshore Fisheries and Conservation Authority (NWIFCA). Following those conversations, and at your request, I have made some amendments to that initial draft, which is included with this letter. I would encourage you to discuss this latest draft with those organisations and whether they feel the marine licence, as currently drafted, would meet their requirements. I would be happy to participate in further meetings or teleconferences if it would be helpful.

The purpose of consultation on the Marine Licence Report was to inform the drafting of the marine licence. As such, we have not undertaken a technical review of the information provided and we reserve the right to make further comments when we have sight of the full Environmental Statement once the application is made to the IPC.

Should you have any questions arising from this letter, please do not hesitate to contact me.

Kind regards,

Anna Gerring
Marine Licence

Licence Number:
This is a licence issued by the Marine Management Organisation (MMO) on behalf of the Secretary of State to the licence holder named below to carry out activities for which a licence is required under Part 4 of the Marine and Coastal Access Act 2009.

The licence is for licensable activities carried out as part of the project specified in Section 2 of this licence and is subject to the terms and conditions set out in this Licence.

Licence Holder: Halite Energy Group

Name: Halite Energy Group Limited
Address: Unit 5, St Georges Court
St Georges Park
Kirkham
Lancashire
PR4 2EF

Licence Date:
Valid From:
Valid to:

Date of issue:

Comment [AG1]: This pre-amble should be re-drafted to reflect that the licence will be deemed by the IPC.
MMO logos should be removed.
I would imagine that your colleagues who are drafting the main body of the DCO will wish to re-draft and re-format in line with the main DCO.
Section 1: General

1.1 Interpretation

In this licence:-

(a) “the Act” means the Marine and Coastal Access Act 2009.

(b) “Licensable Activity” means any activity listed in s.66(1) of the Act and section 2.2 of this licence.

(c) “MMO” means the Marine Management Organisation.

(d) “Sea” means any area submerged at mean high water spring tide and the waters of every estuary, river or channel, so far as the tide flows at mean high water spring tide.

(e) “Sea Bed” means the solid surface of the Earth which lies under the Sea.

(f) “Dredging” means using any device to move material (whether or not suspended in water) from one part of the sea or sea bed to another part.

(g) “Licensing Authority” means the Secretary of State.

(h) “Vessel” means hovercraft, and any other craft capable of travelling on, in or under water, whether or not self-propelled.

(i) “Location” and “Disposal Site” and “Disposal Sites” means those locations listed in section 2.4 of this Licence.

(j) “Licence Holder” means the individual(s) and Organisation(s) named above to whom this licence is issued.

(k) All times shall be taken to be Greenwich Mean Time (GMT).

(l) All geographical co-ordinates contained within this Licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless stated otherwise.

1.2 Contacts

Except where otherwise indicated, the main point of contact with the MMO and the address for email and postal returns and correspondence shall be:-

Marine Management Organisation
Marine Consents Team
PO Box 1275
Newcastle upon Tyne
1.3 Returns to be made to the MMO by the Licence Holder

Table 1, below, sets out the returns that the Licence Holder must make and the corresponding dates by which they must reach the MMO.

IMPORTANT: No operations licensed herein may start until the Licence Holder has notified the MMO in writing that it accepts the terms and conditions of this licence. The notification may be sent to the MMO by post or email, using the contact details set out above in section 1.2.

Table 1

<table>
<thead>
<tr>
<th>Return No.</th>
<th>Return Description</th>
<th>Return Deadline</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Licence Holder to accept terms and conditions of Licence.</td>
<td>Within 10 working days from licence Date of Issue.</td>
</tr>
<tr>
<td>2</td>
<td>Licence Holder to notify Local District Marine Officer of proposed start of works date.</td>
<td>No less than 105 working days before work is due to start.</td>
</tr>
<tr>
<td>Licence Number:</td>
<td>Case Ref:</td>
<td></td>
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<td>----------------</td>
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</tr>
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### 3

- **The Licence Holder must submit a full Method Statement to the MMO at least 6 months prior to the commencement of the works. The scope of the Methods Statement should be agreed in writing. Written approval/agreement of the Methods Statement by the MMO is required prior to works commencing.**

  **Six months prior to works commencing**

- **The Licence Holder must conduct a Marine Benthic Ecology and Habitats Survey prior to works commencing. The scope of the Marine Benthic Ecology and Habitats Survey must be agreed with the MMO in writing before it commences. The final report and any further monitoring requirements must be agreed in writing with the MMO prior to construction works commencing.**

  **Prior to works commencing and prior to survey commencing**

- **The Licence Holder must agree in writing with the MMO a Vessel Movement Plan prior to construction works commencing.**

  **Prior to works commencing**

- **The Licence Holder must agree a Construction Monitoring Plan in writing with the MMO prior to works commencing. This should include, but may not be limited to, a pre, during and post-construction monitoring plan for the laying of the pipeline, consisting of trawl surveys within the transhipment area and barge approach routes for delivery of rock armouring, and surveys of the pipeline corridor to ensure the pipeline does not become exposed.**

  **Prior to works commencing**

- **The Licence Holder must ensure that a full method statement and location of the transhipment area and barge approach routes for delivery of rock armouring is submitted to the MMO at least 6 weeks prior to the commencement of the works. Written**

  **A minimum of six weeks prior to transhipment of rock armouring.**
1.4 Inspection of records etc.

The Licence Holder shall-

(a) Permit any person who is appointed by the MMO for the purpose to inspect, and make notes from, all books, papers, maps and other records of any kind kept by the Licence Holder in pursuance of this licence or in connection with activities associated with this licence.

(b) Furnish that person at reasonable times with such information and provide him at reasonable times with such reasonable assistance as he may request in connection with or arising out of an inspection in pursuance of this clause.

1.5 Rights of access

Any person or persons authorised by the MMO shall be entitled at all reasonable times to enter into and upon any of the Licence Holders installations, vessels or equipment used or to be used in connection with the activities authorised by this licence in accordance with Chapter 2, Part 8 of the Act.

1.6 Variation, suspension, revocation and transfer

(1) A licensing authority may by notice vary, suspend or revoke a licence granted by it if it appears to the authority that there has been a breach of any of its provisions.

(2) A licensing authority may by notice vary, suspend or revoke a licence granted by it if it appears to the authority that:

(a) in the course of the application for the licence, any person either supplied information to the authority that was false or misleading or failed to supply information, and

(b) if the correct information had been supplied the authority would have, or it is likely that the authority would have, refused the application or granted the licence in different terms.

(3) A licensing authority may by notice vary, suspend or revoke a licence granted by it if it appears to the authority that the licence ought to be varied, suspended or revoked:

(a) because of a change in circumstances relating to the environment or human health;
(b) because of increased scientific knowledge relating to either of those matters;

(c) in the interests of safety of navigation; and

(d) for any other reason that appears to the authority to be relevant.

1.7 Force Majeure

If by reason of force majeure any substances or articles are deposited otherwise than at the Disposal Sites specified in section 5 of this Licence, below, then the full details of the circumstances must be notified to the MMO within 48 hours of the incident occurring. Force majeure may be deemed to apply when, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit the substances or articles otherwise than at the specified Disposal Sites because the safety of human life or the vessel is threatened.

1.8 Licence Conditions Binding Other Parties

All conditions attached to this Licence apply to any person who for the time being owns, occupies or enjoys any use of the works for which this licence has been granted in relation to those marine activities authorised under item 7 in section 66(1) of the Act.
Section 2: Project Details

2.1 Licence Categories

The category of works hereby licensed is:

2.2 Description of project

Project Title

Preesall Underground Gas Storage Facility

Project Background

The proposed project is to create underground caverns in the salt body at Preesall, Lancashire. When created, the caverns would be used for the storage of natural gas which can be supplied to the Gas National Transmission System (NTS) to meet demand. The Halite proposal seeks permission for up to 19 caverns with a working capacity of up to 600 million cubic metres.

The caverns are created by dissolving the salt and extracting the brine to create voids in which gas can be stored. A significant amount of water is required to dissolve the salt and this would be supplied from the seawater pump station at the Fleetwood Fish Dock. A pipeline would be laid under the River Wyre from the Seawater Pump Station to a Booster Pump Station on the Preesall site. From here water would be supplied to the wellheads and used to wash the salt caverns. The saturated brine would be returned by pipeline to the Irish Sea where it would be disposed at a point some 2.3km from the sea shore.

This license relates to the marine aspects of the Project which are:

- Construction of the offshore elements of the brine discharge pipeline, due west of the sea wall at West Way to a two port single diffuser approximately 2.3 km in the Irish Sea
- Construction of a new observation platform including a crossing for the pipeline to pass through the sea wall

2.3 Works Methodology

This section describes the construction work specific to the marine environment.

The areas of construction specific to the marine environment are:

- Brine pipeline and outfall
- Sea wall crossing and observation platform construction

The following sections describe the construction of these elements.
River Crossings

The river crossing would consist of four directionally drilled boreholes: one for the seawater passing from the Seawater Pump Station; one for the returning brine; one for power, communications, controls and ancillary uses leaving one in reserve. These will be formed by directionally drilling boreholes from the West Bank, at sufficient depth to minimise the environmental impact. The pipelines will be a minimum of 8 metres below the bed of the River to ensure that the existing silt, sediments and flood defences are not disturbed.

Compounds would be constructed on both sides of the Wyre Estuary and a conduit would be directionally drilled between the two locations. The first pipe would be pulled through following which the same procedure would be used for the second, third and forth pipeline.

The south river crossing would be constructed in a similar manner to the north river crossing in that a casing would be drilled or pushed under the Wyre Estuary.

Brine Pipeline and Outfall

Starting at the western end of the pipeline, the two port single diffuser would be located on the sea bed in accordance with the requirements of the Discharge Consent.

It is considered likely that the construction would be during the summer months i.e. core time – June-September.

The HDPE pipe between the diffuser and the Mean Low Water (MLW) mark at the beach would be laid in a trench excavated by barge. The pipe would be weighted by concrete collars and anchored to the seabed before the trench is backfilled. The diffuser would be attached to the seaward end of the pipe. Backfill material will comprise selected excavated material (if appropriate) and imported granular material and rock.

Between the MLW mark and the Sea Wall, the pipeline would be laid in a trench excavated by an excavator which would access the beach from the existing ramp from the Sea Wall. An area either side of the pipeline would be reserved for construction compounds and the storage of spoil.

As the pipeline approaches the west bank of the River Wyre, it would be laid on the ground and covered. Halite has agreed a licence with ABP to directional drill from a compound on the west bank of the River Wyre under the estuary to the Preesall part of the site.

The directional drilling of the pipeline route would exit at a reception pit close to the site of the proposed Booster Pump Station. The brine pipe, along with the other pipe routes, would be continuously ‘pulled’ through the directional drilled borehole from the east bank to the west bank.
Sea Wall Crossing

The pipeline will be placed in a trench up to the sea wall as described previously. At the sea wall the pipe will rise vertically up the face of the wall and then be trenched through the wall. As part of the crossing the Existing ramp from the promenade to the beach will be removed and replaced with an observation platform constructed from reinforced concrete. The platform will include concrete steps either side and will have stepped concrete erosion protection seaward of the new structure.

Works to the sea wall on the seaward side, including the new observation platform will be constructed within a steel sheet pile cofferdam. The works will be constructed without detrimental effect on the efficiency of the flood defence.

2.4 Location

The Licence Holder, and any third parties specified in section 2.5 of this licence, may engage in the Licensed Activity at the following locations:

There are three distinct areas relevant to the marine areas bounded by the following coordinates:

**Brine Pipeline and Outfall**

SD 328828,445722  
SD 331223,445699  
SD 331269,445260  
SD 318842,445302

**Northern Estuary Crossing**

SD 333094,447055  
SD 334945,446858  
SD 335095,446447  
SD 332934,446662

**Southern Estuary Crossing**

SD 335769,444196  
SD 336049,443986  
SD 335468,442841  
SD 334923,443093
2.5 **Agents/contractors/sub-contractors**

The third parties permitted to engage in the Licensed Activity are:

<table>
<thead>
<tr>
<th>Name of Agent, Contractor or sub-contractor</th>
<th>Function</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor unknown at this stage</td>
<td></td>
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</tbody>
</table>

2.6 **Persons Responsible for the Deposit of the Substances or Articles**

The operators, vessels and vehicles permitted to engage in the Licensed Activity are:

<table>
<thead>
<tr>
<th>Name of Vessel or Vehicle Registration</th>
<th>Operator</th>
<th>Type(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contractor unknown at this stage</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The Master or the Officer of the Watch of each of these vessels and vehicles undertaking the Licensed Activity must maintain a written log of operations recording, in the English Language, the following information:

(a) The name of the vessel.
(b) The quantity and type of each substance or article loaded for deposit.
(c) The date and time of departure from the port or site at which the substances or articles are loaded for deposit in the sea and time of arrival (and date if different) at the Disposal Sites on each occasion that it proceeds to and from such area.
(d) Latitude and Longitude position (in degrees and minutes and decimal of a minute to at least one decimal place) of the vessel at intervals of not more than 20 minutes throughout the course of any disposal element of the Licensed Activity being undertaken, which for the purpose of this Licence shall be the commencement of loading each consignment of material for deposit in the Sea to the completion placement of that material at the Disposal Sites.
(e) The time taken to complete the disposal Licensed Activity operation and a statement of the reasons for any delays.
(f) Courses and speeds together with any alterations throughout each consignment disposal (multiple changes may be recorded as "various").
(g) The rate of deposit, together with any variations, throughout the disposal Licensed Activity.

*Comment [AG2]:* The licence as drafted would need to be varied to add the names of contractors when they become available. Those named would then be required to acknowledge that they have read, understand and accept the terms of the licence.
(h) Weather, Sea-state, wind and tidal set, and rate throughout the disposal Licensed Activity.

(i) The signature of the Master at the foot of each log sheet or page of the record. All deposit vessels are required to carry an Admiralty Chart of appropriate scale to be used in navigation on which the coordinates of the licensed Disposal Sites should be marked.

2.7 Distribution of copies

The Licence Holder must ensure that a copy of this licence and any subsequent revisions or amendments is given to all third parties listed in section 2.5, above, and the Masters of all vessels and transport managers responsible for the vehicles listed in section 2.6.

The Licence Holder must also keep a copy of this licence at:

Halite Energy Group Limited
Unit 5, St Georges Court
St Georges Park
Kirkham
Lancashire
PR4 2EF
Section 3: Licence Conditions

3.1 Prior to the Commencement of the Works

The Licence Holder must submit the pre-works returns specified in Table 1 of section 1.3, above.

3.1.1 The District Marine Office must be notified of the timetable of works/operations at least 10 days prior to any activities commencing.

Reason: To ensure that the MMO officer is aware of the operations at sea occurring within its jurisdiction in order to notify other sea users and can arrange enforcement visits as appropriate.

3.1.2 The Licence Holder must inform the MMO of the tonnages of material to be removed, prior to any removal operations.

Reason: To ensure...  

3.1.3 The Licence Holder must submit details of the dredging contractor and vessels to be used in writing to the Licensing Authority prior to the start of the works.

Reason: To ensure the works are carried out in accordance with the licence conditions, by authorised dredging contractors and vessels.

3.1.1 The Licence Holder must submit a full Method Statement to the MMO at least 6 months prior to the commencement of the works. The scope of the Methods Statement should be agreed in writing. Written approval/agreement of the Methods Statement by the MMO is required prior to works commencing.

Reason: To ensure the MMO are aware and satisfied with the chosen methods. So, where necessary, mitigation can be included, such as the addition of licence conditions.

3.1.2 The Licence Holder must conduct a Marine Benthic Ecology and Habitats Survey prior to works commencing. The scope of the Marine Benthic Ecology and Habitats Survey must be agreed with the MMO in writing before it commences. The final report and any further monitoring requirements must be agreed in writing with the MMO prior to construction works commencing.

Reason: To ensure an up to date assessment of the marine benthic environment and ecology is undertaken.

3.1.3 The Licence Holder must agree in writing with the MMO a Vessel Movement Plan prior to construction works commencing.

Reason: To ensure movements of vessels will not adversely affect sensitive species, including the Common Scoter and red Throated Diver.
3.1.4 The Licence Holder must agree a Construction Monitoring Plan in writing with the MMO prior to works commencing. This should include, but may not be limited to, a pre, during and post-construction monitoring plan for the laying of the pipeline, consisting of trawl surveys within the transhipment area and barge approach routes for delivery of rock armouring, and surveys of the pipeline corridor to ensure the pipeline does not become exposed.

*Reason: To satisfy the MMO that no rock has been lost during the transhipment operation that would pose an obstruction/hazard to other sea/sea-bed users and to monitor the pipeline to ensure that it does not become exposed.*

3.1.5 The Licence Holder must ensure that a full method statement and location of the transhipment area and barge approach routes for delivery of rock armouring is submitted to the MMO at least 6 weeks prior to the commencement of the works. Written approval/agreement by the MMO is required prior to works commencing.

*Reason: To manage the associated safety/ navigation issues associated with rock transhipment and the potential loss of material that could cause an obstruction/hazard to other sea/sea-bed users.*

3.1.6 The Licence Holder must ensure that lighting and marking of the works are agreed with the MMO prior to commencement of the works. This should be detailed in the Methods Statement, referred to at 3.1.1.

*Reason: To mark and light any potential dangers to navigation.*

3.1.7 The District Marine Office must be notified of the timetable of works/operations at least 10 days prior to any activities commencing. Contact: blackpool@marinemanagement.org.uk or 01253 362 130.

*Reason: To ensure that the MMO is aware of works occurring within its jurisdiction.*

3.1.8 The Licence Holder must ensure the local mariner’s and fishermen’s organisations are notified through a Notice to Mariners prior to commencement of works.

*Reason: To ensure other vessels in the vicinity can safely plan and conduct their passage.*

3.2 During the Works
3.2.1 The Licence Holder must submit the returns specified in Table 1 of section 1.3 above.

3.2.1 The Licence Holder must minimise the re-suspension of sediment during the construction operations. Specific details of how this will be achieved must be included in the Methods Statement detailed at 3.1.1.

*Reason: To prevent smothering of sensitive receptors in the marine environment.*

3.2.2 The Licence Holder must ensure appropriate steps are taken to minimise damage to the foreshore. Specific details of how this will be achieved must be included in the Methods Statement detailed at 3.1.1.

*Reason: To minimise environmental damage and minimise any safety and navigational issues associated with damage to the foreshore.*

3.2.3 The Licence Holder must ensure that the pipeline, anchoring and rock armouring are fully covered and do not protrude above the seabed. Specific details of how this will be achieved must be included in the Methods Statement detailed at 3.1.1.

*Reason: To ensure that during operation, the pipeline does not negatively affect the seabed or coastal processes.*

3.2.4 The Licence Holder must ensure that any jack up barges/vessels utilised during the works, when jacked up, should exhibit signals in accordance with the UK Standard Marking Schedule for offshore Installations.

*Reason: To ensure the barges/vessels are visible to other vessels in the vicinity.*

3.2.5 The Licence Holder must only work and access the site within a defined and marked out area thereby limiting personnel and plant access to the site. The work area and access routes must be defined in the Methods Statement detailed at 3.1.1.

*Reason: To minimise damage and disturbance to sensitive habitat or species from construction plant and personnel.*

3.2.6 The Licence Holder must fit diffusers to the discharge end of the pipeline to maximise dispersion.

*Reason: To ensure that dispersion is maximised.*

3.2.7 The Licence Holder must ensure that all chemicals utilised are selected from the list of notified chemicals assessed for use by the offshore oil and gas industry under the Offshore Chemicals Regulations 2002 (this list can be sourced on www.cefas.co.uk) or has gone through a similar level of
ecotoxicological hazard/risk assessment. Should any system other than a water-based mud be considered for use in the drilling operation written approval and guidance of disposal of any arisings will be required from the Licensing Authority.

Reason: Required for large scale marine works where chemicals are needed for drilling sockets etc. Use of chemicals from the list in this context is only intended to be indicative of the environmental effects (OCNS registration involves testing for toxicity, bioaccumulation and persistence) because the criteria in classification are specific to oil and gas. Registration or equivalent testing is to ensure that hazardous chemicals that may be toxic, persistent or bioaccumulative are not released into the marine environment and used appropriately.

3.2.8 The Licence Holder must ensure that any coatings/treatments are suitable for the use in the marine environment and are used in accordance with best environmental practice (e.g. approved by HSE, EA Pollution Prevention Control Guidelines).

Reason: To ensure that hazardous chemicals that may be toxic, persistent or bioaccumulative are not released into the marine environment and used appropriately.

3.2.9 The Licence Holder must ensure that soft-start procedures are used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration should be a period of not less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.

Reason: To allow mobile sensitive receptors to move away from the noise source and reduce likelihood of exposing the animal to sounds which can cause injury.

3.2.10 The Licence Holder must install bunding and/or storage facilities to contain and prevent the release of fuel, oils, and chemicals associated with plant, refuelling and construction equipment, into the marine environment i.e. secondary containment should be used with a capacity of not less than 100% of the containers storage capacity.

Reason: To prevent marine pollution incidents by adopting best practice techniques.

3.2.11 The Licence Holder must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO, Marine Pollution Response Team. Contact: dispersants@ marinemanagement.org.uk or 0870 785 1050 / 07770 977 825.
Reason: To ensure that any spills are appropriately recorded and managed to minimise the impact to sensitive receptors and the general marine environment.

3.2.12 The Licence Holder must ensure that during the works all wastes are stored in designated areas that are isolated from surface water drains, open water and bunded to contain any spillages.

Reason: To prevent material being washed away by unfavourable weather conditions and tides, and increasing the risk of environmental damage.

3.2.13 The Licence Holder must ensure that no waste concrete slurry or wash water from concrete or cement works are discharged into the marine environment. Concrete and cement mixing should be contained and sited at least 10 metres from any watercourse or surface water drain to minimise the risk of run off entering a watercourse.

Reason: To avoid damage to the marine environment by contamination of concrete wash water which are highly alkaline and contain high levels of suspended sediment.

3.2.14 The Licence Holder must ensure that any vessels used for rock transhipment or delivery operations are suitably constructed and loaded to prevent rock falling over the side by accident. Suitable screening should be used to prevent rock/shingle loss through drainage holes.

Reason: To reduce the risk and potential loss of material that could cause an obstruction/hazard to other sea/sea-bed users.

3.2.15 The Licence Holder must ensure that any rock misplaced/lost below Mean High Water Springs are reported to the District Marine Office within 48 hours, and located and recovered. Contact: blackpool@marinemanagement.org.uk or 01253 362 130.

Reason: To manage the associated safety/ navigation issues associated with rock transhipment and the potential loss of material that could cause an obstruction/hazard to other sea/sea-bed users.

3.3 Conditions upon completion of the works

3.3.1 The District Marine Office must be notified within 10 days of completion of the works.

Reason: To ensure that the MMO officer is aware of the operations at sea occurring within its jurisdiction in order to notify other sea users and can arrange enforcement visits as appropriate.

3.3.1 The Licence Holder must ensure that backfill operations return the
intertidal area to its original profile.

Reason: To ensure the seabed is returned to a similar state as soon as possible after works to promote recovery.

3.3.2 The Licence Holder must ensure that any equipment, temporary structures, waste and/or debris associated with the works are removed within 6 weeks of completion of the works.

Reason: To prevent the accumulation of unlicensed material/debris and the potential environmental damage, safety and navigational issues associated with such materials/debris.

3.3.3 The Licence Holder should notify the UK Hydrographic Office to permit the promulgation of Maritime Safety Information and updating of nautical charts and publications.

Reason: To ensure other vessels in the vicinity can safely plan and conduct their passage.

3.3.2 The Licence Holder must ensure any equipment; temporary structures; waste and/or debris associated with the works are removed on completion of the works.

Reason:
Section 4: Changes to this licence

Should the Licence Holder become aware that any of the information on which the granting of this licence was based has changed or is likely to change, they shall notify the MMO at the earliest opportunity.

Should the Licence Holder wish to undertake the Licensed Activity in a manner that is contrary to the terms and conditions of this licence they shall inform the MMO at the earliest opportunity and in any event shall not carry out the Licensed Activity in manner contrary to the terms and conditions of this licence unless and until permission has been given by MMO.
Appendix K

Maritime and Coastguard Agency Response to Drafted Conditions
Afternoon David,

Do not have a problem with the draft and await consent to go through MMO process.

Regards,

Clive.
Please do not hesitate to call if you wish to discuss.

Best wishes

David

David Hoare
Principal Consultant - Environment
Hyder Consulting (UK) Limited
Firecrest Court, Centre Park, Warrington, WA1 1RG Direct Dial Tel: +44 (0) 1925 800 752
Reception Tel: +44 (0) 1925 800 700
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Fax: +44 (0) 1925 572462


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Please consider the environment - do you really need to print this email?
From: Gerring, Anna (MMO) [mailto:Anna.Gerring@marinemanagement.org.uk]
Sent: 28 October 2011 15:51
To: David Hoare
Cc: Calvert, Laura (MMO); Mandy Knott; Johnston, Mark (NE); Heys, Amy
Subject: deemed marine licence and HRA report

David,

Please find attached MMOs response to the HRA report and our comments on the draft marine licence, including some draft conditions for your consideration.

Happy to discuss any of the contents.

Kind regards

Anna

<<111028_Fleetwood_marine_license_V3_MMO comments.docx>> <<111028_Consultation response.pdf>>

Dr. Anna Gerring

Major Infrastructure Projects Team

Marine Management Organisation

Marine Environment Team

PO Box 1275

Newcastle upon Tyne

NE99 5BN

0191 376 2532

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Appendix L

Environment Agency Response to Drafted Conditions
David,

we have no further comments to make on the drafted conditions. We concur with Natural England's comments that the conditions seem fit for purpose.

Regards
Amy Heys

Hi Mandy / Mark / Amy

Sorry to chase, but could you let me know if you’re happy with the conditions that have been drafted please?

Many thanks

David
Dear Mandy / Mark / Amy / Clive

Attached is the draft licence form which we propose to submit with our DCO Application. In Section 3 of the attached are a number of draft conditions that the MMO has drafted on our behalf, based on the responses received to the Deemed Marine Licence Report.

Could you please review the draft conditions and let me know if you are happy with them, or you would like to see some amendments / additions made.

We are very keen to reach agreement on this over the next couple of days, so anything you could do to respond as quickly as possible would be much appreciated.

Please do not hesitate to call if you wish to discuss.

Best wishes

David

---

**David Hoare**  
Principal Consultant - Environment  
Hyder Consulting (UK) Limited  
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Please consider the environment - do you really need to print this email?
To: David Hoare  
Cc: Calvert, Laura (MMO); Mandy Knott; Johnston, Mark (NE); Heys, Amy  
Subject: deemed marine licence and HRA report

David,

Please find attached MMOs response to the HRA report and our comments on the draft marine licence, including some draft conditions for your consideration.

Happy to discuss any of the contents.

Kind regards

Anna

<<111028_Fleetwood_marine_license_V3_MMO comments.docx>> <<111028_Consultation response.pdf>>

Dr. Anna Gerring

Major Infrastructure Projects Team

Marine Management Organisation

Marine Environment Team

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If we have sent you information and you wish to use it please read our terms and conditions which you can get by calling us on 08708 506 506. Find out more about the Environment Agency at www.environment-agency.gov.uk
Appendix M

Natural England Response to Drafted Conditions
Hi David,

The deemed marine license conditions seem fit for purpose and we have no more to add.

Many thanks

Mark Johnston
Marine Advisor - Irish Sea
Natural England
Juniper House, Murley Moss
Oxenholme Road, Kendal
Cumbria
LA9 7RL
Tel: 03000602788 Mob:07733307051
mark.johnston@naturalengland.org.uk

www.naturalengland.org.uk

We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.
Attached is the draft licence form which we propose to submit with our DCO Application. In Section 3 of the attached are a number of draft conditions that the MMO has drafted on our behalf, based on the responses received to the Deemed Marine Licence Report.

Could you please review the draft conditions and let me know if you are happy with them, or you would like to see some amendments / additions made.

We are very keen to reach agreement on this over the next couple of days, so anything you could do to respond as quickly as possible would be much appreciated.

Please do not hesitate to call if you wish to discuss.

Best wishes

David

David Hoare
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Please consider the environment - do you really need to print this email?
David,

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Happy to discuss any of the contents.

Kind regards

Anna

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Dr. Anna Gerring

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Appendix N

MMO Approval of Section 7 of the Draft DCO
By email only

RE: Halite Underground Gas Storage Facility: Consultation response on draft Development Consent Order and the Deemed Marine Licence at Schedule 7

Dear David,

Thank you for providing the Marine Management Organisation with the opportunity to comment on the draft Development Consent Order (DCO) with the Deemed Marine Licence included at Schedule 7 in your email of 9th November 2011. I was pleased to see that the Deemed Marine Licence within the DCO incorporated the comments I provided to you on 28th October 2011.

As such, I am happy to confirm that the MMO is content with the deemed marine licence as drafted.

Should you have any questions arising from this letter, please do not hesitate to contact me.

Kind regards,

Anna Gerring