Sirs

Introduction

Safety is my primary concern particularly when considered in conjunction with the unstable geology of the area. I do not doubt the sincerity of anyone connected with this application with regard to the intent to implement adequate safety features, it will no doubt be made as safe as is humanly possible. But humans are fallible and the disaster headlines are strewn with incidents caused by that fallibility. The history of man made underground gas storage is short and lessons have sadly had to be learned from the unfortunate experiences of others.

Regardless how many safety measures are incorporated we can only be certain of one thing: that this area and the large populations within a 3 mile radius will be exposed to a greater risk of a disaster post implementation than they are today.

I offer no further evidence on safety or the geology of the area and I am content to align myself with the views expressed by the Protect Wyre Group on these issues

Summary.

My representations are summarised as follows:

- Seeks independent evidence and an evaluation as to the probability of a loss of amenity consequent to a permanent diversion of the Wyre Way at some future date
- Identifies errors, omissions and inconsistencies in the assessment of noise both in the construction and operational phases:
  - The noise assessment for the south river crossing locates the drilling rig at the wrong side of the river and as a consequence greatly underestimates the impact on residents of Stanah.
  - Questions the request claimed in the DCO (article 6) of the need for immunity from prosecution for statutory nuisance.
  - Proposes a reduction in the night time noise limit to 30Db in line with the WHO European guidelines.
  - Seeks a remodelling of the fig 12.4 data to understand the impact of air currents
  - Seeks the application of a methodology for assessing the impact of noise on tranquillity published by Northumbria University.
  - Questions the lack of evidence to support conclusions on the impact of noise from the GCC on receptors.
• Seeks conditions to enforce the use of the new road from A588 to Back Lane and to exclude construction traffic from Staynall Lane and Burrows Lane in line with commitments given during the Consultation process. Seeks changes to the DCO to safeguard local lanes and identifies a 2007 judicial review outcome which appears relevant.
• Expresses dismay over misleading information provided regarding visual impact (and traffic – see previous bullet) during consultation. Seeks design modification to align glycol tower height to the impression presented during consultation, seeks overall height (AOD) restrictions and seeks mitigation to blend external plant with background.
• Questions the commitment to the implementation of mitigation necessary to support pink footed geese and argues for mitigation to be provided to replace loss of nesting habitat at Higher Lickow farm for starlings, house sparrows, swallows and house martins.
• Seeks exclusions from the proposed definition of “maintenance” in the draft DCO.

The Wyre Way
1. This long distance footpath crosses the development area, its temporary closure for 3 years is a serious annoyance. There is though the longer term worry that closure will be made permanent. This segment of the Wyre Way is arguably the ‘best bit’ of the whole walk. With its proximity to the estuary and marshes, it affords the only close linear overview of Arm Hill, Barnaby Sands and Burrows Marsh.
How will the Inspectors evaluate the long term probability of loss of amenity through closure/diversion? That risk is quite obviously exacerbated by the fact that wellheads are planned very close to the Wyre Way and are planned both to the east and the west of the Wyre Way. As a consequence it would not be possible to counter any threats by the enclosure of the Preesall plant (or even only the wellheads) within a single security fence without also having to divert the Wyre Way away from the estuary. The threats appear to be twofold:
  • That following an accident anywhere in the world the HSE may review and update its guidance regarding safety zones.
  • That security services would at some point add the installation to its list of high risk targets and may conclude that perimeter fences around individual wellheads offer insufficient security.
How will the Inspectorate evaluate the risk to the present route of the Wyre Way? Will the Inspectorate seek specific evidence from the HSE and the Security Services on this particular issue?

Noise
2. Noise is of considerable concern:
  • In assessing noise levels for the construction of the south river crossing, there is a significant error in the calculations both for Carters Farm on the east bank of the river and for the caravan site on the west bank. The assumption that the drilling rig will operate from the east bank in the noise assessment appears to be an error. [ I say ‘appears’ because the river crossing plans also show entry points for the drilling as east bank and exit points on the west. However the master plan shows entry on west and exit on east and this is aligned with the transport planners who are delivering the rig to the west bank. I also note that during cross examination by myself at the public enquiry the company agreed that drilling of the south river crossing would take place from the
I ask that the Inspectors examine closely the company’s commitment to minimising noise nuisance in the light of the following statements which I myself find difficult to reconcile:

- Where predicted noise emissions exceed WHO or BS guidelines there is a comment that mitigation will be necessary. Para 12.7.55 (and others)
- There is no indication of what mitigation might be available or how effective it might be.
- There is voluntary commitment to a WHO Night Noise Guidance for Europe guideline of 40Db (Env Rep para 12.3.48) during the construction and operational phase but this is very much the minimum that they could get away with and as far as I can see no such commitment is offered during either the construction phase or the operational phase.
- The draft development consent order (article 6) seeks immunity from prosecution for statutory nuisance during construction and maintenance.
- If mitigation is possible to reduce noise nuisance to acceptable levels there surely can be no grounds for such immunity to be granted.

The WHO Noise Guidance for Europe report is quoted in the assessment; it recognises that there is some evidence that sleep disturbance does occur between 30Db and 40Db and that complaints will occur above 32Db.

I suggest that a night time limit of 30Db be applied as condition of all phases of development should approval actually be given.

The operational noise assessment survey is incomplete on at least 2 counts:

- Firstly, the graphic illustration of the results of modelling of noise at Fig 12.4 show a more or less uniform spread of sound from the gas compressor station suggesting that no assessment has been made of the effect of air movement.
- Prevailing air currents are from the south west through to the north west.
- When the flow is from the south west sounds will carry towards Preesall and when the flow is from the north west it will carry towards Stalmine.
- Distance is only one parameter of sound travel: the noise survey at Arm Hill Para 12.4.5 suggests that during the survey the predominant sound source at night was ICI plant. To illustrate my point I live at a point much closer to that plant than the Arm Hill location and whilst there are nights when I can hear the ICI plant there more nights when I cannot hear it – it depends on wind direction and strength. I request that more modelling be conducted to assess whether complaints are likely from Preesall and Stalmine residents
- Secondly, the assessment plays lip service to the issues of tranquillity para 14.11.1 and Appendix 14.10. The author says he/she is unaware of any published methodology assessing the impact of noise on tranquillity and falls back on a subjective viewpoint. I request that the Inspectors seek a view on the applicability of the published research from Northumbria University - Tranquillity Mapping: Developing a Robust Methodology for Planning Support (2008) and use it as a basis for reassessment.

There may be other significant omissions – I cannot tell because the evidence does not appear to be presented:

- Appendix 12.1 deals with operational noise assessment, the appendix has no guide to its structure and virtually no narrative. It seems to primarily concern
itself with predicting noise breakout from buildings (though with no explanation).

- There is an extensive list of noisy external plant at the gas compressor compound but no evidence is presented of the calculation of cumulative noise levels at the GCC and the inclusion of this equipment therein. Only a table of results is provided. Those results cannot be linked to inputs, nor can there be any confidence in the integrity of the outputs because there is no evidence presented to provide that confidence.

**Traffic**

3. I note that the company proposes the development of a private road from the A588 to connect to its site network of roads and tracks – however I cannot discern any intention to enforce its use by construction traffic:

- Any traffic approaching on the A588 from the north will use Cemetery Lane as its easiest route and any traffic approaching from the south will use Staynall lane/High Gate Lane as the first available route.
- During consultation there was a commitment not to use Staynall Lane for construction traffic [Preliminary Environment Information Report Vol 1a Para 12.3.2] this was published in a pamphlet during the consultation period and this pamphlet is reproduced in the Consultation Report submitted with this application [Consultation Report, Appendix part 4, page 368]
- Staynall Lane, is unsuitable for regular HGV traffic, the traffic reports make references to passing places on Staynall Lane:
  - There are no ‘official passing places’; at points on Staynall Lane traffic has eroded the banks such that two cars may pass.
  - The adjacent photograph shows a car approaching one of the ‘passing places’
  - It is not possible for an HGV and car to pass at any of these points.
  - A HGV and car may only pass if one of the vehicles uses a private drive/entrance.
  - It is not possible for 2 HGVs to pass one another at any point.
  - There is regular pedestrian and equestrian activity on the lane and there are no verges for most of its length as hedges abut (and often overhang) the carriage way.
- Burrows Lane does not merit a mention in the traffic report’s assessment of local lanes yet one can deduce from the analysis of vehicles planning to use Staynall Lane that their destination will be the South River construction compound, off Burrows Lane close to Carters Farm.
Burrows Lane is very narrow especially at the southern end. As the following photo shows. It is just 2.7m wide has no verges just steep banks topped by hedges, and at points there are telegraph posts adjacent the carriage way. These telegraph poles carry the scars of past traffic encounters.

Two years ago a vehicle got stuck between banks on the southern most stretch and had to be partially dismantled in order to release it.

This is part of the Wyre Way, widely used by pedestrians, cyclists and equestrians. Horses and cars cannot pass each other.

It would be totally impractical to attempt to deliver earth moving equipment and cable spools via Burrows Lane.

Any attempt to do so would permanently damage our ancient banks and hedgerows.

- Whilst the number of vehicles scheduled to access the South River crossing site is a relatively small percentage of the total, but most of the drivers will also be contracted to deliver to other development points too. Once they start using Staynall Lane as a southern entry point they will surely continue to do so.
- The actual need for HGVs to use Staynall lane/Burrows Lane to access the south river crossing compound is questionable:
  - The compound would appear to be designed to manage the large cable spools and associated equipment for the 132kv power supplies.
  - The route of the cable line is some 3k long, if all the materials are to be delivered to one end only as is clearly planned – why not deliver them to the end situated near the main compound which is easily reached via the ‘heavy haul road’?
Cables can be offloaded to the spool laying vehicles at that main compound and transported along the length of the cable track to their point of use. On current plans those cables and associated materials will be transported the length of the route— it would seem to make very little difference which end the material is delivered to. Or in which direction the materials are transported along the route. Certainly there is some cable which would be pulled under the river from the Burrows location but this is a small percentage of the total and is wholly disproportionate to scale of development and traffic proposed for the Burrows Lane compound.

- There are also aspects of the draft Development Consent Order that concern me in this regard:
  - Para 37 seeks authorisation to lop, fell, cut roots of trees and shrubs “near” the development site. The word ‘near’ concerns me as its definition is too loose. There is a worry that the developer would seek to use this authorisation to destroy hedgerows and banks on our local lanes, to widen them and change the character of our neighbourhood for ever. Preston maybe described as ‘near’ if one lives and works in Bristol but that is surely not intended. If what is intended/needed is to alter foliage on land adjacent to the development site then the word ‘adjacent’ is more appropriate. I request that if any DCO be given then the word ‘adjacent’ be substituted for ‘near’
  - Schedule 9, para 12 deals with traffic routing [but not very well in my opinion]. There is a cross reference to the Environmental Statement quoting a ‘routing plan’. The ES does not contain a ‘routing plan’ nor any reference to one. There is a commitment in schedule 9 to post notices at site entrances advise on preferred routes which all seems a bit of an afterthought: in order to establish the preferred route to the site drivers......( must first go to the site and read the notice...??)
  - If consent is granted then it should include a clear direction that construction traffic shall only enter the east bank development area via the private road from the A588. I draw the Inspector’s attention to the result of a judicial review of a 2007 planning decision.

In 2007 LCC gave planning approval for a waste treatment plant at Farringdon Moss in Leyland. Local residents sought to overturn the decision via a judicial review. Mr Justice Irwin upheld the planning consent but ruled that the planning authority was wrong in not prescribing a routing plan for HGVs

Visual Impact
4. In previous applications I have been very critical of the scheme’s visual impact; particularly that of the Gas Compressor Compound and its associated gas drying equipment. So when I visited the Halite exhibition in Preesall as part of the consultation process I was surprised to be shown extensive drawings and be given explanations that the dryers would extend to some 13m but as the GCC was surrounded by bunds of 11-14m topped by plantings the compound and its equipment would (with the exception of the vent stack) be effectively screened from most if not all viewpoints. Not surprising then that there were no objections during consultation from the community regarding visual impact.

- It is only when studying the detail in application documents that I appreciated the impact of the inconsistent application by Halite of AOD dimensions. So instead of the
twin 13m industrial towers barely visible above 11-14m bunds we actually see twin 18.5m industrial towers silhouetted above the 11-14m bunds.

• These industrial towers are represented as being similar to farm silos in the photomontages but they are far more intrusive than that in a rural landscape. An example follows.
• Contacts within the industry advise that the design height needed for the glycol column to ensure effective drying of the gas is of the order of 8 to 10 metres. The overall height of the installation is then determined by the design of equipment below the column and of course the starting height AOD. Can I ask the Inspectors to consider whether the design can be modified to give an overall drier design height of less than 13m.

• The Flood Risk Assessment identifies a need for ‘key assets’ on the GCC to be installed at 7m AOD. It is apparent from the contours in the appendices that only the gas compressor house and the electrical equipment building are at 7m AOD. It follows that remaining GCC equipment is not ‘key asset’ in flood terms and could be installed at a lower (much?) level. Can I ask the Inspectors to explore the possibility of insisting on a lower ground level for the drying equipment.

• Having assessed the extent of reduction in height that could be achieved with a more visually friendly design I ask the Inspectors to impose by condition an overall maximum permitted development height (AOD) and a requirement to coat exterior equipment in matt colouring similar to military camouflage. [That overall height should of necessity exclude the vent stack].

Environment

Pink Footed Geese The EIA correctly highlights the risk posed by the development to the Pink Footed Geese which graze in large numbers to the east of the estuary during the winter:
• It highlights that they are readily disturbed by human activity and sudden irregular noise (para 9.7.9) – agreed.
• It suggests para 9.7.16: “Given that there remains a large area of suitable habitat available elsewhere in the county for pink-footed geese, the effect of disturbance on pink-footed geese is considered to be significant at the District/Borough level.” The JNCC report [link] indicates that Morecambe Bay has 1.3% of the UK winter population of pink foots and that only a few miles further south on the Ribble estuary and at Martin Mere there is a further 25% of the UK population. Whilst, as suggested, Lancashire may well have a large area of suitable habitat elsewhere – it may already be occupied!

• The mitigation proposed for pink foot disturbance is not very convincing:
  o How does the author plan to impose a crop rotation scheme on local farmers for a period of 8 years? (para 5.4.21 of app 14.11).
  o Or “targeted cropping regimes”, or “specific farming practices” (para 5.4.22 App 14.11).
  o Having explained at length how grazing areas will be carefully selected and foodstuffs managed para 5.4.23 tells us again how susceptible these birds are to noise and human disturbance and finishes with “In addition, if possible, shooting of wildfowl would not take place within or adjacent to safe feeding sites”.

6. I can find no reference to house sparrows (red list), starlings (red list), swallows (amber list) or house martins (amber list) in App 14.11 or in the main text of the EIA. Starlings and house
sparrows are red listed because of a consistent decline in numbers over the past 25 years and also longer term. The other two are listed because they have “European conservation status”. I draw the Inspector’s attention to these four species in particular because long term decline is frequently associated with loss of habit – particularly nesting habitat.

- There is one element of this development that will further reduce nesting opportunities in the area, specifically the redevelopment of the derelict buildings at Higher Lickow farm. There is recognition that some form of mitigation is required for its bat population. The farm probably has a large population of house sparrows, starlings, swallows and house martins. It should be possible to build in to the revised design suitable replacement nest sites for these species. And it would be beneficial if similar nest sites were designed into all new buildings in the scheme?

Draft Development Consent Order

7. I have made some references to the draft DCO at relevant points above but there is one issue that does not readily fit into any of my headings: in the list of definitions the applicant seeks to include the words “improve” and “alter” as part of its definition of maintenance. These are surely words capable of very wide interpretations; so much so that they could represent opportunities to drive a coach and horses through planning regulation and effectively tie the hands of the local planning authority throughout the development and operation of the scheme. These words should be excluded from the definition.

Brian Paley