Dear Sir/Madam

Planning Act 2008 (PA 2008) and the Infrastructure Planning (Examination Procedure) Rules 2010

Application for Development Consent for a proposed Underground Gas Storage Facility at Preesall Saltfield, Lancashire: EN030001

Request for Further Information under Rule 17 - Closing date for responses 22 October 2012

Details relating to the Compulsory Acquisition hearing

As indicated at the conclusion of the Compulsory Acquisition hearing on 9 October, I am writing to confirm the request for further information from the Applicant:

1. Revised Appendix 2 of the Statement of Reasons to accurately describe for each plot number the works intended to be carried out.

2. A statement of the current position concerning the acquisition of interests of land within the Order pursuant to paragraph 9.10 of the Statement of Reasons.

3. A consolidated final version of the Book of Reference incorporating all changes and modifications made during the course of the examination.

4. Consequential revisions to the land plans.

5. An agreement/memorandum of understanding/heads of terms as appropriate between the Applicant and Knott End Golf Club, or failing that a unilateral statement by the Applicant, covering the Applicant’s intended use of the surface of the land in Golf Club ownership.

6. A sample version of standard agreements between the Applicant and individual landowners in relation to the gas pipeline in particular.
7. A copy of the drawing referred to at the hearing showing the development proposed within the demise of the Golf Club.

8. A copy of the land referencing plan referred to at the hearing showing the field pattern of land owned by Mr Houghton affected by the pipeline at plot 179.

9. A copy of the HSE document referred to at the hearing concerning planning consultation zones.

10. The Applicant’s response to the letter dated 4 October 2012 from DLA Piper on behalf of Blackpool and Fylde College.

Points relating to the draft Development Consent Order & s106 agreement

In addition, the Panel has a number of requests in relation to Document Ref H20 and version 5 of the draft DCO:

1. Please supply the reasoning from Natural England to the Applicant concerning amendments to the requirements referred to at the bottom of page 7 of Document H20.

2. Similarly, the reasoning from Lancashire County Council concerning the amendment to Article 11(1) and inclusion of new paragraph 38 of Schedule 9, given that the County Council had expressed its satisfaction with this Article as drafted in response to a question from the Panel at a DCO hearing on this specific point.

3. The Panel is satisfied with the explanation concerning Work Nos 15 and 16J set out in section 7 of Document H20. However, to confirm that there is no overlap between those elements of the seawall crossing and observation platform for which detailed approval is required from Wyre Borough Council and those elements of Work 16J below MHWST subject to the Marine Licence, should line 2 of paragraph 4(2) of Schedule 9 be amended to read “comprising part of Work16J.”

4. Please supply a further revision of Drawing A-2000-005 to include the vent stack and its height AOD.

5. With exceptions, night time construction is precluded by paragraph 21 of Schedule 9. However, the amendments to paragraph 26 of this Schedule now specifically provide for noise limits during night time drilling under the river Wyre affecting Harbour Village, Kneps Farm Holiday Park and Flints Caravan Park. What is the reason for this inconsistency?

6. Whilst the s106 Agreement is of course one for the parties themselves, the Panel notes that the version dated 2 October 2012 now allows a period of at least 3 years before the Decommissioning Scheme Charge can be enforced by Wyre Borough Council in the event of bankruptcy. This raises a question of who would become responsible for the costs of site safety and accepting the liabilities arising from this being a top tier COMAH site in the period before decommissioning arrangements are established.

7. Please confirm the position set out at the foot of page 28 of Document Ref H9 concerning a letter of comfort from Natural England about the applications for species licences.
Please supply the requests to the Planning Inspectorate at the address above by 22 October 2012.

Yours faithfully

Paul Hudson
Lead Member of the Panel of Examining Inspectors

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

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