Dear Sirs,

REQUEST FOR WRITTEN COMMENT – IN ACCORDANCE WITH RULE 17 OF THE INFRASTRUCTURE PLANNING (EXAMINATION PROCEDURE) RULES 2012

Thank you for your letter of 28 September 2012, offering the opportunity to contribute to your considerations of requiring detailed geological data as part of the planning process associated with this development.

The HSE’s roles and responsibilities in the permissioning of activities including underground gas storage, are set out in the Control of Major Accident Hazards Regulations (COMAH). Guidance on how we apply COMAH to and advise on hazardous substances consent for underground salt cavity gas storage developments is found at the following internet link http://www.hse.gov.uk/gas/supply/saltcavity.htm.

Under COMAH, the COMAH operator for an underground salt cavity gas storage site must demonstrate that it has adequately characterised the geology of the region and can demonstrate that the salt strata where the caverns are proposed and the surrounding geology is suitable for the safe storage of natural gas.

Under COMAH, we acting jointly with the Environment Agency (EA), must review this safety demonstration and communicate our conclusions to the COMAH Operator.

The COMAH Operator cannot proceed with the construction of the development until it has received our (HSE and EA) conclusions. Although we (HSE and EA) cannot prohibit the construction of the site, if we had serious safety concerns about the suitability of the geology for storing natural gas, we could prohibit site operations.

Whilst some of the geological data that would be gathered to meet the planning requirements you are considering, could inform these COMAH demonstrations, our review of COMAH data and judgements as to the demonstration of safe operation would balance geological data, operating parameters and management controls.
Consequently, in order to ensure that we remain as an independent regulator fulfilling our roles as set out in legislation, we must limit ourselves to our specific statutory responsibilities under COMAH processes. We could not become involved in any assessment of how geological data might influence planning decisions.

For information, HSE has recently been subject to a judicial review of its COMAH processes and practices associated with an underground salt cavity gas storage development in the Cheshire Basin. HSE’s actions were found to be robust and proportionate.

Yours faithfully

Giles Hyder
Principal Inspector, Gas & Pipelines Unit