Dear Sirs

Planning Act 2008
The Infrastructure Planning (Examination Procedure) Rules 2010
Proposed Underground Gas Storage Facility at Preesall, Lancashire
Halite Energy Group Limited
Halite Examination Document-H22
Draft Deemed Hazardous Substances Consent Direction

Further to the Panel’s request for a draft deemed hazardous substances consent direction, we set out our response and draft direction below:

1. The Planning (Hazardous Substances) Act 1990 provides, at section 9:

“(4) It shall be the duty of a hazardous substances authority, when granting hazardous substances consent, to include in that consent—

(a) a description of the land to which the consent relates;

(b) a description of the hazardous substance or substances to which it relates; and

(c) in respect of each hazardous substance to which it relates, a statement of the maximum quantity allowed by the consent to be present at any one time.”

2. Section 12 of the Planning (Hazardous Substances) Act 1990 provides:

“(2B) On making an order granting development consent in respect of development that would involve the presence of a hazardous substance in circumstances requiring hazardous substances consent, the person making the order may direct that hazardous substances consent shall be deemed to be granted, subject to such conditions (if any) as may be specified in the direction.

(3) Before giving a direction under any of subsections (1) to (2B), the person having power to give the direction must consult the Health and Safety [Executive].”

3. Halite’s application for a Development Consent Order included an application for Deemed Hazardous Substances Consent (doc. 4.1, November 2011). That application was notified to the Health and Safety Executive.
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Date: 12 October 2012  
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4. The Health and Safety Executive provided its consultation response to the Examining Authority on 5 October 2012 (the letter is dated 9 October, but this appears to be an error, because the response was sent by email on 5 October). The appendix to that letter states:

"4. ...HSE has concluded that the risks to the surrounding population arising from the proposed operation(s) are so small that there are no significant reasons, on safety grounds, for refusing Hazardous Substances Consent."

5. Following Government advice that particulars in the application form do not automatically become conditions of consent, it would be beneficial to include a condition such as:

"The hazardous substance(s) shall not be kept or used other than in accordance with the particulars provided on the application form, nor outside the area(s) marked for storage of the substance(s) on the plan which formed part of the application."

6. A consultation zone, the outer of the zones marked on the attached map, has been determined. Unless we hear from you in the near future that the application has been refused, this map will be placed on the HSE's PADHI+ land use planning advice system within the Consultation Zone Library. This is available to authorised administrators and users via the extranet. When consent is granted, please send a copy of all the consent documents to this office so that our records can be updated."

5. We therefore suggest that, if the DCO is confirmed, it should be accompanied by a Direction that Hazardous Substances Consent is granted. In those circumstances the Direction should contain the following information:

"(a) a description of the land to which the consent relates

Presall Saltfield
Stalmine
Wyre Estuary
Lancashire

Grid Reference 335500 446000

See accompanying Drawing No. A.00100.P00

(b) a description of the hazardous substance or substances to which it relates; and

Gas or any mixture of gases which is flammable in air, when held as a gas

(c) in respect of each hazardous substance to which it relates, a statement of the maximum quantity allowed by the consent to be present at any one time

630,000 Tonnes"
6 The Direction should also include the following condition:

"The hazardous substance(s) shall not be kept or used other than in accordance with the particulars provided on the application form, nor outside the area(s) marked for storage of the substance(s) on the plan which formed part of the application."

7 Please note that upon further consideration, Halite considered that the deemed hazardous substances consent does not need to cover the storage of glycol or methanol (as proposed in Document 4.1) as those substances will be stored in quantities that do not require hazardous substances consent.

8 Finally, if made, a copy of the Direction, and the consultation zone map, should be provided to the Health and Safety Executive, and to Wyre Borough Council as Hazardous Substances Authority.

Yours sincerely

[Redacted]

\[27117770.1\]
HSE CONSULTATION ZONE
Halite Energy Group Ltd

Site Grid Reference SD 354 465
HSE HID CI5 Ref #4484 rev 1a
Case number: 4.2.1.2193.

Approved by HID CI5 3rd October 2012

Revision number indicates the latest version, suffix letters for administration only. This map supersedes all previous or undated maps. Original scale 1:10 000 (Plotted scale may differ). Dimensions in metres

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Inner Zone 1800tdu
Middle Zone 100tdu
Outer Zone 70tdu

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