

**E-mail only**  
Planning Inspectorate

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Date: 12 September 2012

Dear Sirs

**Re: Application for proposed Underground Gas Storage facility at Preesall Saltfield, Lancashire**  
**Reference Number EN030001**

Blackpool Borough Council is the freehold owner of land described as Plot 29 in the Book of Reference. It is also the authority that is responsible for the Tramways Undertaking which crosses Plot 29 and exercises its right to run and maintain the tramway under the County of Lancashire Act 1984.

This matter was brought to the attention of the Council on Friday 7<sup>th</sup> September 2012 through Blackpool Transport Services Limited who are the operators of the Blackpool - Fleetwood Tramway and are a separate company.

The Council's Tramway Programme Manager has now urgently reviewed the proposed Development Consent Order.

The Council objects to the making of the proposed Order.

Following a multi-million pound upgrade to the infrastructure and the acquisition of new trams, the Tramway was re-opened in May 2012. Although the Council is responsible for this undertaking, no protection whatsoever is provided within the proposed Order for the Council.

There are potentially various technical difficulties associated with the proposed work and I am instructed, for example, that a construction depth of 1 metre as referred to in Work No.16G would cause serious problems and be of insufficient depth to avoid an effect on the tramway and any potential future works. There is no reference to provision of a concrete slab. Blackpool Borough Council would require any works beneath its tramway to be constructed in accordance with an agreed specification. It would also require complete indemnity for the consequences of any impact upon the delivery of the service or its infrastructure and any future claims, actions, demands made upon or consequent to the carrying out or future use of the proposed works.

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The Council objects also to the proposed compulsory acquisition of its property and the rights associated with it and considers the same to be unacceptable, including the temporary use proposals. Under the County of Lancashire Act 1984, the Council has control in respect of the entirety of the tramway system and it requires the retention of its unfettered ability to carry out any works necessary for its operation, which could for instance include the construction of buildings or the erection of lighting or electrical installations within the 20 metre strip. It objects strongly to any restrictions being placed over those powers and in particular it objects to the rights that are sought at Plot 29 of the Book of Reference. Further the Office of Rail Regulation is the enforcing authority that could now and in the future make requirements regarding the carrying out of works that affect the 20 metre strip.

The Council questions whether the proposed developer is able to divest the Council of its rights and powers under the County of Lancashire Act 1984 in this way and will take further advice upon this point.

I understand that the Council is prepared to work with the proposed developer towards agreeing a method by which the proposed developer can carry out its operations and the Council can continue to carry out its undertaking as it requires.

Yours faithfully

A V C White  
for Head of Legal Services

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