Dear Minister,

Halite Energy Limited: proposals for an underground gas storage facility in Preesall, Lancashire

For two decades, my constituents have been living under the shadow of proposals for an underground gas storage facility beneath the Wyre Estuary. Like me, my constituents, fear the unstable geology of the salt caverns make the site unsuitable for such a facility and that its development could have dire consequences. In April last year, you refused the application and my constituents breathed a sigh of relief. However, this was short lived as the applicant (ever keen to push the limits of the planning process and determined not to take “no” for an answer) sought a Judicial Review of the decision. Their challenge was successful and I understand that you have now been asked to reconsider your decision.

I wholeheartedly support your decision to refuse planning permission in this case. I believe this conclusion to be fair and reflect the fact that the applicant has failed to provide sufficient evidence about the geology of the site and its ability to host such a facility safely.

One of the grounds Halite gave for requesting a Judicial Review was that the Examining Authority’s Inspector did not request further geological data regarding the site or hold an issue specific hearing on the subject of the geology, but that the lack of data was later cited as a reason for refusing the application.

Part 2.8.9 of EN-4 places an onus on applicants to provide appropriate evidence regarding the geology of their chosen site. This advice appears to set out specific requirements, which Halite has failed to meet.

In addition, the applicant had not acted upon recommendations made in relation to previous applications for a similar development. The Examining Authority highlighted, “the technical assessor for the 2007 Public Inquiry recommended that at least two more seismic lines be undertaken and drilling and geophysical logging of boreholes on these lines to prove ground truth. In view of this and the subsequent failed planning application in January 2010, we are
surprised that no seismic surveys were undertaken across the polygon areas to support this application”. It should also be noted that much of the geological information which was submitted in support of the current application was regurgitated data which had been provided with previous applications.

There is no doubt given the history of the proposals for an underground gas storage facility on the site, and the grounds upon which past applications have been refused, that Halite was not aware that the geology of the site is one of the significant issues raised by their proposals. Thus, Halite should have been aware of the need to provide comprehensive geological data to support their application. Indeed in paragraph 45 of the Judicial Review Judgement, Mrs Justice Patterson states that “the claimant was always aware that more detailed work was required as each of the individual caverns needed to be designed”. If this was the case, why did Halite not provide further information when they submitted their application?

It is significant, as the Examining Authority noted, that “Where detailed geological information is available, the Applicant has decided that the halite is too faulted or too close to existing workings to be suitable for safe construction and operation of UGS”. I find it peculiar that all the hard geological evidence relating to the Freesall site indicates the unsuitable and unstable nature of the site, yet Halite continues to argue that the caverns – for which no hard data is available – are suitable. I do not believe 3D computer modelling to be an adequate substitute for hard data, a view shared by the Examining Authority.

When considering the Judicial Review application, Mrs Justice Patterson expressed a view that the onus was on the Examining Authority to seek further information at any time before a decision is made. Yet this is contrary to the guidance set out in the National Policy Statement EN-4. It is for the applicant to put forward a robust application and supporting evidence, the Examining Authority cannot be expected to guide the applicant.

Halite also claimed in their Judicial Review application that the Examining Authority had “applied too high a standard” in relation to the consideration of geological data. Mrs Justice Patterson is critical that the Examining Authority had expected the geology to be proved beyond reasonable doubt. Given that the safety of the development (and that of over 80,000 local residents) rests on the stability of the geology, there is an unquestionable case for being certain about the geology.

Halite has failed to demonstrate the safety of the geology and this is a material consideration and a justified reason for rejecting the application. It is right that such information be supplied and considered before any planning permission is granted, and not
afterwards as the Examining Authority had suggested. Such a fundamental principle as the safety of local residents cannot simply be a condition to be met after permission is granted.

Previous applications have also failed because of the geological certainty of the site and I urge you to defend your view that in the absence of a pre-application geological assessment, the suitability of the proposed underground gas storage facility cannot be properly considered.

Yours sincerely,