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Cc: [Preesall Underground Gas Storage](#)
Subject: Preesall Saltfield Underground Gas Storage Facility
Date: 10 April 2014 12:25:50
Attachments: [Halite Statement of Agreement.doc](#)
[Preesall DECC Sect 135\(2\).pdf](#)

FAO: Giles Scott

Preesall Underground Gas Storage Facility: Statement if matters with respect to further written representations (pursuant to rule 20(2) of the Infrastructure Planning (Examination Procedure) Rules 2010)

Thank you for your letter of 8 April 2014 consulting the Highways Agency regarding the above matter.

I can confirm that the Highways Agency has no further representations to make regarding this matter. Our stance remains the same as confirmed in previous correspondence and statement of agreement, as attached.

I trust this confirms our position but please do not hesitate to contact me if anything is unclear.

Regards.

Cathy Dean,
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Highways Agency, an executive agency of the Department for Transport.

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Our ref:
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2 July 2012

For the attention of Sheridan Treger

Dear Mr. Treger

HALITE ENERGY GROUP APPLICATION TO CONSTRUCT AND OPERATE AN UNDERGROUND GAS STORAGE FACILITY AT PREEALL, LANCASHIRE

AGREED POSITION OF THE HIGHWAYS AGENCY

Thank you for your letter of 27 June 2012 regarding the above. In response, I can confirm that paragraph 5 of your letter sets out a fair reflection of our agreed position. I have though set out below confirmation of the relevant specific points. The wording is slightly different from that presented in your letter. However, this is just to facilitate a little bit of flexibility in the delivery processes that are applied rather than to any of the principles of agreement.

Principle of Development

I can confirm that the Highways Agency has no objection in principle to the development proposed. I can also confirm that we have no objection to the apparatus associated with this development being installed within our land holdings subject to the appropriate and relevant licences and agreements being in place.

Permanent and Temporary Land Rights

I can confirm that the Highways Agency is willing to negotiate an option for an easement or wayleave as appropriate to provide Halite with the necessary temporary or permanent land rights sought under the DCO that may not be provided under any other licence or agreement.

The Highways Agency does not foresee any obstacle at our end that should prevent the completion of any easement or wayleave that may be required. We will continue to work with Halite and its representatives in order to progress the relevant legal processes with the aim of completion by the close of the examination of the application on 25 October 2012.

Street Works Licences

I can confirm that Section 50 of the New Roads and Street Works Act 1991 (the 1991 Act) is the appropriate mechanism to use to permit Halite to carry out works to install and thereafter maintain the brine discharge pipeline within the boundaries of the A585 trunk road.

Once again, the Highways Agency sees no particular obstacle at this stage to a licence under Section 50 of the 1991 Act being granted.

Yours sincerely



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Your ref:
Our ref: 12.04.09.04/171C

14 March 2013

Dear Mr Marsh

Proposed Preesall Underground Gas Storage Facility: consent from appropriate Crown authority under section 135 of the Planning Act 2008

Thank you for your email message of 12 March 2013.

(i) Compulsory purchase, section 135(1)

We note with thanks your response in relation to the question of compulsory purchase under the draft development consent order. We apologise for the confusion in this regard and, having followed up with the Planning Inspectorate, we can confirm that there are no powers of compulsory acquisition anticipated to be included in respect of land held by Department for Transport.

(ii) Inclusion of other provisions, section 135(2)

As you know, section 135(2) of the Planning Act 2008 applies in relation to provisions other than relating to compulsory purchase, and states:

(2) An order granting development consent may include any other provision applying in relation to Crown land, or rights benefiting the Crown, only if the appropriate Crown authority consents to the inclusion of the provision.

As noted in our letter of 1 March 2013, the Secretary of State has not yet decided whether, or, if so, on what terms to grant development consent in respect of the application. However, should the Secretary of State decide to grant consent in this case, as noted in our letter, section 135(2) requires the Secretary of State to seek the consent of the Department for Transport to inclusion of any "provision applying in relation to Crown land, or rights benefiting the Crown".

We would be grateful therefore if you are able to provide the consent under section 135(2) only by way of countersignature to this letter (as provided below).

As indicated in our letter of 1 March 2013, such consent would only extend to inclusion of provisions which are the same as, or are no more onerous from the point of view of the Crown

than, the provisions of the draft version of the development consent order most recently published on the Planning Inspectorate website.¹

As noted in our original letter, if the Secretary of State should be minded to include other provisions that apply in relation to Crown land or rights benefiting the Crown which he considered could be more onerous than those included in the draft development consent order referred to above, he would not rely on the generic consent, and the order would not be made unless and until specific consent to the provisions in question had been given.



Gareth Leigh
National Infrastructure Consents



ROBERT BALLWIN
ASSET DEVELOPMENT TEAM LEADER.

Signed by and on behalf of the Department for Transport
(in the capacity of appropriate Crown authority for the purposes of section 135 and 227 of the
2008 Act)

Date... 21 MARCH 2013.....

¹ <http://infrastructure.planningportal.gov.uk/wp-content/ipc/uploads/projects/EN030001/2.%20Post-Submission/Application%20Documents/Draft%20Development%20Consent%20Orders/6.1%20%20Draft%20Developm ent%20Consent%20Order.pdf>