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Your Ref:

Our Ref: EN030002

Date: 22 December 2015

Dear Mr Zyda

## **Application by Keuper Gas Storage Limited (KGSL) for an Order Granting Development Consent for the Keuper Gas Storage Project**

### **Section 51 advice following issue of acceptance decision**

I write in relation to your application submitted to the Planning Inspectorate on 24 November 2015 for the above named project. You will be aware that the Planning Inspectorate, acting on behalf of the Secretary of State for Communities and Local Government, issued its decision to accept the application under section 55 of the Planning Act 2008 (as amended) to proceed to examination on 22 December 2015. The Planning Inspectorate's acceptance checklist has been published on our website.

In undertaking checks at the acceptance stage some matters came to light which we feel would be prudent to draw your attention to at this stage. This letter therefore contains advice which is issued under section 51 of the Planning Act 2008 (as amended).

It would be helpful and assist in the smooth running of the Examination process if any other information, clarification documents or amendments made to the submission documents are produced and submitted to the Planning Inspectorate no later than 5 working days in advance of the Preliminary Meeting. The Examining Authority may make any procedural decisions it wishes to at the Preliminary Meeting.

### **Main parameters of the development and associated plans**

A unified description of parameters for each development component should be provided (for example, similar to Table 3.1 of the Design and Access Statement). The description should clearly link to the fully labelled, relevant works plans for each of the development components at Runcorn Outfall, Whitley and Lostock Pumping Stations and within the main assessment area. The description should set out how the parameters have been used to inform the worst case assessment of effects within the ES. It should include parameters for both construction and operational elements (e.g.

drill rigs and vent stacks) and confirm how the offset distances from receptors have been established with respect to the Limits of Deviation (LOD).

Specific vertical LOD are not set out within the Environmental Statement (ES) or draft DCO, although some building heights are outlined for the gas processing plant in Document 2.6.1, Plan 270 elevations. Clarification of how the vertical LOD have been considered within any assessments, such as landscape and visual impact assessment, should be provided.

### Gas Processing Plant (GPP)

Due to the incomplete labelling in Document 2.6.1 Plan 270 and Noise Annex A3, Drawing 13-03-01/HOL/60/1003 it is difficult to cross reference the plan layouts with the vertical elevations and certain text descriptions. There are a number of areas of apparent inconsistency between the two plans and elevations and the Document 8.3 Design and Access Statement (Table 3.1) and ES Chapter 10:

- View west – In the centre left of the view, three heater packages are shown in the elevation but the drawing suggests that only two are visible from this orientation.
- 4x ~13m tall stack-like structures are shown but not labelled in the west elevation.
- View east – DCS Electrical building (G18) is not shown in the elevation.
- A regeneration heating vent stack (20m), water heater vent stack (20m) and an emergency cold vent (25m) are listed in Table 3.1 of Document 8.3, whereas ES Figure 10.1 indicates that 10 burner vent stacks are present on site. Document 2.6.1 suggests that the only structure exceeding 12m height present at the GPP site is the emergency cold vent, which is indicated as being 20m tall, rather than 25m tall.

### New electrical substation and grid connection

Document 2.6.4 Plan 273 provides a scaled elevation of the new substation with a single new pylon, suggesting that only one new pylon is required. In contrast, Table 14.8 states that 'In addition the proposed 33 kV power lines and associated pylons will be visible in the right background of the view'. KGSL should clarify how many new pylons (excluding relocated pylons) are required to be provided and include this information within the parameters information requested above.

### Runcorn Outfall Pipebridge

Table 21.1 states in relation to traffic and transport that height clearance of 20m for the pipebridge has been agreed with the Canal and River Trust, to ensure that there remains adequate access on the waterway. Document 2.5.7, Plan 236, Section 1-1 shows 18m clearance between the water level and the soffit of the bridge. KGSL should clarify whether the correct clearance should be 18m or whether the reference to 20m clearance in agreements with the Canal and River Trust is incorrect.

## **Environmental Statement**

### Heritage Annex B - Heritage gazetteer

The version of this document provided with the application has drafting comments embedded. KGSL should confirm whether this version of the document can be considered to be a final issue version of this document.

## Groundsure datasets

ES Chapter 7 paragraph 7.3.27 states that Groundsure mapping datasets have been obtained for the project. This information, used to inform the assessment, should be provided to ensure that it is accessible to interested parties.

## Chapter 14 - Landscape and visual

The description of development provided in Table 14.1 does not tie up with information provided elsewhere in the application, for example in Table 11.1. Please provide an amended version of Table 14.1 if appropriate.

## **Habitats Regulations Screening Assessment**

KGSL provided screening matrices in Section 4.5 of the Habitats Regulations Screening Assessment (Document Reference: 5.4). Table 4.10 identifies that the European sites included within the assessment are:

- West Midland Mosses SAC site;
- Midland Meres and Mosses Phase 1 Ramsar site;
- Midland Meres and Mosses Phase 2 Ramsar site; and
- Mersey Estuary SPA, Ramsar site

The last in this list is actually two separate sites (i.e. Mersey Estuary SPA and Mersey Estuary Ramsar site). Planning Inspectorate Advice Note 10 (June 2015) advises that matrices should be submitted for each site considered in the assessment (five in this case). This is to ensure each of the designated site features is included in the assessment. Only three matrices have been submitted and the names of these are not consistent with those listed in Table 4.10:

- Matrix 1: Midland Meres and Mosses Phase 2 Ramsar
- Matrix 2: Mersey Estuary, Ramsar site
- Matrix 3: Mersey Estuary SPA site

Table 4.10 explains how the assessment of effects on the European sites considered is presented in these matrices. However, further clarity may be necessary as a matrix is not provided for each site. For example, there is no explicit reference in the matrices to the West Midland Mosses SAC or its features. The absence of matrices for every site could indicate that not all the sites have been assessed and if it is found during the examination that likely significant effects may arise then it may not be possible to conclude the HRA process during the 6 month examination.

Updated matrices should be provided to clarify how the conclusion of no likely significant effects has been reached.

## **Book of Reference**

The Inspectorate has noted that there are some duplication/inconsistencies in Parts 2 and 3 of the Book of Reference with regard to referencing and contact details of some Category 1, 2 and 3 persons. Please can you ensure that when you submit your Certificate of Compliance under Section 59 of the Planning Act 2008, as amended, you provide documentation listing the correct names and addresses. It is noted that within Annex 38(b) of the Consultation Report (Doc Ref 5.1) the applicant identifies E.ON UK

CHP Limited as a s42(1)(d) consultee. However, this consultee is not included in the Book of Reference (Doc Ref 4.2).

### **Section 42(1)(a) Consultees**

On the basis of the information provided it appears that some consultees identified by the Inspectorate as potentially prescribed by section 42(1)(a) have been omitted from the applicant's consultation.

These are:

- Homes and Communities Agency;
- Scotland Gas Networks PLC; and
- Wales and West Utilities Limited.

Taking a precautionary approach to ensure that all persons potentially affected by the application are given the opportunity, if they so wish to provide representations on the application before the Preliminary Meeting, the Inspectorate would suggest that the Applicant may wish to include the bodies noted above that it did not consult amongst those on whom they serve notice of the accepted application under s56(2)(a) of the Planning Act 2008.

### **Plans**

Further work is needed between the submitted plans and the draft DCO to ensure consistency. On the basis of the plans submitted we have made the following observations;

- Works No.5D - Plan 504 (Doc 2.3.5) shows part of this work between Work No.12 (Gas Transmission System Compound) and Work No.14 (Gas Processing Plant). This aspect of Work No.5D is not scheduled in the draft DCO.
- Works No.17 & 18 - Plan 504 (Doc 2.3.5) shows these works between King St (A530) and Work No.15 (Administration Building) only and not to any of the six construction laydown areas scheduled under Work No.16, as appears in the draft DCO.
- On Plan 510 (Doc Ref 2.3.9) it is unclear where the distinction between Work No.6 and Work No.7 lies.
- On Plan 510 (Doc Ref 2.3.9) Work No.6 is depicted as showing the road network connection to Work No.12. This is not listed in the draft DCO.

If you have any queries regarding the matters set out above please do not hesitate to contact us.

Yours sincerely

*Tracey Williams*

**Tracey Williams**  
**Case Manager**

Advice may be given about applying for an order granting development consent or making representations about an application (or a proposed application). This communication does not however constitute legal advice upon which you can rely and you should obtain your own legal advice and professional advice as required.

A record of the advice which is provided will be recorded on the National Infrastructure Planning website together with the name of the person or organisation who asked for the advice. The privacy of any other personal information will be protected in accordance with our Information Charter which you should view before sending information to the Planning Inspectorate.