

BY E-MAIL

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29 April 2016

Dear Madam

Application by Keuper Gas Storage Limited (KGSL) for an Order granting Development Consent for the Keuper Gas Storage Project (Project) (EN030002)

Our Client: Mr and Mrs Wildman of Cross Lanes Farm

Response to the Examining Authority's First Written Questions and Requests for Information

We write further to the above matter and the Examining Authority's ("ExA") First Written Questions issued on 23 March 2016.

The ExA has sought input from Interested Parties in response to his question number 7.1 as follows:

"Could Cheshire West and Chester Council and other interested parties comment on the applicant's approach to the assessment of socio-economic effects (ES [APP-179] Chapter 13, paragraphs 13.2.6 – 13.2.16) specifically the criteria outlined in ES Tables 13.3 and 13.4. Please also elaborate on the definition of their assessment criteria as being "based on precedents within the National Infrastructure Planning Process and professional judgment"

We intend to address this question in two parts; commenting first on the applicant's approach to assessing the social-economic effects of the Project and then addressing the matter of the definition of their assessment criteria.

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1. THE APPLICANT'S APPROACH TO ASSESSING SOCIO-ECONOMIC EFFECTS

- 1.1 Whilst we note that the ExA has sought comments on the applicant's approach to assessing socio-economic impacts in paragraphs 13.2.6-13.2.16 of the Environmental Statement ("**ES**"), we would first like to comment on some of the points made in the introduction to their socio-economic assessment in section 13.1 of the ES as follows:
- 1.1.1 Paragraph 13.1.2 of the ES provides a summary of the Socio-Economic Impacts of the Project. The loss of agricultural land is acknowledged in this paragraph. However, no reference is made to the impact of the loss of land on farming practices and businesses in the area.
- 1.1.2 Paragraph 13.1.3 of the ES sets out the basis for the assessment and key considerations and refers to the potential need for associated development to enable the Project to be connected to the National Grid and National Transmission System ("**NTS**"). Reference is made to paragraph 5.5.27 of the ES which sets out the need for existing Scottish Power Energy Network overhead power lines to be permanently diverted away from wellheads through the installation of new wooden posts and replacement cables. No details of the location and timing of these diversions are provided in the ES.
- 1.1.3 Bullet 3 of paragraph 13.1.3 states that the impacts of works associated with connection to the NTS and National Grid have not been assessed as *"the nature, size and location of these associated developments are unlikely to give rise to any significant effects"*.
- 1.1.4 The following bullet goes on to state that *"these elements of the Project will not have a significant effect on agricultural land use, given the scale of development"*
- 1.1.5 Without further detail regarding the location, timing and exact nature of the overhead line works, it is impossible to ascertain what their likely impact might be on our Client's use and enjoyment of their property and farming business. We would therefore request that the ExA seeks further detail of such works from the Applicant.
- 1.2 Turning now to the assessment of socio-economic effects contained at paragraph 13.2.6 – 13.2.16 and specifically the criteria outlined in ES tables 13.3 and 13.4.
- 1.3 It is our strong view that the Applicant has failed to properly consider the impact on local agricultural business in its assessment of the Socio-economic impacts of the Project.
- 1.4 As stated in our Written Representations and discussed at length in our previous submissions, the nature and extent of the rights being sought across our Client's Property are such that there is potential for considerable disruption to be caused to our Client's business during both the Construction and Operational phases of the Project.
- 1.5 Other agricultural business in the Main Assessment Area stand to be similarly affected, albeit that we are unable to comment upon the strength of those businesses and any financial losses that they might be likely to experience as a result of such impacts.
- 1.6 In accordance with the criteria in Table 13.3 of the ES, our Client's business (and those of neighbouring farmers) is of high sensitivity in that it has little ability to absorb change and/or recover or adapt to the change caused by the Project to the Property during construction and operation of the Project.



- 1.7 We have discussed in detail at paragraph 9.2.4 of our Written Representations the magnitude of change on our Client's business, which is likely to be major and could have potentially devastating effects. However, the criteria for identifying a 'major' change set out in Table 13.4 of the ES excludes the potential of a finding of significance because it is only applied to those impacts "*likely to affect large number of businesses and/or people*". The application of this criteria means that a very significant or even devastating impact on a small number of people can never be deemed a 'major impact'. This cannot be correct.
- 1.8 Paragraph 13.3.33 of the ES states that "*the land within the Project site is principally used for agricultural purposes and is of low sensitivity*" and that "*the absence of business operators in the Project site results in low sensitivity for business operators*". This fails to acknowledge that our Client (as well as a number of other farmers) operates a business within the Project site which is highly sensitive to change of the type proposed.

2. DEFINITION OF ASSESSMENT CRITERIA

- 2.1 We are not aware of any precedents for Socio-Economic assessment criteria within the National Infrastructure Planning Process. However, from our own firm's extensive experience of working on other Nationally Significant Infrastructure Projects, we would have expected due consideration to be given to adverse effects which are large in nature but may only be experienced by a limited number of receptors¹. Unfortunately for the reasons discussed above, the Applicant has failed to undertake such an assessment on this occasion.

We trust that you will find the above in order, however should you wish to discuss at all, please do not hesitate to contact either Mike Pocock (0161 250 0223 or Michael.pocock@pinsentmasons.com) or Beth Grant (0161 234 8306 or beth.grant@pinsentmasons.com).

Yours faithfully

Pinsent Masons LLP

This letter is sent electronically and so is unsigned

¹ For example, see table 14.3 of the Environmental Statement for Progress Power (Gas Fired Power Station) Order, whereby serious effects were capable of being considered to be of moderate magnitude, despite being experienced by a small number of receptors