

Application by Keuper Gas Storage Limited for an Order Granting Development Consent for the Keuper Gas Storage Project
Application Reference EN030002
Comments on Deadline 2 submissions

Please find below Holford Gas Storage Limited's (HGSL) comments on the revised draft Development Consent Order (DCO) submitted by Keuper Gas Storage Limited (KGSL) for Deadline 2.

These comments are supplemental to HGSL's written representation and HGSL's position that protective provisions should be included within the DCO to protect HGSL's apparatus.

1. Article 17 (Protective work to buildings)

1.1 The proposed extension of this power to the entire life of the proposed development has not been sufficiently justified and is potentially very onerous on all parties with a land interest within the Order limits. If a right to carry out protective works is required for the lifetime of the Proposed Development, it should be included within the Order land as a right to be compulsorily acquired. The DCOs made to date typically state a time period of 5 years within which that right must be exercised.

2. Article 28 (Temporary use of land for maintaining the authorised development)

2.1 HGSL considers that this power should only apply to the Order land and not the entire Order limits. In its response to the Examining Authority's written question 12.4, KGSL has not sufficiently justified why a right over the entire Order limits is required.

2.2 In any event, the proposed definition of "maintenance period" is disproportionate and potentially very onerous on all parties with a land interest within the Order limits. If a right to carry out maintenance works is required for the lifetime of the Proposed Development, it should be included within the Order land as a right to be compulsorily acquired. The DCOs made to date typically have a maintenance period of 5 years.

3. Article 30 (Private rights)

3.1 HGSL considers that the power to extinguish private rights of way in paragraph (2) should only apply to land which is within the Order land not the entire Order limits. Otherwise the power extinguishes rights that have not been identified in the Book of Reference.

4. Article 35 (Certification of plans)

4.1 As mentioned in its written representation, the Sub-surface Safety Assessment Report (Examination Library Reference APP-192) and the Preliminary Study of Gas Cavity Design Capacity Report (Examination Library Reference APP-193) set out the control measures that will be used to ensure that the Proposed Development does not adversely affect the integrity of the HGSL's salt caverns. These documents are not currently referred to in Article 35 or Schedule 2 of the draft DCO and there is therefore no obligation on KGSL to comply with these measures.