

From: Vee.Gatrell@hse.gsi.gov.uk
To: [IPC Scoping Opinion;](#)
Subject: Preesall saltfield response
Date: 17 November 2010 08:47:18
Attachments: [Preesall saltfield response.doc](#)

Good Morning,

attached is the response to IPC for the Environmental Impact Assessment for Preesall Saltfield as requested.

A hard copy was sent to you by post yesterday.

Kind Regards

Vee

Vilja Gatrell
Risk Communications Policy Unit
Chief Scientific Advisor's Group
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Your ref: 101019_EN030001_300173
HSE email: NSIP.applications@hse.gsi.gov.uk

Mr Simon Butler
EIA & Land Rights Advisor
Infrastructure Planning Commission (IPC)
Temple Quay House
Temple Quay
Bristol
BS1 6PN

16th November 2010

Dear Mr Butler

**PROPOSED PREESALL SALTFIELD UNDERGROUND GAS STORAGE FACILITY
("the project")
PROPOSAL BY HALITE ENERGY GROUP LTD ("the applicant")
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 SI 2263 ("the EIA Regulations")**

Thank you for your letter of 19th October 2010 regarding the information to be provided in an environmental statement relating to the above project.

Halite Energy Group Limited state, in paragraph 1.2.8 of the scoping report, that the design parameters are developed in conjunction with and approval of HSE following the drilling and testing of a borehole for each cavern. HSE does not develop design parameters in conjunction with the operator nor approve them. Responsibility for safety in the design, construction, operation and maintenance of the site rests with the COMAH operator.

There is a duty under the Control of Major Accident Hazards Regulations 1999 (COMAH) on the operator of a proposed major hazard site such as Preesall salt cavity gas storage to submit to the joint COMAH Competent Authority (CA) – HSE and the Environment Agency – a safety document termed a COMAH pre-construction safety report, in which the operator is required to adequately demonstrate how safety and reliability in design, including compliance with relevant good practice has been incorporated into the proposed site including the storage cavities. The CA in turn assesses the report, determines whether the demonstration has been made or not and communicates its conclusions to the

Operator. The COMAH Operator is legally not allowed to start construction of the facility until the CA has communicated its conclusions to the Operator.

There are some observations that HSE would like to pass on to Halite Energy Group Limited.

Major hazards sites and explosives sites within the vicinity of the proposed development

Explosives sites

A check has been made on the locations of licensed explosives sites in relation to the proposed Preesall Saltfield underground gas storage facility. On the basis of the information provided, there are no HSE-licensed explosives sites which might impact on this development.

Major Hazard Sites

HSE has taken the opportunity to check its records to establish whether the proposed development would fall within HSE's consultation distance (CD) for a major hazard installation or pipeline. The proposed underground gas storage facility at Preesall does not fall within any HSE land use planning (LUP) consultation distances.

Hazardous Substances Consent

Any site needing to store or use hazardous substances at or above specific quantities must obtain Hazardous Substances Consent (HSC) from the Hazardous Substances Authority (HSA) (usually the Local Authority) in accordance with the Planning (Hazardous Substances) (Amendment) (England) Regulations 2009 and 2010. In this case the Hazardous Substances Authority (HSA) is Lancashire County Council. The list of named substances and the controlled quantities can be found in Schedule 1 of the Regulations.

There is insufficient detail in the Environmental Scoping Report for HSE to advise whether HSC would be required for this site. However the threshold for natural gas is 15 tonnes. Therefore the promoter should check if any of the named substances in Part A of the Schedule are present at or above the specified controlled quantities. If so, the promoter will need to apply for HSC. In many cases the substances present may not be included in Part A; but they may fall within one or more of the categories of substances & preparations specified in Part B of the Regulations. If that is the case and they are present at or above the controlled quantity, then the promoter would need to obtain HSC.

HSC might also be required for the presence of hazardous substances even though the amount present is below their controlled quantity. This may happen because substances within the same generic category, which have similar hazard characteristics, would be added together to determine whether consent is required for some or all of them. Further information and advice can be found at <http://www.hse.gov.uk/gas/supply/saltcavity.htm>.

I hope this information is useful. HSE looks forward to receiving the formal s42 consultation from the promoter in due course when the plans are sufficiently developed.

Please note any further electronic communication on this project can be sent direct to the HSE designated e-mail account for NSIP applications the details of which can be found at the top of this letter. Alternatively hard copy correspondence should be sent to Miss Vilja Gatrell at the above address, or telephone 0151 951 4607.

Yours sincerely

Penny Taylor
Risk Communications Policy Unit

From: [Dave Parrish](#)
To: [IPC Scoping Opinion:](#)
Subject: Proposed Preesall Saltfield Underground Gas Storage Facility
Date: 17 November 2010 12:07:30

Dear Mr Butler

Further to my email dated 21 October, we now understand why, as an Authority adjoining Lancashire CC, we have been consulted on the scoping opinion for this project.

As the proposals do not have any direct impact on the National Park, with do not wish to make any comments on the project.

Yours sincerely

Dave Parrish

Dave Parrish
Minerals Officer
Yorkshire Dales National Park
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tel. 01969 652315

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From: [McCann, Jackie](#)
To: [IPC Scoping Opinion;](#)
cc: [Perigo, Stuart; Green, Michael \(Cllr\); Holmes, Louise;](#)
Subject: RE: PROPOSED PREEALL SALTFIELD UNDERGROUND GAS STORAGE
Date: 17 November 2010 18:17:39
Attachments: [Scoping Opinion Final 15.11.10.doc](#)
[butler.pdf](#)

FOR THE ATTENTION OF SIMON BUTLER

Dear Mr Butler

Please disregard the previous email.

Please see the attached which is self explanatory.

If you have any queries concerning the above please do not hesitate to contact Stuart Perigo on 01772 531948.

Yours sincerely

Jackie McCann
(Sent on behalf of CC Michael Green)
Secretary
Business Services, CSSG
Office of the Chief Executive
Lancashire County Council
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PRESTON. PR1 8XJ
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Infrastructure Planning Commission
Temple Quay House
Temple Quay
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BS1 6PN

Phone: 01772 531948
Fax:
Email: stuart.perigo@lancashire.gov.uk
Your ref:
Our ref: MG/jm
Date: 16 November 2010

Dear Mr Butler

PROPOSED PREESALL SALTFIELD UNDERGROUND GAS STORAGE FACILITY ('the Project')
HALITE ENERGY GROUP LTD ('the Applicant')
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2009 S1 2263 ('the EIA Regulations')

I write further to your letter of 19th October 2010 in respect of the above and thank you for inviting the County Council to comment of the information to be provided in an environmental statement relating to the Project in accordance with the EIA Regulations. I apologise for the County Council's comments being returned so close to your deadline but I am sure you appreciate the nature and scale of this proposal and the interest attached to such given the complex mining history of the area and planning history associated with previous proposals.

Please find enclosed the County Council's comments which identify the information it considers should be provided in the environmental statement.

The County Council would wish to emphasise the importance for the Applicant to demonstrate the geology of the area is capable of accommodating a project of this nature safely without risk or harm to health given the proximity and numbers of sensitive receptors. The County Council considers it essential that the environmental statement has full regard to the history of the Project site, including former workings and the refusal of two planning applications, one of which was refused by the Secretary of State for Communities and Local Government. Of particular concern is the integrity of the geology to safely accommodate the project below ground and the layout of the above ground surface development given their relationship to former workings.

The Applicant consistently maintains that the project is smaller than previous proposals in terms of application area, number of caverns and quantities of gas to be stored. However, other than the surface area, there is no indication of the number or size of the proposed caverns or the quantities of gas to be stored to

County Councillor Michael Green
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identify how much smaller the Project may be relative to previous proposals and particularly what contribution it would make to national need. The environmental statement should fully address the prospective impacts of the Project as set out in the attached comments and should be supported by relevant documentation relating to development plan policies and national guidance.

If you have any questions regarding the County Councils comments, please do not hesitate to contact Stuart Perigo on the above telephone number or by email.

Yours sincerely

Michael Green

County Councillor Michael Green
Cabinet Member for Environment & Planning

**PROPOSED PREEALL SALTFIELD UNDERGROUND GAS STORAGE FACILITY
(‘the Project’)
HALITE ENERGY GROUP LTD (‘the Applicant’)
INFRASTRUCTURE PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT)
REGULATIONS 2009 S1 2263 (‘the EIA Regulations)**

**Information Lancashire County Council considers should be provided in the
environmental statement**

Background

By letter dated 19th October 2010 the Infrastructure Planning Commission (IPC) consulted the County Council on a request for a scoping opinion by Halite Energy Group Ltd for information that should be contained in an environmental statement relating to their project for an underground gas storage facility at Preesall. The request has been made in accordance with the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009. The environmental statement will accompany a Development Order Consent to be submitted to the IPC.

The request is accompanied by an Environmental Scoping Report (EIASR) (undated) prepared by Hyder on behalf of Halite Energy Group Ltd, a copy of which was provided to the County Council by Hyder accompanying correspondence dated 27th October 2010.

The EIASR sets out the aims and objectives of the EIASR, an introduction to the project, the alternatives considered, the assessment process and identifies topic areas that the Environmental Impact Assessment will cover.

The County Council is no longer the local planning authority for determining development proposal of this nature. It is now a consultee; as part of the Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 the County Council has been requested to inform the IPC of the information it considers should be provided in the environmental statement, a response to which is required to be made within 28 days from the initial consultation. The IPC has similarly consulted other statutory bodies.

Applicant’s Proposals

The EIASR introduces the project but does not provide any physical or planning history. Whilst it says the project, when compared to the previous schemes has been reduced in size and scale such that the amount of gas that would be stored is significantly less than that proposed in previous schemes, no indication of what the reduction in terms of site area, number of caverns or quantity of gas to be stored has been provided. The introduction to the scheme does not identify the total area of the site. The project will include the interconnecting pipeline to the national transmission line.

Characteristics of the development

The Preesall Salt Field has a long history of previous brine workings evident since Roman times. Until 1994, the site was solution mined for use as a source of chemical feedstock for chlorine production by ICI. There remains evidence of former abstraction

wellheads and brine-filled depressions throughout the site where abstraction activities have taken place within the salt deposits inland to the east of the river.

In the report to the Secretary of State on the 20 March 2007 the Inspector concluded that 'The development represents an important piece of energy infrastructure for which there is a clear national need.' He went on to say that 'This was a highly material consideration which should attract considerable weight in the overall planning balance.'

Location of the development

The EIARS identifies the total area of the site. The area of the development proposal and layout of the various elements required to be constructed are illustrated on a plan within the EIARS.

The Preesall Salt Field is an extensive area of predominantly low lying open agricultural land (mostly Grade 2-3) and salt marsh to the east of the Wyre Estuary, which rises to an elevation of 23m above sea level at its southern end near Burrow's Farm, Staynall.

The Preesall salt marsh and Arm Hill area fall within the Morecambe Bay Special Protection Area (SPA), designated for its bird populations of European importance. The site is also located within the Wyre Estuary Site of Special Scientific Interest (SSSI)/Ramsar site and is located close to a number of Biological Heritage Sites (BHS). The outfall pipeline would extend into the Irish Sea, part of which is identified as a draft Special Protection Area (the Liverpool Bay Special Protection Area (SPA)).

Land would be required for the Seawater Pump Station at Fleetwood Docks and a communications, seawater and brine discharge pipeline. The route of the pipeline would run from the main development site under the Wyre Estuary to Fleetwood Docks, then run parallel to the rear of the Jameson Road waste water treatment works, crossing the A585 (T) and a disused railway line, running south of Broadwater Woods and the grounds of the local Nautical College. It would then pass, within open fields, Rossall Hospital and playing fields (which form part of the Fylde Peninsula Green Belt) before running towards the coast to the rear of residential properties on South Strand and to the front of residential properties and a hospital on West Way. After traversing the sea wall it would extend for some 2.3 km into the Irish Sea.

A further pipeline under the Wyre Estuary would provide an electrical power connection between the southern end of the site and the former ICI Hillhouse Works industrial site north of Thornton.

An interconnecting pipe to the National Transmission Line would run west to east across agricultural land.

Environmental Assessment

Lancashire County Council acknowledges the contents of the scoping opinion and the topic areas identified therein. The County Council considers it essential that the ES should:

- Review that information previously submitted as part of the EIA and the supplementary information submitted in response to the Direction served on

Canatxx by the Secretary of State under Regulation 19 of the said Regulations in respect of geological information in respect of planning application reference 02/04/1415.

- Provide information to address all those matters raised by the Secretary of State in her letter of 16 October 2007 and those matters raised by the Planning Inspector in his report to the Secretary of State dated 30 March 2007.
- Review that information submitted as part of the EIA to planning application reference 02/09/0159 refused by the County Council in January 2010.
- Provide information to address all those issues identified in Schedule 4 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations.
- And the following:

1. A description of the development including in particular:-

- a) A description of the physical characteristics of the whole development and the land use requirements during construction and operational phases.
- b) A clear indication of how the scale of the project differs from previous schemes including the number of caverns to be created and the proposed quantities of gas to be stored.
- c) A description of the main characteristics of the production processes for instance, nature and quantity of the materials used.
- d) An estimate by type and quantity of expected residues and emissions (water, air and soil pollution, noise, light, vibration, heat, radiation etc.) resulting from the operation of the proposed development.

2. An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for the choice taking into account the environmental effects.

3. A description of the aspects of the environment likely to be significantly affected by the development including, in particular, the following matters:

a) Planning Policy and Land Use – the Environmental Statement should include an overview of planning policy relating to the proposals and a detailed examination of policies relevant to the study area. This should include relevant European, national, regional and local policies and emerging policies where appropriate.

b) Water Environment – The ES should address how water will be contained and managed at the site to prevent off site water quality impacts; this should include an evaluation of surface water collection and drainage and any mitigation measures required. It should also include a flood risk assessment to establish the risk of the development to flooding, the potential for it to contribute to off-site local flooding, the risk of ground or surface water contamination in a flood event and any flood protection/mitigation measures required.

c) Land Use – The ES should contain an assessment of the economic/tourism impact in line with the Secretary of States concerns detailed in para 25 of her letter dated 16 October 2007.

d) Landscape and Visual Impact – the landscape and visual impact assessment should be prepared with reference to the following documents as both provide key landscape character information and identify key forces for change at a sub regional level:

- I. A Landscape Strategy for Lancashire (Lancashire County Council 2000).
- II. Landscape and Heritage supplementary Planning Guidance (Lancashire County Council 2006).
- III. Historic Designed Landscapes of Lancashire Research Study, Phase 1, November 1998
- IV. Landscape Character Assessment Guidance for England and Scotland (Countryside Agency and Scottish Natural Heritage, 2002).
- V. Landscape Character assessment Guidance Topic Paper 6: Techniques and Criteria for Judging Sensitivity and Capacity (Countryside Agency and Scottish Natural Heritage, 2004).
- VI. Preparation of Environmental Statement for Planning Projects that require Environmental Assessment – A Good Practice Guide (DETR 1999).

An assessment of the significance of the proposed developments impacts on landscape character should be included in the ES. Furthermore, the impact of the proposed development on the landscape and visual amenities of the Green Belt and Fleetwood Conservation Area should be considered. Mitigation measures should be outlined in line with the Secretary of States concerns, outlined in para 21 of her letter dated 16 October 2007.

The ES should assess the impact on the local highway network including footpaths and bridleways.

The ES should provide coordinates of the viewpoint references and viewpoints should be provided from the Wyre Way, Fleetwood Marsh Nature Park, Fleetwood Conservation Area and the forthcoming REMADE scheme, which would create a new coastal path known as the Wyre Coastal Way. The ES should describe the effects of the development on landscape fabric, landscape character and value and amenity, as well as cumulative effects in combination with the adjacent existing waste water treatment site. Judgements on the significance of potential impacts and mitigation issues should also be included.

The 5-point scale provided in Table 3-3 which would be used to determine landscape/seascape sensitivity is overly subjective and generic. Landscape judgements should be qualified. Indication of the methodology and criteria that would be used to determine the level of scenic quality etc. of a landscape should be provided. The process

should be transparent and use specific landscape sensitivity assessment criteria (using Table 3-3) for the kind of development proposed.

The ES should identify the radius of the proposed study area and zone of visual influence (ZVI). Selected viewpoints should be agreed in advance, as should the means of presentation. The assessment of landscape tranquillity should extend beyond lighting and refer to CPRE tranquillity mapping.

The ES should include an assessment of the proposals impacts on listed and non listed (ref "*Historic Designed Landscapes of Lancashire Research Study, Phase 1, November 1998*", English Heritage and Lancashire County Council) historic designed landscapes (HDL).

e) Ecology and Nature Conservation – The ES should contain the following:

The ecological impact assessment and mitigation/compensation proposals should be based on up-to-date assessments and survey data. It should be demonstrated that all surveys/assessments and mitigation proposals follow recognised guidelines and best practice and take account of current legislation and planning policy.

In addition to the proposed assessment given in the applicant's scoping report, it should be ensured that the following matters are addressed in the Environmental Impact Assessment:

Legislation and Policy - The Environmental Statement (ES) should demonstrate that the requirements of all relevant site protection and species protection legislation will be met including:

- The Conservation of Habitats and Species Regulations 2010.
- The Wildlife and Countryside Act 1981 (as amended).
- The Natural Environment and Rural Communities Act 2006.
- The Protection of Badgers Act 1992.

The ES should demonstrate that the requirements of all relevant national and local planning policies and guidance will be met including:

- Planning Policy Statement 9: Biodiversity and Geological Conservation.
- Government Circular: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact Within The Planning System (DEFRA 01/2005, ODPM 06/2005).
- Lancashire Minerals and Waste Development Framework Policies.

To meet the requirements of the above, it will need to be demonstrated that harm to biodiversity will be prevented and that adequate mitigation/compensation for unavoidable impacts will be provided. It will need to be demonstrated that the proposed development will maintain and enhance biodiversity as well as habitat connectivity.

Data search - The ES should include the results of an up-to-date ecological data search for features of ecological importance such as statutory and non-statutory designated sites, species and habitats of principal importance (NERC Act, 2006), Priority species and habitats of the UK and Lancashire Biodiversity Action Plans, red list species and any locally or nationally rare or scarce species. This should inform the need for additional ecological surveys as well as the design of the development and mitigation/compensation measures.

Habitat assessment - To inform the need for mitigation/compensation the ES should include the results of the Phase 1 habitat survey. This should follow NCC methodology and should be extended to include an assessment of the potential of the various habitats to support specific species groups including protected species and other species of nature conservation significance. Any habitats of Principal Importance (NERC Act, 2006) should be highlighted. The phase 1 habitat survey should also provide details of habitats on adjacent land.

The ES should also include the results of the phase 2 habitat survey. This should cover any semi-natural habitats, habitats of principal importance (NERC Act, 2006) and other features with the potential to support ecologically significant species. It should be demonstrated that this has been carried out at an appropriate time of year. The survey report should include mapped plant communities a full species lists showing relative abundance. Any quadrat data and locations should be included in the ES. A comprehensive assessment of faunal interest should also be included. Any species or habitats of nature conservation significance should be clearly mapped.

Likely impacts on habitats and species will need to be assessed. I recommend that areas of each habitat type that would be lost, damaged, re-established, enhanced or brought into favourable management should be quantified and mapped in order to illustrate that the impacts of the development will be fully off-set and that beneficial biodiversity will be delivered.

Designated sites - The ES should address the possibility of impacts on statutory designated sites and associated special interest features and species populations (e.g. Morecambe Bay SPA & SAC / Wyre Estuary SSSI). Natural England should be consulted on this matter. If the proposed development is likely to

significantly affect a European Site then the determining authority will need to make an appropriate assessment of the implications of the proposal for the site, its conservation objectives and interest features. The determining authority can require the applicant to provide such information as may reasonably be required to undertake the assessment.

The ES should address likely direct or indirect impacts on Biological Heritage Sites or other non-statutory designated sites, for example, ICI Hillhouse Estuary Banks Biological Heritage Site (BHS 34SW06). This should be informed by an up-to-date desk study to ensure that any new sites or changes to site boundaries are given due consideration. It should be demonstrated how impacts on Biological Heritage Sites will be avoided during and after the proposed development e.g. by incorporating buffer zones between Biological Heritage Sites and the proposed working area.

There may also be other nature reserves affected by the proposals. The ES should address the avoidance of impacts on such sites and appropriate mitigation/compensation for unavoidable impacts, which should be informed by an up-to-date ecological assessment. I recommend that Lancashire Wildlife Trust Should be consulted regarding potential impacts on nature reserves in the area.

If it can be demonstrated that impacts on designated sites are unavoidable, then the ES should demonstrate that there will be adequate mitigation/compensation measures to ensure that there will be no net loss of ecological value. Mitigation/compensation proposals should be informed by a comprehensive ecological survey of the areas affected.

Protected Species - The Government circular supporting PPS9 (DEFRA Circular 01/2005) states that "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted" and that "the survey should be completed and any necessary measures to protect the species should be in place, through conditions and/or planning obligations, before the permission is granted".

The ES therefore needs to include up-to-date habitat assessments and survey data for all protected species that could potentially be affected by the proposals. The survey methods used should be detailed in the ES. These should comply with any recognised guidelines e.g. guidelines issued by Natural England.

The ES should demonstrate that relevant species protection legislation will be adhered to and should include mitigation/compensation proposals for unavoidable impacts on such species and their habitats.

The Conservation of Habitats and Species Regulations 2010 state that Local Authorities in the exercise of their functions are obliged to have regard to the requirements of the Habitats Directive. In this respect DEFRA Circular 01/2005 indicates that proposals affecting European protected species need to pass three tests before they are approved by the planning authority:

- the development is of overriding public interest.
- there is no satisfactory alternative;
- populations of the species concerned will be maintained at a favourable conservation status.

If any European Protected Species would be affected (for example, bats, great crested newts or otters), the ES will need to include a method statement, detailing how their populations can be maintained in a favourable conservation status during and after the development, which should include a programme of monitoring. Method statements will need to be informed by adequate data on population size and distribution.

Lancashire County Council records indicate that great crested newts have previously been recorded in the vicinity of the proposed development.

Other species and habitats of ecological significance - The ES should include the results of up-to-date surveys for other species, habitats and features of nature conservation value, an assessment of likely impacts on these and mitigation/compensation for unavoidable impacts. This should include Species and Habitats of Principal Importance, NERC Act 2006 (for example, saltmarsh, intertidal mudflats, open mosaic habitats on previously developed land, rivers, mud habitats in deep water, Purple Rampion-fumitory), priority species and habitats of the UK and Lancashire Biodiversity Action Plans, red list species and any nationally or locally rare or scarce species, for example, Roesel's Bush-cricket and Rock Sea-lavender.

DEFRA Circular 01/2005 states that Habitats and Species of Principal Importance/Biodiversity Action Plan species and habitats may be material considerations in making planning decisions. PPS9 states that planning authorities should refuse permission where harm to such species, or their habitats, would result, unless the need for and benefits of the development clearly outweigh that harm.

Any hedgerows affected by the proposals should be assessed according to the criteria specified in the Hedgerow Regulations 1997 and UK BAP criteria.

If any ponds may be directly or indirectly affected by the proposals then they should be surveyed according to the Lancashire Pond Biodiversity Survey Methodology and assessed against UK BAP criteria in order to inform mitigation/compensation requirements.

All habitats, species and features of nature conservation significance (including protected species described above) should be clearly mapped.

It should be demonstrated how impacts on any of the above species and habitats will be avoided. Mitigation/compensation proposals for unavoidable impacts should be provided.

Ornithological interest - To inform the need for mitigation/compensation I recommend that the ES should include an up-to-date assessment of the ornithological interest of the site, an assessment of potential impacts on bird populations, measures to avoid such impacts and mitigation/compensation proposals for unavoidable impacts. Such surveys and assessments should follow recognised methodologies. Potential impacts on wintering and breeding birds should be addressed. Potential impacts on bird populations associated with the adjacent SPA should be assessed.

Invasive/Injurious Weeds - Surveys for invasive or injurious weeds should be carried out e.g. Japanese knotweed (*Fallopia japonica*) and giant hogweed (*Heracleum mantegazzianum*). If such species are present the ES should include a method statement detailing how the spread of these species will be avoided during the proposed development works and how the species will be eradicated from the site. I recommend that Environment Agency guidelines be followed on this matter.

Habitat connectivity - The ES should include proposals for maintaining and enhancing habitat connectivity within the application area and the wider landscape. Such proposals should be informed by surveys undertaken.

Restoration - The results of surveys undertaken should inform the design of the proposed development and restoration scheme. Restoration proposals should deliver beneficial biodiversity and should aim to contribute to targets specified in the UK and Lancashire Biodiversity Action Plans. Landscaping proposals should comprise only native plant communities appropriate to the locality. Proposed establishment methods, aftercare and long-term management should also be discussed.

Water table/water courses - The ES should include an assessment of likely impacts on the water table, water courses, ground and surface water and the aquatic environment in general. The Environment Agency should be consulted on these matters.

f) Archaeology - Fleetwood Museum should be added to the list of formal consultations proposed in Table 3.3. Add “ ... and any other applicable standards and guidance of the IfA.” To the methodology section of table 3.3. Table B.20 – Grade II Listed Buildings are, by definition, of National Importance. They cannot therefore be included under medium value structures, and must be included under high value assets.

g) Geology, Soils and Contaminated Land – The ES should demonstrate the geology of the area and its ability to support the project, identifying the scale and location of each proposed cavern and associated infrastructure. Faults, grabens, depth and extent of the Preesall Halite should be demonstrated in relation to impurities within the salt, proximity to former workings and relationship to surrounding geology.

The EA should demonstrate the proposed drilling techniques to be employed to ensure the long-term stability of the low-angle sections of the wells, to ensure that any distortion (e.g. as a result of differential settlement) would not lead to fracturing and the consequent escape of gas into relatively shallow strata.

The ES should identify how much reduced in area from the previous proposals the project is, the number of caverns proposed and what amount of gas would be stored. The ES should include the results of brine well surveys and the results of sonar surveys of existing caverns to demonstrate the relationship of the project above and below ground to ensure the stability of above ground infrastructure, most particularly the interconnecting power supply, roadways and interconnecting pipeline to the NTS from Back Lane to the compressor station. Precise topographic monitoring /geomorphology surveys to assess subsidence should be undertaken and the results provided to demonstrate the stability of the ground. A risk assessment for wet rock head extension, gas migration and subsidence of old and new wells should be provided. The position and extent of former mine boundaries should be identified, extended to the surface and an assessment of their stability in relation to the project should be included in the ES. Laboratory mechanical tests on salt and mudstone samples should be carried out and the results included in the ES. The ES should include details of in-situ permeability tests, complete core logging details and the results of lithological appraisal for cavern 18.

All necessary data will be required to support detailed design work and other regulatory applications.

The criteria listed in *Appendix B Significance Criteria (V) Geology and Stability* are solely in relation to “geological resources”, i.e. features of geological interest. The ES should include criteria to be used in assessing potential impacts on the environment of factors of a geological nature such as a failure of cavern or well integrity or the existence of gas migration pathways.

h) Land Quality – The ES should identify any areas of contaminated land within the site and demonstrate that the proposed development would address and remediate any contamination issues.

i) Water Quality and Drainage – The ES should identify the impacts of the development proposals on water quality and drainage, particularly given the proximity of the International, National and local designated sites and protected species.

j) Air Quality – A quantitative assessment of the air quality impacts of the emissions associated with the proposed development, during both the construction and operational phases should be included in the ES. The assessment should address the compliance or otherwise with the requirements of the relevant air quality guidance and legislation and should include assessments at the site as well as sensitive receptors, including Flakefleet Primary School, the caravan park on the B5268 Fleetwood Road and the nearby designated wildlife sites. An assessment of the potential for the site to generate odours and the impacts of those odours should also be included in the ES. The potential for impacts from dust associated with both the construction and operational phases of the development should be included.

k) Noise and Vibration – A noise report should be included in the ES, which establishes baseline levels of noise and assesses the effect the proposal would have on noise levels at suitable sensitive receptors which should include the caravan park on the B5268 Fleetwood Road. The noise assessment should include both the construction and operational phases of the development. Details of levels of noise and tonal characteristics should be included and noise associated with pipeline venting. The noise report should not rely on noise measurements used as part of the previous proposals.

l) Traffic and Transport – The ES should include a traffic and transport assessment to examine the transport implications of the development. This should take into account the length of the construction period and a programme of works in order to fully assess the effect on the highway network and address the effect of traffic once the construction is complete. This should explore all modes of transport and not just concentrate on vehicular movements and should also include a Travel Plan. The assessment should also evaluate the effects of the increase in traffic on the strategic road network, in particular the A585 (T), as well as the impacts on the local road network. As part of the assessment of impacts new traffic data should be compiled rather than just adding growth factors to those figures used in support of previous planning applications.

m) Risk (gas migration/explosion) - a quantified assessment of the level of risk should be conducted including a demonstration that all material impacts or other factors leading to loss or damage to amenity which would adversely affect people, can be eliminated or reduced to acceptable levels including impacts on the Wyre Way and other footpaths

and bridleways. Furthermore a comprehensive investigation of the form, nature and permeability of the overburden strata should also be included. The ES should provide reliable subsidence calculations for land within the proposal area and on adjoining land the subject of former salt winning activities.

n) A detailed need for the development should be provided including the sustainability of the working/disposal of mineral salt.

o) Human Rights – Sufficient information should be provided in the ES to properly assess whether this is an acceptable location for this type of development, to provide justification for affecting the rights of others.

4. A description of the measures envisaged to prevent, reduce and, where possible, offset any significant adverse effects on the environment.
5. A non-technical summary of the information provided in the Environmental Statement.
6. An indication of any difficulties (technical deficiencies or lack of know-how) encountered by the applicant in compiling the required information.



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Mr Simon Butler
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref: NW/Gas
Your ref: 101019_EN030001_300174

17th November 2010

Dear Mr Butler,

**Preesall Saltfield – Proposed underground gas storage facility
Infrastructure Planning (Environmental Impact Assessment) Regulations 2009
Response to request for an Environmental Impact Assessment Scoping Opinion**

Thank you for your letter, dated 14th October 2010, received by us 21st October, regarding this project proposal. Please consider this letter to be the corporate response of English Heritage and we apologise for the delay in submission. Please also note the correct postal address for correspondence as your original letter was directed to the Marine Management Organisation at Fort Cumberland (Portsmouth).

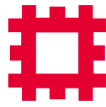
English Heritage is the Government's advisor on all aspects of the historic environment in England. English Heritage is an Executive Non-departmental Public Body sponsored by the Department for Culture, Media and Sport (DCMS) and we report to Parliament through the Secretary of State DCMS. The National Heritage Act (2002) gave English Heritage responsibility for maritime archaeology in the English area of the UK Territorial Sea.

We have based the following comments on *Preesall Underground Gas Storage Facility EIA Scoping Report*, prepared by Hyder Consulting UK Ltd. for Halite Energy Group. We understand that the project will create underground caverns by solution mining for the storage of natural gas with associated surface infrastructure to supply gas into the NTS at periods of high demand, and that an outfall pipeline will also be constructed. We also understand that this consultation exercise follows on from previous Environmental Statements prepared in 2005 and 2009.

FORT CUMBERLAND, EASTNEY, PORTSMOUTH PO4 9LD

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English Heritage recommends that EIA Scoping Reports are tailored to the type, purpose, and level of development under consideration. We therefore recommend that the resultant Environmental Statement should:

- review the objectives of other relevant policies, plans and programmes, with information on synergies or inconsistencies;
- establish the historic environment baseline for the marine and terrestrial areas subject to the proposed development including trends and gaps in data with notes on sources and any problems encountered;
- identify issues and opportunities to promote historic environment information; and
- set out a sustainability appraisal framework as detailed by objectives, indicators and targets inclusive of the historic environment.

In general terms, English Heritage advises that a number of considerations will need to be taken into account within the Environmental Statement; this includes consideration of the impact of the outfall pipe and all ancillary infrastructure at Fleetwood Fish Dock (Seawater Pump Station), the Booster Pump Station and the Gas Compressor Compound.

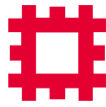
We offer the following comments on the EIA Scoping Report:

- 1 The policy context for this project should include the UK Government and Devolved Administrations' *High Level Marine Objectives* (published in 2009).
- 2 We noted the detail in section 3.5 "Archaeology and Built Heritage" and that information for the Environmental Statements (ESs) prepared in 2005 and 2009 was obtained from local and national curators. We also noted that 'Lancashire Historic Landscape Characterisation Programme Report' had been used to prepare these Environmental Statements. However, to ensure the approach adopted is correctly updated (as and where necessary) we have supplied with this response a copy of the English Heritage Action Plan for the delivery of the European Landscape Convention (product code: 51490; Published 2009). In Table 3-1 we noted mention of a "Construction Environmental Management Plan" and we recommend that this plan is adapted to include historic environment objectives, in agreement with the relevant local authorities and English Heritage.
- 3 We noted that section 3.5 did not address the historic environment as relevant to the proposed outfall pipe and we must direct your attention to the Joint Nautical Archaeological Policy Committee *Code of Practice for Seabed Development* (revised edition 2006) published by The Crown Estate. This guidance document provides an introduction to how EIA (and SEA) are required to consider the marine historic environment. We therefore require the Environmental Statement for this project to obtain from English Heritage's National Monuments Record Centre spatial referenced information on all known seabed wreck and associated archaeological

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importance. In addition to the National Monuments Record Centre, the following information resources should also be used to produce the Environmental Statement:

- Records held by Receiver of Wreck (www.mcga.gov.uk);
- Records of the United Kingdom Hydrographic Office (including historic chart archive);
- Records of known coastal archaeological sites and finds (from Palaeolithic onwards) from the local authority Historic Environment Record (also known as Sites and Monuments Record by some local authorities);
- Comprehensive literature review of relevant development-led marine archaeological projects in the same geographic area; and
- Geophysical and geotechnical data and sample material obtained from site surveys and subject to archaeological analysis and reporting.

With particular reference to the final bullet point, it will also be necessary to commission archaeological interpretation of all available video, geophysical and geotechnical surveys (e.g. sidescan, multibeam bathymetry, sub-bottom seismic data and archaeological logging, sampling and interpretation of core material obtained from boreholes) to achieve a full understanding of the marine historic environment and the nature of any prehistoric submerged environment within the proposed marine development area.

Yours sincerely,

Christopher Pater
Marine Planning Unit

Cc Andrew Davison (English Heritage, North West Region)
Owain Lloyd-James (English Heritage, National Advice)
Allyn Hogg (Marine Management Organisation)



BACKGROUND TO THE ACTION PLAN

The Council of Europe's European Landscape Convention (the 'Florence Convention' – the 'ELC') is the first international instrument devoted exclusively to the protection, management and planning of landscape in its entirety. It was published in 2000 and came into force in England on 1st March 2007.

English Heritage played a significant role in the development, adoption and early implementation of the Convention, both at national and European level. Now, alongside Natural England, English Heritage is a member of the Government's England-wide ELC Implementation Group and of its UK Co-ordination Group.

The English Heritage Action Plan – part of our work for Government under its current programme – is designed to guide our contribution to the further implementation of the Landscape Convention, and to help to ensure that implementation at all levels of government captures the cultural and historical as well as the natural richness of landscape. The aim is to broaden awareness of landscape both within English Heritage and amongst our principal partners in local government.

Landscape policy in the United Kingdom is already closely aligned with the Convention, and before UK ratification a Regulatory Impact Assessment had demonstrated that existing procedures and practice (through the work over many years of government agencies, local government and NGOs such as the National Trust) are compliant with its formal requirements. Government recognises however that implementation can be further strengthened, and this Action Plan sets out ways in which English Heritage will assist government in this task, particularly in recognising the connections between landscape and heritage and in recognising that landscape exists everywhere, in urban and maritime, as well as in rural, contexts.

National implementation of the Convention is led by Defra, the Department for Environment, Food and Rural Affairs. Defra convenes governmental UK and England co-ordination groups, and in England delegates its lead role to Natural England in the context of an overarching strategy – A Framework for Implementation in England – that was drawn up by Natural England and English Heritage. This is designed to frame more detailed action by government departments, agencies local authorities and other non-governmental bodies. In the first instance, Defra asked both English Heritage and Natural England to prepare Action Plans.



The European Landscape Convention The English Heritage Action Plan for Implementation



ENGLISH HERITAGE



defra

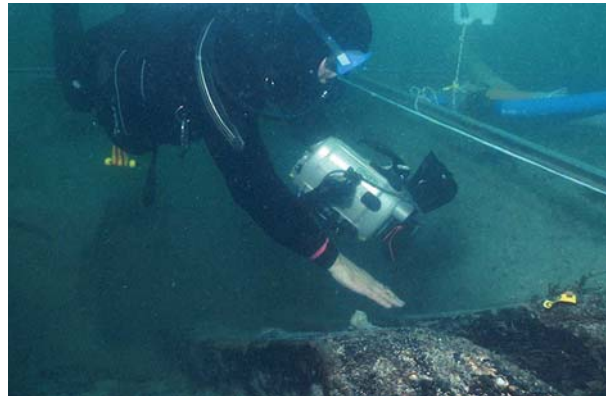
Department for Environment
Food and Rural Affairs



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE



The Government is committed to sustainable development in which archaeology is given appropriate assessment and consideration.



The Code

1 Cultural and Financial Risk Management

Due consideration for archaeological remains must be given at the outset of any proposed marine development. This can be both cost-effective and good for public relations. It has the potential to bring cultural rewards both nationally and internationally because of the special, trans-national nature of maritime heritage. It can also have a cost benefit to the developer by identifying the potential for encountering archaeological remains and associated responsibilities at an early stage. This can reduce the risk of duplication of effort, delays and unforeseen costs.

On a national or regional level, the Strategic Environmental Assessment framework should set the context for the plan or programme and identify archaeological mitigation requirements to be addressed by an Environmental Impact Assessment. Such information will then provide the basis for determining a planning consent by a local authority or other statutory consent by a government department. Other legislation may apply if cultural heritage is to be affected by a development. This will need to be reviewed on a case-by-case basis.



2 Legislative Considerations

A responsible approach to management of the cultural heritage is required under the European Convention on the Protection of the Archaeological Heritage (Valletta Convention) 1992. The Convention, which applies to European States, stipulates that the protection of the cultural heritage must form an integrated component of the planning process from its

3 Consultation and Seeking Advice

Advice should be sought by the developer at the earliest opportunity to assess the potential of proposed developments to disturb the cultural heritage. This will include consultation with local archaeological curators who work with the Historic Environment Records (HER), have access to appropriate expertise and who advise the local regulatory body. In the intertidal



Relevant Legislation, Directives and Guiding Documents

International

UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001 (not ratified by United Kingdom at time of publication, but the Annex is accepted by the Government as 'best practice').

Europe

European Convention on the Protection of the Archaeological Heritage (Valletta Convention) 1992
 European Environmental Impact Assessment Directive 97/11/EC
 European Strategic Environmental Assessment Directive 2000/42/EC

United Kingdom

Protection of Wrecks Act 1973
 Ancient Monuments & Archaeological Areas Act 1979
 Merchant Shipping Act 1995
 Protection of Military Remains Act 1986
 Food and Environment Protection Act 1985
 Dealing in Cultural Objects (Offences) Act 2003

England

National Heritage Act 2002
 Planning Policy Guidance 16 - Archaeology and Planning
 Planning Policy Guidance 20 - Coastal Planning
 Taking to the Water: English Heritage's Initial Policy for the Management of Maritime Archaeology in England, English Heritage 2002

Due consideration for archaeological remains must be given at the outset of any proposed marine development. This can be both cost-effective and good for public relations.

zone, below mean low water and beyond the jurisdiction of local planning authorities, advice will need to be obtained from a national heritage body, such as English Heritage, Historic Scotland, CADW or DOE Northern Ireland. This is a vital part of planning a cost effective and integrated approach to assessing the effects of the development, while identifying ways of avoiding and mitigating damage.

4 Scoping Studies

Scoping studies should be carried out by the developer as an essential step to identify all necessary requirements for efficient appraisal of both the maritime and terrestrial cultural heritage that may be affected by seabed development and their associated works. Professional archaeological advice should be sought to ensure that all legal requirements and those of regulators are met. This will mitigate against and/or forewarn of possible financial implications at a later stage. It is important that all aspects of the development that could affect the cultural heritage are understood by archaeological curators and consultants offering advice. A list of archaeological bodies that are able to offer advice is provided on www.jnapc.org.uk



5 Archaeological Consultancy and Contracting Services

Organisations providing maritime archaeological consultancy and contracting services must be competent, thereby ensuring that archaeological work is carried out in line with established standards. Where archaeological investigations are conducted, the archaeologists will be aware of the potential public relations benefits to developers of publishing their work. Financial or other support from the developer will be recognised in any publicity.



Scotland

National Planning Policy Guideline 5
- Archaeology and Planning
National Planning Policy Guideline 13
- Coastal Planning

Wales

Planning Guidance (Wales): Planning Policy Section 5 - Conserving and Improving Natural Heritage and the Coast
Planning Guidance (Wales): Planning Policy Section 6 - Conserving the Historic Environment
Welsh Office Guidance 60/96 'Planning and the Historic Environment: Archaeology'

Northern Ireland

Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage

Isle of Man

Wreck and Salvage (Ships and Aircraft) Act 1979

Guidance documents

Marine Aggregate Dredging and the Historic Environment: Guidance Note, BMAPA & English Heritage 2003
Coastal Defence and the Historic Environment: English Heritage Guidance 2003
Military Aircraft Crash Sites: Archaeological Guidance, English Heritage 2002
Benchmarks for Field Archaeology Projects, Association of Local Government Archaeological Officers 2005

It is in the interests of all parties that the financial and other risks of unexpected discoveries of archaeological remains/deposits/material are minimised.



6 Assessment of Cultural Heritage

Following a scoping study, a desk-based assessment is the next stage a developer will need to commission to assess archaeological potential. This involves the study of available records and information sources on the known or potential cultural heritage in the area of development. This includes early consultation with the appropriate HER and the National Monuments Record (NMR), and all parties whose activities during the development may inform understanding of the potential for archaeological assets. Information gathered during field investigations should be fed into the desk based assessment. This will result in an evaluation of all information to assess the potential of the cultural heritage in the area of development. This process will inform potential mitigation strategies and any need for further investigations.

7 Field Investigations

It is in the interests of all parties that the financial and other risks of unexpected discoveries of archaeological remains/deposits/material are minimised.



Where developers are undertaking marine surveys as part of their development, using for example geo-physical, geo-technical or visual techniques, it is advantageous for the methodologies and techniques employed to be approved by a curator (or consultant) as being appropriate for an archaeological investigation. The potential for additional survey cost that this might entail is likely to be offset by reduction in the risk of having to re-survey areas where archaeological potential, as revealed by inappropriate techniques, cannot be determined. It is advantageous for fieldwork and desk based assessments to be conducted and reviewed concurrently.

Important Roles in the Development Process

Developer - an organisation proposing or engaged in activities directed to the construction, alteration or renewal of any works in, on or under the seabed and associated activities on dry land, and in the excavation, removal, movement or deposit of materials, substances or articles in, on or under the seabed.

Archaeological Consultant / Contractor - provider of independent archaeological advice or professional archaeological services to guide the developer through, and satisfy the archaeological requirements of, the development process. Curators may be able to provide a list of archaeological consultants and contractors. Developers can obtain details of consultants and contractors from the Institute of Field Archaeologists, English Heritage and local authorities.

Curator - An archaeologist or heritage professional advising a statutory or other formal consultee, who provides advice to regulators on archaeological matters relating to development. They provide general guidance to developers and regulators. The UK heritage bodies provide the function of Curator.

Regulator - an organisation, usually National or Local Government Department or agency, acting to ensure compliance with legislation, directives and established guidance when issuing consents in relation to development.



Where important remains are identified, physical preservation in situ, is required wherever possible, in line with Government policies and international conventions.

causes cumulative effects on archaeological deposits the national curator may advise that the consent includes conditions that require a commitment to monitor the site or area. If changes (e.g. erosion) caused by the development prove to be detrimental to archaeological material, remedial measures need to be undertaken to minimise any loss.

8 Archaeological Mitigation

Where important remains are identified, physical preservation in situ, is required wherever possible, in line with Government policies and international conventions. Mitigation, as detailed in an agreed protocol between developer and curator, may involve the introduction of avoidance zones and/or adapting the area or method of development, which may have few or no financial implications for the developer. Appropriate mitigation may be dictated by conditions imposed within the consents procedure, which the developer would then have to fund. Underwater fieldwork, post-excavation analysis, reporting and conservation of recovered remains need to be properly resourced and can be expensive. However, physical intervention is only required if other options to avoid damage are not possible.



9 Monitoring Disturbance

The responsibility for archaeological material that has been impacted by development does not stop once construction has been permitted and is under way. If a development

10 Retrieved Archaeological Material

Issues of ownership and reporting can be complex so developers may need to seek advice prior to disturbing any artefacts on the seabed. Where archaeological material is disturbed and recovered as a result of development activities, agreements must be put in place for its long-term conservation and management. Developers and any archaeological consultants have a legal responsibility to report discoveries to the Receiver of Wreck, and must seek to deposit any artefacts and records in an appropriate museum as a complete permanent archive for future study. Specialist advice on the conservation of objects is essential and discussions with a suitable museum service should be part of the early planning of any investigation. Copies of all reports and publications must be sent to the relevant local Historic Environment Record and National Monuments Record. Deposition of records allows public use of information relating to their heritage and can help develop education and public understanding, and provide practical demonstration of co-operation between private and public sectors.

Unexpected Discoveries

Discoveries of archaeological material, which can be encountered at any stage in the development process, must be reported promptly to the Receiver of Wreck (of the Maritime and Coastguard Agency) and the national curatorial body responsible to enable appropriate action to be taken. To avoid uncertainty during operations the developer will need to agree contingency plans with the Curator for dealing with unexpected discoveries of objects that have archaeological significance.

Prompt reporting is the constructive course of action and can be of widespread value and interest. However, it is not an end in itself and does not negate the requirement for other processes.

The potential costs and delays of dealing properly with important unexpected discoveries makes it highly desirable for all concerned that any significant remains should as far as possible be identified in advance and left securely in situ.

The British and Marine Aggregate Producers Association and English Heritage have produced a protocol for the reporting of unexpected finds. This is aimed at the marine aggregate industry but offers valuable guidance to all those looking to undertake seabed development; details can be found at: www.wessexarch.co.uk/projects/marine/bmapa/index.html



Credits

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Npower Renewables

The Crown Estate

The Hampshire and Wight Trust
for Maritime Archaeology

The Mary Rose Trust

Wessex Archaeology

D. Still

Trustees of The British Museum

Kester Keighley

Tamara Thomsen

We are grateful to the following organisations, bodies and government departments for their contributions in developing the Code and the principles it sets out.

Members of the JNAPC

Association of Local Government Archaeological Officers (ALGAO), British Sub Aqua Club (BSAC), Council for British Archaeology (CBA), Hampshire and Wight Trust for Maritime Archaeology (HWTMA), Institute of Field Archaeologists (IFA), ICOMOS (UK), Marine Conservation Society (MCS), National Maritime Museum, National Museum and Galleries of Wales, The National Trust, Nautical Archaeology Society (NAS), Professional Association of Diving Instructors (PADI), Shipwreck Heritage Centre, Society for Nautical Research (SNR), Sub-Aqua Association (SAA), Institute of Conservation, Wessex Archaeology, Sarah Dromgoole, Steve Waring, Michael Williams, Robert Yorke.

Observers at the JNAPC

Advisory Committee on Historic Wreck Sites (ACHWS), Welsh Historic Monuments (CADW), The Crown Estate, English Heritage, Environment & Heritage Service (Northern Ireland), Historic Scotland, Maritime & Coastguard Agency (Receiver of Wreck), Ministry of Defence, Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS).

Supporting Organisations

Association of British Ports (ABP), British Marine Aggregate Producers Association (BMAPA), British Ports Association (BPA), British Wind Energy Association (BWEA), Countryside Council for Wales (CCW), DCMS, DEFRA, English Nature, Joint Nature Conservation Committee (JNCC), National Federation of Fishermen's Organisations (NFFO), Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW), Renewable Power Association, Salvage Association, Scottish Trust for Underwater Archaeology, United Kingdom Cable Protection Committee (UKCPC).

This Code is a revision of the JNAPC Code of Practice for Seabed Developers first produced in 1995 and updated in 1998.

This publication has been made possible by The Crown Estate's Marine Stewardship Programme. The fund was established in 1999 to provide support to initiatives and programmes which contribute to the development of best practice, and make a significant contribution to the good management and stewardship of the marine environment.

A copy of this code along with an up to date list of contacts for advice can be found on The Crown Estate website www.thecrownestate.co.uk and the JNAPC website www.jnapc.org.uk.

The sites also contain additional information which may prove useful to potential developers and links to websites of key organisations.

Further copies of this code are available from the JNAPC

Joint Nautical Archaeology Policy Committee, c/o Council for British Archaeology,
St Mary's House, 66 Bootham, York YO30 7BZ

Tel: 01904 671417 Fax: 01904 671384



www.jnapc.org.uk

www.thecrownestate.co.uk

THE EUROPEAN LANDSCAPE CONVENTION

The Convention is the first international instrument to deal with the whole landscape, urban as much as rural, ordinary as much as special, marine as well as terrestrial, cultural as well as natural. English Heritage is already the leading actor for some of these aspects, notably but not exclusively in the urban field. The Convention's underlying philosophy, and its democratic approach to both value and change, is attuned to the "Power of Place" and "Force for our Future" agenda, being focused on the connections between people and place and on the idea of 'heritage everywhere'. It was taken into account in drawing up the English Heritage Conservation Principles (<http://www.english-heritage.org.uk/server/show/nav.9181>), which are in harmony with its core concepts, and it supports English Heritage's overall philosophy of managing change constructively. It promotes landscape as a cultural issue – a matter of perception, an issue of shared common heritage, a 'window' through which people view their world – to be used to incorporate the historic environment into the future.

The Convention's forward-looking approach is concerned with providing the highest quality landscape for future generations, by protecting special landscapes and by managing and enhancing all landscape everywhere. Its definition and scope encompass everyday and degraded landscape as well as outstanding or special areas. It does not offer an exclusively preservationist agenda, but sees that the essence of landscape is its living, changing character, and that landscape is dynamic both physically and in terms of perceptions and opinions. It is spatial planning, place-making and agricultural policy that are likely to be primary delivery mechanisms.

ENGLISH HERITAGE AND THE EUROPEAN LANDSCAPE CONVENTION

English Heritage already carries out a great deal of landscape work across the full spectrum of its activities, from strategy, policy, research and communications to planning, advisory and case work. The Landscape Convention provides us with a new opportunity to coordinate existing work, to present it more coherently and to new audiences and to develop new areas of activity. It will help to align our work more strongly with the work of other government and public bodies and to engage with wider policy areas issues, notably within Culture, Communities and Local Government and Defra agendas. We believe that the Convention offers a mechanism for delivering broad programmes designed to harness the historic environment to social and economic purpose (quality of life and quality of place for everyone) as well as supporting the sustainable management of the historic landscape as a goal in its own right.

Our Action Plan proposes ten broad areas for action over the next 5 years. Through its close correlation with our current Strategic Aims, we see the ELC as offering important opportunities to meet DCMS and English Heritage objectives. For example:

- We will use landscape as a forum for contributing to the management of change everywhere and for helping to shape future places. It gives us the opportunity to treat heritage as more than just the designated highlights but as the full context of peoples' lives, thus expanding our engagement with new, broader and more diverse audiences.
- We will continue to work to strengthen the understanding, management and enhancement of the historic environment, notably through national programmes of Historic Landscape Characterisation (HLC) and the National Mapping Programme (NMP), and through other strategic programmes of research and investigation. In partnership with National Parks and AONBs we will in particular use the Convention to ensure that future 'high quality landscape' will include a legible past.
- We have particular expertise in urban, built and designed landscapes, and will continue to promote their understanding and appreciation, for example through our programme of urban and metropolitan Historic Landscape Characterisation projects, our Historic Area Assessments and our advice to the owners of designed landscapes and parks. We will specifically use the Convention to develop and encourage approaches which promote an integrated understanding of sub-urban, peri-urban and changing rural landscapes.
- We aim to use this Action Plan to promote more recognition of the historic dimension of landscape in the marine zone (for example in new legislation and procedures, and using our existing Historic Seascape work).
- We will use the Convention's approach to landscape as an integrative concept to help to ensure that the historic environment continues to take its place within the wider environmental agenda, and we will define new high level objectives for urban and rural landscape that ensure the adequate recognition of the cultural character of landscape in public policy.
- We will share with others our expertise in landscape (urban and rural, at all levels, from archaeological landscape and architectural area survey to Historic Landscape Characterisation, from landscape management to new design). We will demonstrate the importance of clearly understanding landscape's historic character for delivering informed management and public understanding and enjoyment.



A Gunnerside, Swaledale; © Graham Fairclough

B Warwickshire: medieval ridge and furrow; © David Went

C South Norfolk; © NMR 23281-23

D The River Medway at Upnor, Kent; © NMR 23189-18

E Eggbrough and Dring power stations, Yorkshire; © 17968-004

F Faversham, Kent; © NMR 21655-24

G Week St Mary, Cornwall; © NMR 23650-16

H The M6 in N Lancashire; © Graham Fairclough

I Saltaire, Yorkshire; © NMR 17407-04

J Lindisfame; © David Hooley

K Wind turbine, Norfolk coast; © NMR 23436-32

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N Spadeadam rocket test range, Cumbria; © Roger J C Thomas

O "Spaghetti Junction", the M6 near Birmingham; © NMR 18175-07

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R Duddon estuary iron-workings, Cumbria; © NMR 12981-33

S Downton, Herefordshire; © NMR 23392-08

T Bridport, Dorset; © NMR 23705-04

U North Wessex Downs farmstead; © Graham Fairclough



THE ENGLISH HERITAGE ACTION PLAN 2008-2013 to support implementation of the European Landscape Convention

A ADHERING TO THE PHILOSOPHY OF THE ELC (ELC ARTICLES 1 – 3)

1. Promote and explain English Heritage's ELC-related work through:
 - a) high-level published statements demonstrating how the Heritage Protection and Conservation Principles match and deliver the aspirations of the ELC as set out in its Preamble.
 - b) a promotional publication aimed at a wide professional and public audience to showcase recent and current English Heritage landscape work and achievements
 - c) the promotion of understanding and use of ELC definitions and scope (Articles 1 and 2) across English Heritage, the heritage sector and English Heritage partners

B MEETING THE ELC'S GENERAL PROVISIONS (ELC ARTICLES 4, 5 AND 6)

2. Be a centre of excellence for the historic dimension of landscape in town and country, and in the marine zone (policy and strategy formulation, research and outreach to monitoring, planning and management). Develop policy, methods and practice to contribute to the understanding, protection, management and planning of landscape, building on our existing leadership in landscape survey, assessment and characterisation, and promote historic landscape in legislation, PPS and the policies of other organisations.

C CONTRIBUTING TO NATIONAL LANDSCAPE POLICIES (ELC ARTICLES 5 B –D)

3. Establish English Heritage policy position:
 - define and publicise English Heritage's high-level objectives, policies and actions for landscape, including but not restricted to protected areas;
 - produce a landscape agreement with key partners.
4. Investigate ways to facilitate public participation in landscape, within the limits of available financial resources, either directly or through local government partners, and including English Heritage engagement with NGOs, for example representation on groups such as the ICOMOS/IUCN Landscape Group.
5. Encourage the integration of landscape approaches in all areas of government policy by lobbying, persuasion and example.

D IMPLEMENTING SPECIFIC MEASURES FOR HISTORIC ASPECTS OF LANDSCAPE (ELC ARTICLES 6A – D)

6. Awareness-raising – use the ELC as an opportunity and context to expand public initiatives to promote the historic environment at landscape level.
7. Training and education – integrate the ELC concept of landscape into English Heritage training and related initiatives.
8. Identification and assessment of landscape
 - complete and strengthen English Heritage landscape characterisation and related programmes, including integration with other English Heritage landscape-scale research
 - further develop monitoring of the state of the historic environment by developing the Heritage at Risk and other initiatives and integrate their results with wider landscape monitoring such as Countryside Quality Counts.
 - work closely with Natural England to update the national 'Landscape Character Areas'.
9. Investigate how to define Landscape Quality Objectives in terms of their historic value and character.

E EXPANDING OUR INFLUENCE BY WORKING WITH PARTNERS (ELC ARTICLES 3 – 5, 6E, 7 – 9, 11)

10. Aim to deliver the ELC's aspirations for landscape (because it embraces all disciplines and interests) as an integrative force for inter-disciplinary holistic collaboration:
 - work with Defra & Natural England to deliver and monitor the England Implementation Framework and to contribute to UK co-ordination, including support for the UK ELC Landscape Award,
 - collaborate with CLG on spatial planning and landscape, notably in urban and Housing Growth areas
 - develop programmes to facilitate pan-European co-operation, through Council of Europe and EU networks, and in the context of the European Forum of Heritage Directors
 - support capacity building to assist local government contribution to implementation

THE ENGLISH HERITAGE ACTION PLAN FOR THE EUROPEAN LANDSCAPE CONVENTION

The Action Plan takes its place alongside that of Natural England in the context of Defra's Framework for Implementing the Convention in England. It follows the structure of the Convention's Articles but is selective in which aspects will receive priority in these early years to about 2013 or so. Principally, the Plan seeks to capitalise on English Heritage's existing strengths in this field, to reflect our Strategic Aims and to support Defra's aims. The choice of areas for action highlights the distinctive and in some cases unique contributions that English Heritage can make: to understanding (where we already have considerable body of expertise), capacity building and training (especially in the context of the post-HPR situation) and public participation (to build on our expertise in education and inclusion in the light of, for instance, Power of Place).

They are collated under five headings that follow the main Articles of the Convention itself:

- A Adhering to the philosophy of the ELC
- B Meeting the ELC's General Provisions
- C Contributing to national landscape policy
- D Developing specific measures to promote the historic aspects of landscape
- E Working with partners

They are also correlated with English Heritage's Strategic Aims, and of course have a direct relationship to the five targets identified by Defra in its Framework for Implementation in England:

- Improving performance within the current legal and regulatory frame
- Influencing future legislation, regulation and advice
- Improving understanding of landscape character and dynamics, monitoring change and trends
- Engaging people (awareness and understanding activities, promotion, education & training)
- Sharing experiences and best practice.

The European Landscape Convention offers a vision and a strategy for landscape that does not belong only to national government or its agencies. It is addressed also to all levels of government but equally importantly to civil society as a whole.

English Heritage, like Natural England, has prepared its Action Plan to guide its own contribution to implementing the Convention, but we encourage others organisations or groups – non-governmental, professional, business and community-based – to consider preparing strategies or plans for their own activities in this field.



V Williamson Monument, Lancaster; © NMR 17103-17



W Docklands; © Graham Fairclough

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EQUALITIES IMPACT ASSESSMENT

Public bodies are legally required to ensure that their plans, policies and activities do not unfairly discriminate against a group protected by equalities legislation. It is the responsibility of those public bodies for whom we provide advice to ensure that they have conducted any relevant Equalities Impact Assessment that may be required when implementing the advice of English Heritage.

FURTHER INFORMATION

Visit: www.helm.org.uk

www.english-heritage.org.uk/characterisation

<http://www.defra.gov.uk>

The full text of the Convention (with its Explanatory Memorandum and Operational Guidelines) can be found on the Council of Europe website at <http://www.coe.int/t/dg4/cultureheritage/conventions/Landscape>

There is a link from the following web page, which also includes related information: <http://www.landscapecharacter.org.uk>

Published by English Heritage February 2009.

Product Code: 51490

www.english-heritage.org.uk



Maritime Cultural Heritage & Seabed Development

JNAPC Code of Practice for Seabed Development

Joint Nautical Archaeology Policy Committee

Maritime Cultural Heritage & Seabed Development

JNAPC Code of Practice for Seabed Development

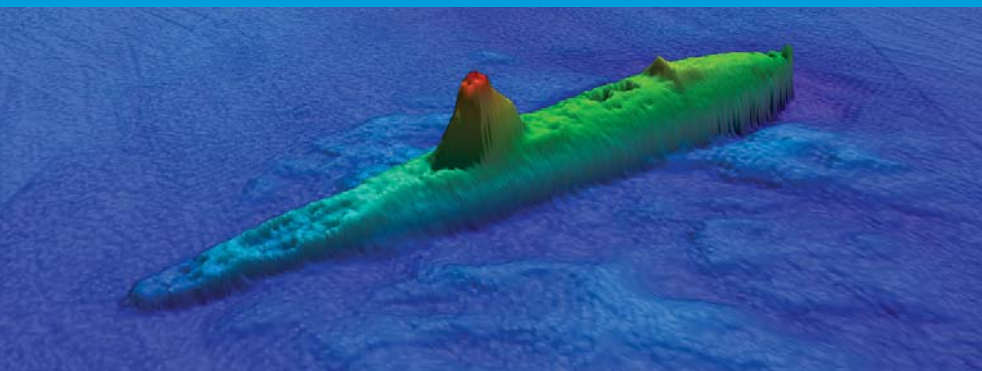


“At The Crown Estate we are enthusiastic about our maritime heritage and sustainable new uses of our seas. So we are delighted to support the publication of this new version of the JNAPC Code through our Marine Stewardship Programme. It will be an essential guide for all those who, like us, are committed to reconciling the past, the present and the future of the marine environment.”

**Roger Bright, Chief Executive,
The Crown Estate**

“The generic guidance provided in this updated version of the JNAPC Code represents an excellent starting point for all potential developers looking to undertake activities on the seabed. The marine aggregate sector is aware of the potential impacts its activities may have on our maritime heritage and the importance of increasing our understanding of this important cultural resource. BMAPA has already developed a specific Guidance Note for marine aggregate extraction and the marine historic environment in association with English Heritage. We have also recently introduced a protocol for the reporting of archaeological finds on ships and wharves. We would strongly encourage other sectors to adhere to the Code and follow the example set by the marine aggregates industry.”

**Mark Russell,
British Marine Aggregate
Producers Association**



The objective of the Code is to present an overview of procedures for consultation and co-operation between seabed developers and marine archaeologists.



Purpose of the Code

The objective of the Code is to present an overview of procedures for consultation and co-operation between seabed developers and marine archaeologists. It is designed to help facilitate a smooth and cost effective process. It describes the top-level relationships that will ensure a best practice model for development both within and beyond the remit of the formal Environmental Impact Assessment (EIA) process. Where more detailed sources of information on standards and guidance for specific operations are sought, signposts are provided. While the general principles can be applied throughout the UK, specific arrangements for consultation may vary between England, Northern Ireland, Scotland, Wales, the Isle of Man and the Channel Islands.

Significance of the Maritime Cultural Heritage

The sea, seabed and foreshore of northern Europe and the British Isles has been exploited by humans for over half a million years. Lands extending across the continental shelf were

witness to recurring occupation by ancient peoples before rising waters repeatedly inundated the landscape. Watercraft from prehistory to the present day enabled travel across these evolving waterways but many thousands of vessels never completed their journeys.

Investigation of submerged and buried land surfaces, settlements, boats, aircraft, ships, harbours and quays can open windows to a past that would be lost if their archaeological remains go unrecorded. Increased understanding of cultural material from both the intertidal zone and deep water can feed directly into heritage and education initiatives and plays an important role within the planning system. Once destroyed, these important archaeological remains are lost forever and the nation has a responsibility to preserve these intact, or by record, for current and future generations.

The Government is committed to sustainable development in which archaeology is given appropriate assessment and consideration. Within this context there is a responsibility upon the developer to protect the UK's coastal and marine historic assets which may remain as archaeological material. This Code, jointly developed by marine archaeologists and industry, provides a framework within which the protection of these assets as part of our cultural heritage, and the legitimate interests of maritime development can be reconciled.

Maritime Cultural Heritage

International

"It is important to acknowledge the importance of underwater cultural heritage as an integral part of the cultural heritage of humanity and a particularly important element in the history of peoples, nations, and their relations with each other concerning their common heritage" (UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001)

Europe

Cultural heritage comprises "all remains and objects and any other traces of mankind from past epochs... The archaeological heritage shall include structures, constructions, groups of buildings, developed sites, moveable objects, monuments of other kinds as well as their context, whether situated on land or under water" (European Convention on the Protection of the Archaeological Heritage (Valletta Convention) 1992)

National

The National Heritage Act 2002 enabled English Heritage to assume responsibility for maritime archaeology in English coastal waters, modifying its functions to include securing the preservation of ancient monuments in, on, or under the seabed, and promoting the public's enjoyment of, and advancing their knowledge of ancient monuments, in, on, or under the seabed.



IPC

10 DEC 2010

REF:

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E-Mail: planning@wyrebc.gov.uk

Garry Payne BA (Hons), MRTPI
Director of Planning and
Regeneration

Please ask for: David Thow
Telephone No: 01253 887287
e-mail: dthow@wyrebc.gov.uk

Our Ref: Halite - IPC

Your Ref: 101019_EN030001_300173

For the attention of Simon Butler

Date: 6 December 2010

Dear Mr Butler

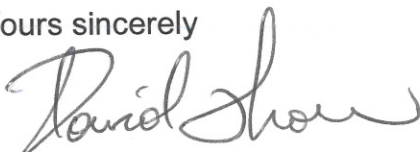
Proposed Preesall Saltfield Underground Gas Storage Facility (the Project)
Halite Energy Group (the Applicant)
Infrastructure Planning (Environmental Impact Assessment) Regulations 2009 SI
2263 (the EIA Regulations)

I write further to your letter of 19 October 2010 in respect of the above, and thank you for inviting Wyre Borough Council to comment on the information to be provided in an environmental statement relating to the project in accordance with the EIA Regulations. I apologise for the lateness of this response, a copy of which has already been forwarded directly to Andrew Saunders (Hyder Consulting), who has confirmed that the comments will be taken into account by them.

Wyre Borough Council has also had sight of the comments submitted by Lancashire County Council by letter dated 16 November and can confirm that it agrees with those comments. The separate comments of Wyre Borough Council are attached and are authorised by the Director of Planning and Regeneration, Garry Payne, under delegated powers granted to him by the council's Constitution.

If you have any questions regarding the council's comments, please do not hesitate to contact me.

Yours sincerely



David Thow
Head of Development Management

Halite Energy Group gas storage proposal.

After reviewing the scoping document and the comments already provided by LCC Wyre BC has the following to add.

These comments are made on behalf of the council by Garry Payne, Director of Planning and Regeneration, under delegated powers granted by the council's Constitution.

Noise & Vibration

The previous study under taken in 2007/08 had a number of errors identified in comments forwarded by Wyre BC to LCC in December 2009. It is therefore necessary to undertake a further study of the baseline noise levels for the proposal and re-consider the impact of the development on the surrounding area, as suggested in the LCC response letter dated the 11th November 2010.

Wyre BC do not hold any background noise data for the area in question and so a full study will have to be carried out at the nearest noise sensitive properties along the proposed pipeline route and around the installation. It is strongly suggested that the full scope of this study be agreed with Wyre BC prior to commencement, particular areas that must be included will be the caravan park at Stanah, the new residential development at Fleetwood Docks, the caravan parks on the B5268, in addition to any residential or sensitive use properties in the vicinity.

All acoustic reports should conform to BS 7445,

Further conversations will be needed to identify each of the noise sensitive properties along the route and agree on measurement locations, including quiet areas. Noise during the construction, operation and decommissioning of the development will need to be considered including noise & vibration from any pipelines, pumps during etc.

The scoping document mentions that the most sensitive time period is likely to be at night time for the operational phase. This may not be the case if day-time background levels are very low, and this will need to be considered following the measurement of the baseline noise levels.

Air Quality

The scoping document for the air quality assessment is in large adequate, further monitoring of dust emissions during construction will be required along with details of all mitigation measures to be employed.

New traffic flow data will be required to confirm the assessment on all affected roads, some monitoring of PM₁₀ levels & Dust would be beneficial. An odour assessment would be required unless evidence to the contrary is provided. Along with full details of any emissions from the vent stacks, dehydration incinerators etc.

Signed



Garry Payne
Director of Planning and Regeneration

Date: 10th Nov 2010

Ref: IM/CH/10/01

IPC

17 NOV 2010

REF:

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Simon Butler
Infrastructure Planning commission
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Telephone: 01253 306509
Fax: 01253 306977

lan.mcmanus@bfwhospitals.nhs.uk

Your Ref: 101019_EN030001_300173

Re: Proposed Preesall Saltfield Underground Works Gas Storage Facility

Dear Mr Butler

Further to your written correspondence regarding the proposed application from Halite Energy Group, I wish to raise concerns about the proposed works due to its close proximity to Rossall Hospital.

Rossall Hospital is part of Blackpool Fylde & Wyre Hospitals NHS Foundation Trust, situated by the sea front at Fleetwood and accommodates rehabilitation patients. Due to the nature of the services provided at this unit it is imperative that access is maintained at all times and that noise, vibration, dust and odour are kept to a minimum.

To this end may I kindly request that the Trust are kept continuously informed of any environmental impact assessment associated with the proposed building development in particular how it will be planned, programmed and executed. Furthermore, we would welcome any information on the measures you are going to implement to maintain access and keep noise vibration, dust and odour levels to a minimum.

Yours sincerely



Ian McManus
Assistant Director of Facilities

CC: Eric Wright Construction

From: [Wendy Dalton](mailto:Wendy.Dalton@jncc.gov.uk)
To: ipcscopingopinion@infrastructure.gsi.gov.uk;
Subject: Presall Underground Gas Storage
Date: 23 November 2010 12:10:44

The Joint Nature Conservation Committee (JNCC) is the statutory adviser to Government on UK and international nature conservation. JNCC co-ordinates nature conservation advice at a UK level and advises UK Government on scientific and policy matters relating to nature conservation internationally. Within each UK country the separate statutory bodies are responsible for nature and landscape conservation these being: Natural England (NE), Countryside Council for Wales (CCW), Scottish Natural Heritage (SNH) and the Council for Nature Conservation and the Countryside, Northern Ireland (CNCCNI).

JNCC has responsibility for the provision of nature conservation advice in the offshore area. 'Offshore' is defined as beyond 12 nautical miles (nm) from the coastline to the extent of the United Kingdom Continental Shelf (UKCS). Within territorial limits (<12 nm) nature conservation advice is the responsibility of the relevant country agencies.

This development proposal is not located within the offshore area, does not have any potential offshore nature conservation issues and is not concerned with nature conservation at a UK level; therefore JNCC does not have any comments to make on the consultation.

With kind regards

Yours sincerely

Mrs Wendy Dalton
Business Information Officer
JNCC
Monkstone House
City Road
Peterborough
PE1 1JY

Tel: 01733 866884
E-mail: wendy.dalton@jncc.gov.uk

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The Joint Nature Conservation Committee (JNCC) is the statutory adviser to

Government on UK and international nature conservation, on behalf of the Council for Nature Conservation and the Countryside, the Countryside Council for Wales, Natural England and Scottish Natural Heritage. Its work contributes to maintaining and enriching biological diversity, conserving geological features and sustaining natural systems.

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Correspondents should note that all communications to Department for Communities and Local Government may be automatically logged, monitored and/or recorded for lawful purposes.

Our ref: DC9194

Date: 18/11/2010

Dear Mr Butler,

MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007: SCOPING OPINION – Preesall Underground Gas Storage Facility.

I am writing in reply to your request dated 19th October 2010 for a formal scoping opinion in accordance with the Marine Works (Environmental Impact Assessment) Regulations 2007.

The Marine Works (EIA) Regulations 2007 apply to activities needing regulatory approval under Part II of the Food and Environment Protection Act 1985 (FEPA) or under section 34 of the Coast Protection Act 1949 (CPA). These Regulations transpose the provisions of the EIA Directive (97/11/EC) into UK law. As this proposal is likely to need both a FEPA licence and CPA consent these Regulations must be applied.

The objective of the EIA scoping procedure is to seek agreement from all key stakeholders on the assessment methodologies, including the scope of issues to be addressed and the method of assessment to be used during the EIA process. The exercise allows consultees to have an early input into the EIA process and to supply information that could be pertinent for the Environmental Statement.

As part of the scoping process, we have consulted our scientific advisers at the Centre for Environment, Fisheries and Aquaculture Science (CEFAS), our district MMO office and English Heritage. In reaching a conclusion, full regard has been paid to their responses and to the information you provided in the Scoping Consultation Document.

I enclose with this letter a statement, which sets out the screening and scoping opinion. I am copying this to those I have consulted with on the proposal.

I've also attached English Heritage comments.

Should you have any queries please do not hesitate to contact me.

Yours sincerely

Elaine Catherine Young
Marine Consents Case Officer

MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007: SCOPING OPINION

Proposal

Proposed Underground Gas Storage Facility.

The Project includes the following key elements:

- Gas Storage Caverns
- Water Washing Infrastructure
- Gas Infrastructure
- Road Infrastructure
- Other above ground developments

Location

Preesall Underground Gas Storage Facility at Fleetwood by Halite Energy Group.

IPC has presented an Environmental Scoping Report to the Marine Management Organisation, pursuant to the Marine Works (EIA) Regulations 2007. The proposed scope of the Environmental Impact Assessment was detailed in Chapter 3.

Scoping Opinion

The Marine Management Organisation recommends that the following aspects are also considered during the Environmental Impact Assessment and included in any resulting Environmental Statement.

- Fleetwood Fish Docks have been identified as the source of water for the washing of the underground caverns. Section 1.2.26 of the scoping report states that 'the amount of water required is very large' such that the use of freshwater is an 'environmentally unviable option'. Is the quantity of water to be extracted from the fish docks so large that it could impact on navigation and access within the port for the larger fishing vessels?
- Section 1.2.32 refers to the outfall for the saturated brine from the washed out caverns situated 2.3km offshore. There are number of issues associated with this aspect of the development that I would suggest need further clarification.
 - o How toxic is the saturated brine, and what are the implications of its release at different times of the year (e.g. around periods of spawning for particular fish species)?
 - o Over what sort of period will the brine be released and what are the cumulative effects of such a release?
 - o What are the flow rates, and what are the arrangements for screening of intakes/outfalls?

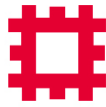
- Does the position of the outfall impinge on any fishing/ spawning/ nursery grounds/ sensitive habitats?
 - What is the quantity of brine to be released?
 - What is the radius around the outfall over which marine life will be impacted? Are some species particularly susceptible to the saturated brine?
 - What are the implications of current patterns etc. 2.3km is not all that far offshore, so is there any potential for the brine to be carried closer in shore in particular tides or weather conditions? What suspended solids are coming with the brine?
- Presumably the development will require vessels to access the site. Will this impact on the dredging operation in the Wyre estuary? Any environmental implications should be considered both in terms of the dredging operation itself, and also the disposal of the dredged material (i.e. the impacts of the increased quantity of dredged material on the disposal sites).
 - The position of the site could impact directly on small-scale inshore fishers targeting shrimp in the estuary itself. Any direct impacts on such fisheries would need further investigation. Displacement of fishing activity should also be considered in respect of the outfall pipe, both in the construction and operational phase.
 - Is the outfall site near any sand/ gravel extraction sites?
 - Impacts on the local plaice fishery, SACs (Lune Deep and Shell Flat), congestion of navigation would need to be considered, as would any impact on the MCZ designation
 - The report outlines how they intend to undertake the impact assessment of the proposed works and generally this seems adequate but there is no detail as to what the surveys/desk based studies have found, making it difficult to comment. It is even difficult to say if our earlier scoping advice (29th October 2008) has been incorporated.
 - The report states that a desk based study and fieldwork has been undertaken for the Marine benthic ecology and habitats under Ecology and Nature Conservation heading (3.6). However, no details are provided on what was undertaken. Further information is needed to ascertain if the marine surveys are adequate enough or if the desk based study has covered all aspects required. Also I have some reservations about the date when the survey was undertaken, nine years ago. More recent evidence suggests surveys to be used in EIA and in other similar situations should be no older than five years. I am concerned that the habitats and ecology of the areas surveyed would have changed since that time.
 - The report makes reference to noise and vibration but does not include any potential impacts on marine species as a result of the proposed works. This was highlighted in previous advice Cefas has given (29th October 2008). Consideration should be given to marine species as well as land-based species.
 - Clearly the brine discharge has the potential to cause an impact, at the very least at a local level. This will need adequate plume modelling to be undertaken and the risk of

such a plume on marine species, such as fish, shellfish and protected species, including those on the OSAPR List of Threatened and Declining Species and Habitats. This aspect of the works is not clear in the scoping report.

- The plume and the construction/operation of the proposed project will have possible implications for local fishermen in the area and this should be included. Liaison with local fishermen may prove useful. The construction and decommissioning, and to a lesser extent the operation, of the project will also have implications for all marine users and this will need to be addressed.
- The Environment Agency will be able to comment on issues pertaining to water quality and the Water Framework Directive.
- The report provides little detail on what the surveys and desk based studies have found, making it difficult to comment. However, the methods employed to assess possible impact are adequate. Nevertheless, my concern is areas may be missed from the EIA due to lack of detail at this stage.

Conclusion

The items highlighted in this opinion should be considered in the Environmental Impact Assessment process and the outcome of these suggestions should be apparent in the subsequent Environmental Statement. However, this statement should not be seen as a definitive list of all Environmental Impact Assessment requirements and other subsequent work may prove necessary.



ENGLISH HERITAGE

Mr Simon Butler
Infrastructure Planning Commission
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref: NW/Gas
Your ref: 101019_EN030001_300174

17th November 2010

Dear Mr Butler,

**Preesall Saltfield – Proposed underground gas storage facility
Infrastructure Planning (Environmental Impact Assessment) Regulations 2009
Response to request for an Environmental Impact Assessment Scoping Opinion**

Thank you for your letter, dated 14th October 2010, received by us 21st October, regarding this project proposal. Please consider this letter to be the corporate response of English Heritage and we apologise for the delay in submission. Please also note the correct postal address for correspondence as your original letter was directed to the Marine Management Organisation at Fort Cumberland (Portsmouth).

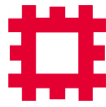
English Heritage is the Government's advisor on all aspects of the historic environment in England. English Heritage is an Executive Non-departmental Public Body sponsored by the Department for Culture, Media and Sport (DCMS) and we report to Parliament through the Secretary of State DCMS. The National Heritage Act (2002) gave English Heritage responsibility for maritime archaeology in the English area of the UK Territorial Sea.

We have based the following comments on *Preesall Underground Gas Storage Facility EIA Scoping Report*, prepared by Hyder Consulting UK Ltd. for Halite Energy Group. We understand that the project will create underground caverns by solution mining for the storage of natural gas with associated surface infrastructure to supply gas into the NTS at periods of high demand, and that an outfall pipeline will also be constructed. We also understand that this consultation exercise follows on from previous Environmental Statements prepared in 2005 and 2009.

FORT CUMBERLAND, EASTNEY, PORTSMOUTH PO4 9LD

Telephone 023 9285 6735 Facsimile 023 9285 6701 www.english-heritage.org.uk

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English Heritage recommends that EIA Scoping Reports are tailored to the type, purpose, and level of development under consideration. We therefore recommend that the resultant Environmental Statement should:

- review the objectives of other relevant policies, plans and programmes, with information on synergies or inconsistencies;
- establish the historic environment baseline for the marine and terrestrial areas subject to the proposed development including trends and gaps in data with notes on sources and any problems encountered;
- identify issues and opportunities to promote historic environment information; and
- set out a sustainability appraisal framework as detailed by objectives, indicators and targets inclusive of the historic environment.

In general terms, English Heritage advises that a number of considerations will need to be taken into account within the Environmental Statement; this includes consideration of the impact of the outfall pipe and all ancillary infrastructure at Fleetwood Fish Dock (Seawater Pump Station), the Booster Pump Station and the Gas Compressor Compound.

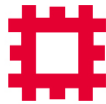
We offer the following comments on the EIA Scoping Report:

- 1 The policy context for this project should include the UK Government and Devolved Administrations' *High Level Marine Objectives* (published in 2009).
- 2 We noted the detail in section 3.5 "Archaeology and Built Heritage" and that information for the Environmental Statements (ESs) prepared in 2005 and 2009 was obtained from local and national curators. We also noted that 'Lancashire Historic Landscape Characterisation Programme Report' had been used to prepare these Environmental Statements. However, to ensure the approach adopted is correctly updated (as and where necessary) we have supplied with this response a copy of the English Heritage Action Plan for the delivery of the European Landscape Convention (product code: 51490; Published 2009). In Table 3-1 we noted mention of a "Construction Environmental Management Plan" and we recommend that this plan is adapted to include historic environment objectives, in agreement with the relevant local authorities and English Heritage.
- 3 We noted that section 3.5 did not address the historic environment as relevant to the proposed outfall pipe and we must direct your attention to the Joint Nautical Archaeological Policy Committee *Code of Practice for Seabed Development* (revised edition 2006) published by The Crown Estate. This guidance document provides an introduction to how EIA (and SEA) are required to consider the marine historic environment. We therefore require the Environmental Statement for this project to obtain from English Heritage's National Monuments Record Centre spatial referenced information on all known seabed wreck and associated archaeological

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importance. In addition to the National Monuments Record Centre, the following information resources should also be used to produce the Environmental Statement:

- Records held by Receiver of Wreck (www.mcga.gov.uk);
- Records of the United Kingdom Hydrographic Office (including historic chart archive);
- Records of known coastal archaeological sites and finds (from Palaeolithic onwards) from the local authority Historic Environment Record (also known as Sites and Monuments Record by some local authorities);
- Comprehensive literature review of relevant development-led marine archaeological projects in the same geographic area; and
- Geophysical and geotechnical data and sample material obtained from site surveys and subject to archaeological analysis and reporting.

With particular reference to the final bullet point, it will also be necessary to commission archaeological interpretation of all available video, geophysical and geotechnical surveys (e.g. sidescan, multibeam bathymetry, sub-bottom seismic data and archaeological logging, sampling and interpretation of core material obtained from boreholes) to achieve a full understanding of the marine historic environment and the nature of any prehistoric submerged environment within the proposed marine development area.

Yours sincerely,

Christopher Pater
Marine Planning Unit

Cc Andrew Davison (English Heritage, North West Region)
Owain Lloyd-James (English Heritage, National Advice)
Allyn Hogg (Marine Management Organisation)



The European Landscape Convention The English Heritage Action Plan for Implementation



ENGLISH HERITAGE



defra

Department for Environment
Food and Rural Affairs



COUNCIL OF EUROPE
CONSEIL DE L'EUROPE





BACKGROUND TO THE ACTION PLAN

The Council of Europe's European Landscape Convention (the 'Florence Convention' – the 'ELC') is the first international instrument devoted exclusively to the protection, management and planning of landscape in its entirety. It was published in 2000 and came into force in England on 1st March 2007.

English Heritage played a significant role in the development, adoption and early implementation of the Convention, both at national and European level. Now, alongside Natural England, English Heritage is a member of the Government's England-wide ELC Implementation Group and of its UK Co-ordination Group.

The English Heritage Action Plan – part of our work for Government under its current programme – is designed to guide our contribution to the further implementation of the Landscape Convention, and to help to ensure that implementation at all levels of government captures the cultural and historical as well as the natural richness of landscape. The aim is to broaden awareness of landscape both within English Heritage and amongst our principal partners in local government.

Landscape policy in the United Kingdom is already closely aligned with the Convention, and before UK ratification a Regulatory Impact Assessment had demonstrated that existing procedures and practice (through the work over many years of government agencies, local government and NGOs such as the National Trust) are compliant with its formal requirements. Government recognises however that implementation can be further strengthened, and this Action Plan sets out ways in which English Heritage will assist government in this task, particularly in recognising the connections between landscape and heritage and in recognising that landscape exists everywhere, in urban and maritime, as well as in rural, contexts.

National implementation of the Convention is led by Defra, the Department for Environment, Food and Rural Affairs. Defra convenes governmental UK and England co-ordination groups, and in England delegates its lead role to Natural England in the context of an overarching strategy – A Framework for Implementation in England – that was drawn up by Natural England and English Heritage. This is designed to frame more detailed action by government departments, agencies local authorities and other non-governmental bodies. In the first instance, Defra asked both English Heritage and Natural England to prepare Action Plans.

THE EUROPEAN LANDSCAPE CONVENTION

The Convention is the first international instrument to deal with the whole landscape, urban as much as rural, ordinary as much as special, marine as well as terrestrial, cultural as well as natural. English Heritage is already the leading actor for some of these aspects, notably but not exclusively in the urban field. The Convention's underlying philosophy, and its democratic approach to both value and change, is attuned to the "Power of Place" and "Force for our Future" agenda, being focused on the connections between people and place and on the idea of 'heritage everywhere'. It was taken into account in drawing up the English Heritage Conservation Principles (<http://www.english-heritage.org.uk/server/show/nav.9181>), which are in harmony with its core concepts, and it supports English Heritage's overall philosophy of managing change constructively. It promotes landscape as a cultural issue – a matter of perception, an issue of shared common heritage, a 'window' through which people view their world – to be used to incorporate the historic environment into the future.

The Convention's forward-looking approach is concerned with providing the highest quality landscape for future generations, by protecting special landscapes and by managing and enhancing all landscape everywhere. Its definition and scope encompass everyday and degraded landscape as well as outstanding or special areas. It does not offer an exclusively preservationist agenda, but sees that the essence of landscape is its living, changing character, and that landscape is dynamic both physically and in terms of perceptions and opinions. It is spatial planning, place-making and agricultural policy that are likely to be primary delivery mechanisms.

ENGLISH HERITAGE AND THE EUROPEAN LANDSCAPE CONVENTION

English Heritage already carries out a great deal of landscape work across the full spectrum of its activities, from strategy, policy, research and communications to planning, advisory and case work. The Landscape Convention provides us with a new opportunity to coordinate existing work, to present it more coherently and to new audiences and to develop new areas of activity. It will help to align our work more strongly with the work of other government and public bodies and to engage with wider policy areas issues, notably within Culture, Communities and Local Government and Defra agendas. We believe that the Convention offers a mechanism for delivering broad programmes designed to harness the historic environment to social and economic purpose (quality of life and quality of place for everyone) as well as supporting the sustainable management of the historic landscape as a goal in its own right.

Our Action Plan proposes ten broad areas for action over the next 5 years. Through its close correlation with our current Strategic Aims, we see the ELC as offering important opportunities to meet DCMS and English Heritage objectives. For example:

- We will use landscape as a forum for contributing to the management of change everywhere and for helping to shape future places. It gives us the opportunity to treat heritage as more than just the designated highlights but as the full context of peoples' lives, thus expanding our engagement with new, broader and more diverse audiences.
- We will continue to work to strengthen the understanding, management and enhancement of the historic environment, notably through national programmes of Historic Landscape Characterisation (HLC) and the National Mapping Programme (NMP), and through other strategic programmes of research and investigation. In partnership with National Parks and AONBs we will in particular use the Convention to ensure that future 'high quality landscape' will include a legible past.
- We have particular expertise in urban, built and designed landscapes, and will continue to promote their understanding and appreciation, for example through our programme of urban and metropolitan Historic Landscape Characterisation projects, our Historic Area Assessments and our advice to the owners of designed landscapes and parks. We will specifically use the Convention to develop and encourage approaches which promote an integrated understanding of sub-urban, peri-urban and changing rural landscapes.
- We aim to use this Action Plan to promote more recognition of the historic dimension of landscape in the marine zone (for example in new legislation and procedures, and using our existing Historic Seascape work).
- We will use the Convention's approach to landscape as an integrative concept to help to ensure that the historic environment continues to take its place within the wider environmental agenda, and we will define new high level objectives for urban and rural landscape that ensure the adequate recognition of the cultural character of landscape in public policy.
- We will share with others our expertise in landscape (urban and rural, at all levels, from archaeological landscape and architectural area survey to Historic Landscape Characterisation, from landscape management to new design). We will demonstrate the importance of clearly understanding landscape's historic character for delivering informed management and public understanding and enjoyment.



A Gunnerside, Swaledale; © Graham Fairclough

B Warwickshire: medieval ridge and furrow; © David Went

C South Norfolk; © NMR 23281-23

D The River Medway at Upnor, Kent; © NMR 23189-18

E Eggbrough and Dring power stations, Yorkshire; © 17968-004

F Faversham, Kent; © NMR 21655-24

G Week St Mary, Cornwall; © NMR 23650-16

H The M6 in N Lancashire; © Graham Fairclough

I Saltaire, Yorkshire; © NMR 17407-04

J Lindisfame; © David Hooley

K Wind turbine, Norfolk coast; © NMR 23436-32

L The Welsh border; © NMR 23662-21

M Derbyshire Peak District; © Graham Fairclough

N Spadeadam rocket test range, Cumbria; © Roger J C Thomas

O "Spaghetti Junction", the M6 near Birmingham; © NMR 18175-07

P Derbyshire Peak District; © Graham Fairclough

Q Newcastle; © NMR 17753-17

R Duddon estuary iron-workings, Cumbria; © NMR 12981-33

S Downton, Herefordshire; © NMR 23392-08

T Bridport, Dorset; © NMR 23705-04

U North Wessex Downs farmstead; © Graham Fairclough



THE ENGLISH HERITAGE ACTION PLAN 2008-2013 to support implementation of the European Landscape Convention

A ADHERING TO THE PHILOSOPHY OF THE ELC (ELC ARTICLES 1 – 3)

1. Promote and explain English Heritage's ELC-related work through:
 - a) high-level published statements demonstrating how the Heritage Protection and Conservation Principles match and deliver the aspirations of the ELC as set out in its Preamble.
 - b) a promotional publication aimed at a wide professional and public audience to showcase recent and current English Heritage landscape work and achievements
 - c) the promotion of understanding and use of ELC definitions and scope (Articles 1 and 2) across English Heritage, the heritage sector and English Heritage partners

B MEETING THE ELC'S GENERAL PROVISIONS (ELC ARTICLES 4, 5 AND 6)

2. Be a centre of excellence for the historic dimension of landscape in town and country, and in the marine zone (policy and strategy formulation, research and outreach to monitoring, planning and management). Develop policy, methods and practice to contribute to the understanding, protection, management and planning of landscape, building on our existing leadership in landscape survey, assessment and characterisation, and promote historic landscape in legislation, PPS and the policies of other organisations.

C CONTRIBUTING TO NATIONAL LANDSCAPE POLICIES (ELC ARTICLES 5 B –D)

3. Establish English Heritage policy position:
 - define and publicise English Heritage's high-level objectives, policies and actions for landscape, including but not restricted to protected areas;
 - produce a landscape agreement with key partners.
4. Investigate ways to facilitate public participation in landscape, within the limits of available financial resources, either directly or through local government partners, and including English Heritage engagement with NGOs, for example representation on groups such as the ICOMOS/IUCN Landscape Group.
5. Encourage the integration of landscape approaches in all areas of government policy by lobbying, persuasion and example.

D IMPLEMENTING SPECIFIC MEASURES FOR HISTORIC ASPECTS OF LANDSCAPE (ELC ARTICLES 6A – D)

6. Awareness-raising – use the ELC as an opportunity and context to expand public initiatives to promote the historic environment at landscape level.
7. Training and education – integrate the ELC concept of landscape into English Heritage training and related initiatives.
8. Identification and assessment of landscape
 - complete and strengthen English Heritage landscape characterisation and related programmes, including integration with other English Heritage landscape-scale research
 - further develop monitoring of the state of the historic environment by developing the Heritage at Risk and other initiatives and integrate their results with wider landscape monitoring such as Countryside Quality Counts.
 - work closely with Natural England to update the national 'Landscape Character Areas'.
9. Investigate how to define Landscape Quality Objectives in terms of their historic value and character.

E EXPANDING OUR INFLUENCE BY WORKING WITH PARTNERS (ELC ARTICLES 3 – 5, 6E, 7 – 9, 11)

10. Aim to deliver the ELC's aspirations for landscape (because it embraces all disciplines and interests) as an integrative force for inter-disciplinary holistic collaboration:
 - work with Defra & Natural England to deliver and monitor the England Implementation Framework and to contribute to UK co-ordination, including support for the UK ELC Landscape Award,
 - collaborate with CLG on spatial planning and landscape, notably in urban and Housing Growth areas
 - develop programmes to facilitate pan-European co-operation, through Council of Europe and EU networks, and in the context of the European Forum of Heritage Directors
 - support capacity building to assist local government contribution to implementation

THE ENGLISH HERITAGE ACTION PLAN FOR THE EUROPEAN LANDSCAPE CONVENTION

The Action Plan takes its place alongside that of Natural England in the context of Defra's Framework for Implementing the Convention in England. It follows the structure of the Convention's Articles but is selective in which aspects will receive priority in these early years to about 2013 or so. Principally, the Plan seeks to capitalise on English Heritage's existing strengths in this field, to reflect our Strategic Aims and to support Defra's aims. The choice of areas for action highlights the distinctive and in some cases unique contributions that English Heritage can make: to understanding (where we already have considerable body of expertise), capacity building and training (especially in the context of the post-HPR situation) and public participation (to build on our expertise in education and inclusion in the light of, for instance, Power of Place).

They are collated under five headings that follow the main Articles of the Convention itself:

- A Adhering to the philosophy of the ELC
- B Meeting the ELC's General Provisions
- C Contributing to national landscape policy
- D Developing specific measures to promote the historic aspects of landscape
- E Working with partners

They are also correlated with English Heritage's Strategic Aims, and of course have a direct relationship to the five targets identified by Defra in its Framework for Implementation in England:

- Improving performance within the current legal and regulatory frame
- Influencing future legislation, regulation and advice
- Improving understanding of landscape character and dynamics, monitoring change and trends
- Engaging people (awareness and understanding activities, promotion, education & training)
- Sharing experiences and best practice.

The European Landscape Convention offers a vision and a strategy for landscape that does not belong only to national government or its agencies. It is addressed also to all levels of government but equally importantly to civil society as a whole.

English Heritage, like Natural England, has prepared its Action Plan to guide its own contribution to implementing the Convention, but we encourage others organisations or groups – non-governmental, professional, business and community-based – to consider preparing strategies or plans for their own activities in this field.



V Williamson Monument, Lancaster; © NMR 17103-17



W Docklands; © Graham Fairclough

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You can also download a copy from www.helm.org.uk

EQUALITIES IMPACT ASSESSMENT

Public bodies are legally required to ensure that their plans, policies and activities do not unfairly discriminate against a group protected by equalities legislation. It is the responsibility of those public bodies for whom we provide advice to ensure that they have conducted any relevant Equalities Impact Assessment that may be required when implementing the advice of English Heritage.

FURTHER INFORMATION

Visit: www.helm.org.uk

www.english-heritage.org.uk/characterisation

<http://www.defra.gov.uk>

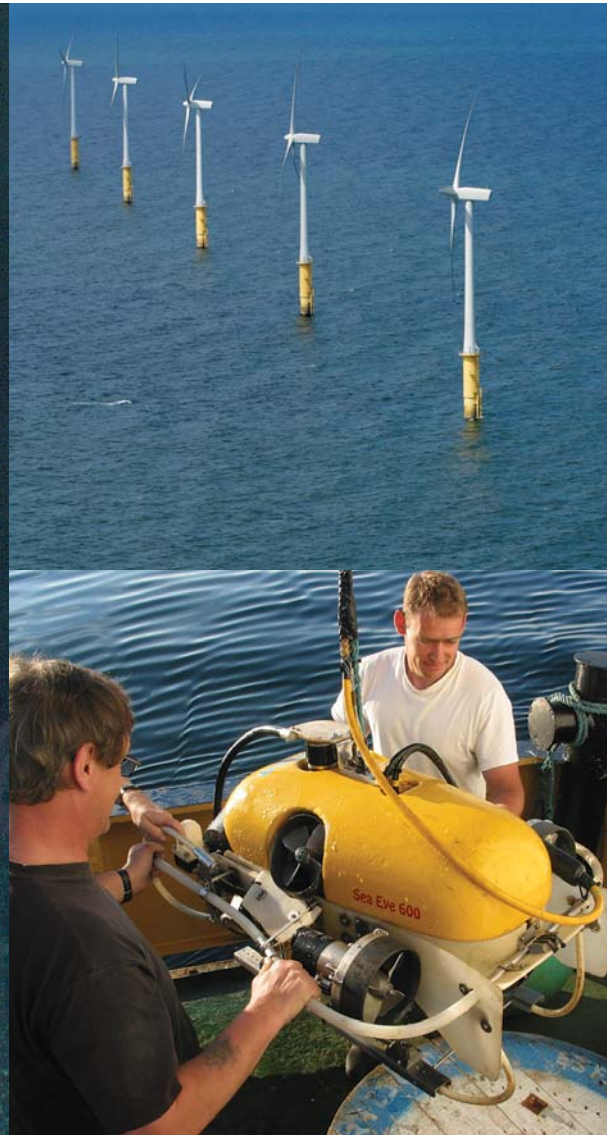
The full text of the Convention (with its Explanatory Memorandum and Operational Guidelines) can be found on the Council of Europe website at <http://www.coe.int/t/dg4/cultureheritage/conventions/Landscape>

There is a link from the following web page, which also includes related information: <http://www.landscapecharacter.org.uk>

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www.english-heritage.org.uk



Maritime Cultural Heritage & Seabed Development

JNAPC Code of Practice for Seabed Development

Joint Nautical Archaeology Policy Committee

Maritime Cultural Heritage & Seabed Development

JNAPC Code of Practice for Seabed Development

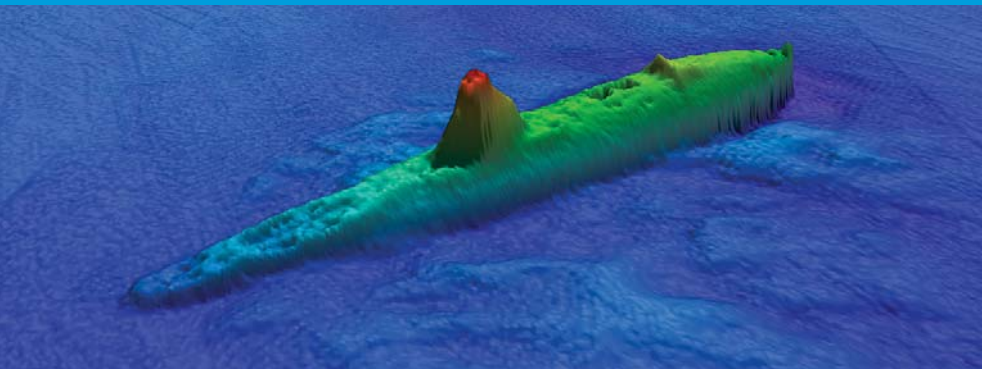


“At The Crown Estate we are enthusiastic about our maritime heritage and sustainable new uses of our seas. So we are delighted to support the publication of this new version of the JNAPC Code through our Marine Stewardship Programme. It will be an essential guide for all those who, like us, are committed to reconciling the past, the present and the future of the marine environment.”

**Roger Bright, Chief Executive,
The Crown Estate**

“The generic guidance provided in this updated version of the JNAPC Code represents an excellent starting point for all potential developers looking to undertake activities on the seabed. The marine aggregate sector is aware of the potential impacts its activities may have on our maritime heritage and the importance of increasing our understanding of this important cultural resource. BMAPA has already developed a specific Guidance Note for marine aggregate extraction and the marine historic environment in association with English Heritage. We have also recently introduced a protocol for the reporting of archaeological finds on ships and wharves. We would strongly encourage other sectors to adhere to the Code and follow the example set by the marine aggregates industry.”

**Mark Russell,
British Marine Aggregate
Producers Association**



The objective of the Code is to present an overview of procedures for consultation and co-operation between seabed developers and marine archaeologists.



Purpose of the Code

The objective of the Code is to present an overview of procedures for consultation and co-operation between seabed developers and marine archaeologists. It is designed to help facilitate a smooth and cost effective process. It describes the top-level relationships that will ensure a best practice model for development both within and beyond the remit of the formal Environmental Impact Assessment (EIA) process. Where more detailed sources of information on standards and guidance for specific operations are sought, signposts are provided. While the general principles can be applied throughout the UK, specific arrangements for consultation may vary between England, Northern Ireland, Scotland, Wales, the Isle of Man and the Channel Islands.

Significance of the Maritime Cultural Heritage

The sea, seabed and foreshore of northern Europe and the British Isles has been exploited by humans for over half a million years. Lands extending across the continental shelf were

witness to recurring occupation by ancient peoples before rising waters repeatedly inundated the landscape. Watercraft from prehistory to the present day enabled travel across these evolving waterways but many thousands of vessels never completed their journeys.

Investigation of submerged and buried land surfaces, settlements, boats, aircraft, ships, harbours and quays can open windows to a past that would be lost if their archaeological remains go unrecorded. Increased understanding of cultural material from both the intertidal zone and deep water can feed directly into heritage and education initiatives and plays an important role within the planning system. Once destroyed, these important archaeological remains are lost forever and the nation has a responsibility to preserve these intact, or by record, for current and future generations.

The Government is committed to sustainable development in which archaeology is given appropriate assessment and consideration. Within this context there is a responsibility upon the developer to protect the UK's coastal and marine historic assets which may remain as archaeological material. This Code, jointly developed by marine archaeologists and industry, provides a framework within which the protection of these assets as part of our cultural heritage, and the legitimate interests of maritime development can be reconciled.

Maritime Cultural Heritage

International

"It is important to acknowledge the importance of underwater cultural heritage as an integral part of the cultural heritage of humanity and a particularly important element in the history of peoples, nations, and their relations with each other concerning their common heritage" (UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001)

Europe

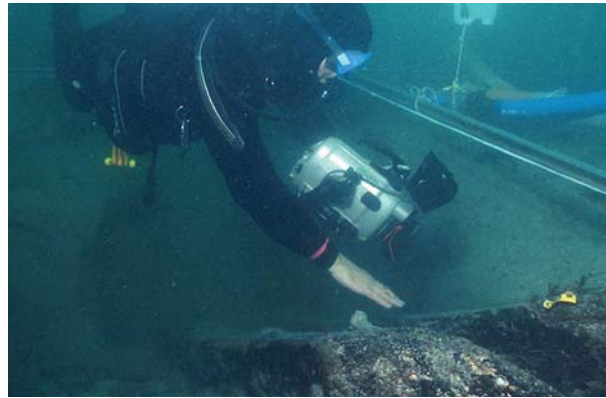
Cultural heritage comprises "all remains and objects and any other traces of mankind from past epochs... The archaeological heritage shall include structures, constructions, groups of buildings, developed sites, moveable objects, monuments of other kinds as well as their context, whether situated on land or under water" (European Convention on the Protection of the Archaeological Heritage (Valletta Convention) 1992)

National

The National Heritage Act 2002 enabled English Heritage to assume responsibility for maritime archaeology in English coastal waters, modifying its functions to include securing the preservation of ancient monuments in, on, or under the seabed, and promoting the public's enjoyment of, and advancing their knowledge of ancient monuments, in, on, or under the seabed.



The Government is committed to sustainable development in which archaeology is given appropriate assessment and consideration.



The Code

1 Cultural and Financial Risk Management

Due consideration for archaeological remains must be given at the outset of any proposed marine development. This can be both cost-effective and good for public relations. It has the potential to bring cultural rewards both nationally and internationally because of the special, trans-national nature of maritime heritage. It can also have a cost benefit to the developer by identifying the potential for encountering archaeological remains and associated responsibilities at an early stage. This can reduce the risk of duplication of effort, delays and unforeseen costs.

On a national or regional level, the Strategic Environmental Assessment framework should set the context for the plan or programme and identify archaeological mitigation requirements to be addressed by an Environmental Impact Assessment. Such information will then provide the basis for determining a planning consent by a local authority or other statutory consent by a government department. Other legislation may apply if cultural heritage is to be affected by a development. This will need to be reviewed on a case-by-case basis.



2 Legislative Considerations

A responsible approach to management of the cultural heritage is required under the European Convention on the Protection of the Archaeological Heritage (Valletta Convention) 1992. The Convention, which applies to European States, stipulates that the protection of the cultural heritage must form an integrated component of the planning process from its

3 Consultation and Seeking Advice

Advice should be sought by the developer at the earliest opportunity to assess the potential of proposed developments to disturb the cultural heritage. This will include consultation with local archaeological curators who work with the Historic Environment Records (HER), have access to appropriate expertise and who advise the local regulatory body. In the intertidal



Relevant Legislation, Directives and Guiding Documents

International

UNESCO Convention on the Protection of the Underwater Cultural Heritage 2001 (not ratified by United Kingdom at time of publication, but the Annex is accepted by the Government as 'best practice').

Europe

European Convention on the Protection of the Archaeological Heritage (Valletta Convention) 1992
 European Environmental Impact Assessment Directive 97/11/EC
 European Strategic Environmental Assessment Directive 2000/42/EC

United Kingdom

Protection of Wrecks Act 1973
 Ancient Monuments & Archaeological Areas Act 1979
 Merchant Shipping Act 1995
 Protection of Military Remains Act 1986
 Food and Environment Protection Act 1985
 Dealing in Cultural Objects (Offences) Act 2003

England

National Heritage Act 2002
 Planning Policy Guidance 16 - Archaeology and Planning
 Planning Policy Guidance 20 - Coastal Planning
 Taking to the Water: English Heritage's Initial Policy for the Management of Maritime Archaeology in England, English Heritage 2002

Due consideration for archaeological remains must be given at the outset of any proposed marine development. This can be both cost-effective and good for public relations.

zone, below mean low water and beyond the jurisdiction of local planning authorities, advice will need to be obtained from a national heritage body, such as English Heritage, Historic Scotland, CADW or DOE Northern Ireland. This is a vital part of planning a cost effective and integrated approach to assessing the effects of the development, while identifying ways of avoiding and mitigating damage.

4 Scoping Studies

Scoping studies should be carried out by the developer as an essential step to identify all necessary requirements for efficient appraisal of both the maritime and terrestrial cultural heritage that may be affected by seabed development and their associated works. Professional archaeological advice should be sought to ensure that all legal requirements and those of regulators are met. This will mitigate against and/or forewarn of possible financial implications at a later stage. It is important that all aspects of the development that could affect the cultural heritage are understood by archaeological curators and consultants offering advice. A list of archaeological bodies that are able to offer advice is provided on www.jnadc.org.uk



5 Archaeological Consultancy and Contracting Services

Organisations providing maritime archaeological consultancy and contracting services must be competent, thereby ensuring that archaeological work is carried out in line with established standards. Where archaeological investigations are conducted, the archaeologists will be aware of the potential public relations benefits to developers of publishing their work. Financial or other support from the developer will be recognised in any publicity.



Scotland

National Planning Policy Guideline 5
- Archaeology and Planning
National Planning Policy Guideline 13
- Coastal Planning

Wales

Planning Guidance (Wales): Planning Policy Section 5 - Conserving and Improving Natural Heritage and the Coast
Planning Guidance (Wales): Planning Policy Section 6 - Conserving the Historic Environment
Welsh Office Guidance 60/96 'Planning and the Historic Environment: Archaeology'

Northern Ireland

Planning Policy Statement 6 - Planning, Archaeology and the Built Heritage

Isle of Man

Wreck and Salvage (Ships and Aircraft) Act 1979

Guidance documents

Marine Aggregate Dredging and the Historic Environment: Guidance Note, BMAPA & English Heritage 2003
Coastal Defence and the Historic Environment: English Heritage Guidance 2003
Military Aircraft Crash Sites: Archaeological Guidance, English Heritage 2002
Benchmarks for Field Archaeology Projects, Association of Local Government Archaeological Officers 2005

It is in the interests of all parties that the financial and other risks of unexpected discoveries of archaeological remains/deposits/material are minimised.



6 Assessment of Cultural Heritage

Following a scoping study, a desk-based assessment is the next stage a developer will need to commission to assess archaeological potential. This involves the study of available records and information sources on the known or potential cultural heritage in the area of development. This includes early consultation with the appropriate HER and the National Monuments Record (NMR), and all parties whose activities during the development may inform understanding of the potential for archaeological assets. Information gathered during field investigations should be fed into the desk based assessment. This will result in an evaluation of all information to assess the potential of the cultural heritage in the area of development. This process will inform potential mitigation strategies and any need for further investigations.

7 Field Investigations

It is in the interests of all parties that the financial and other risks of unexpected discoveries of archaeological remains/deposits/material are minimised.



Where developers are undertaking marine surveys as part of their development, using for example geo-physical, geo-technical or visual techniques, it is advantageous for the methodologies and techniques employed to be approved by a curator (or consultant) as being appropriate for an archaeological investigation. The potential for additional survey cost that this might entail is likely to be offset by reduction in the risk of having to re-survey areas where archaeological potential, as revealed by inappropriate techniques, cannot be determined. It is advantageous for fieldwork and desk based assessments to be conducted and reviewed concurrently.

Important Roles in the Development Process

Developer - an organisation proposing or engaged in activities directed to the construction, alteration or renewal of any works in, on or under the seabed and associated activities on dry land, and in the excavation, removal, movement or deposit of materials, substances or articles in, on or under the seabed.

Archaeological Consultant / Contractor - provider of independent archaeological advice or professional archaeological services to guide the developer through, and satisfy the archaeological requirements of, the development process. Curators may be able to provide a list of archaeological consultants and contractors. Developers can obtain details of consultants and contractors from the Institute of Field Archaeologists, English Heritage and local authorities.

Curator - An archaeologist or heritage professional advising a statutory or other formal consultee, who provides advice to regulators on archaeological matters relating to development. They provide general guidance to developers and regulators. The UK heritage bodies provide the function of Curator.

Regulator - an organisation, usually National or Local Government Department or agency, acting to ensure compliance with legislation, directives and established guidance when issuing consents in relation to development.



Where important remains are identified, physical preservation in situ, is required wherever possible, in line with Government policies and international conventions.

causes cumulative effects on archaeological deposits the national curator may advise that the consent includes conditions that require a commitment to monitor the site or area. If changes (e.g. erosion) caused by the development prove to be detrimental to archaeological material, remedial measures need to be undertaken to minimise any loss.

8 Archaeological Mitigation

Where important remains are identified, physical preservation in situ, is required wherever possible, in line with Government policies and international conventions. Mitigation, as detailed in an agreed protocol between developer and curator, may involve the introduction of avoidance zones and/or adapting the area or method of development, which may have few or no financial implications for the developer. Appropriate mitigation may be dictated by conditions imposed within the consents procedure, which the developer would then have to fund. Underwater fieldwork, post-excavation analysis, reporting and conservation of recovered remains need to be properly resourced and can be expensive. However, physical intervention is only required if other options to avoid damage are not possible.



9 Monitoring Disturbance

The responsibility for archaeological material that has been impacted by development does not stop once construction has been permitted and is under way. If a development

10 Retrieved Archaeological Material

Issues of ownership and reporting can be complex so developers may need to seek advice prior to disturbing any artefacts on the seabed. Where archaeological material is disturbed and recovered as a result of development activities, agreements must be put in place for its long-term conservation and management. Developers and any archaeological consultants have a legal responsibility to report discoveries to the Receiver of Wreck, and must seek to deposit any artefacts and records in an appropriate museum as a complete permanent archive for future study. Specialist advice on the conservation of objects is essential and discussions with a suitable museum service should be part of the early planning of any investigation. Copies of all reports and publications must be sent to the relevant local Historic Environment Record and National Monuments Record. Deposition of records allows public use of information relating to their heritage and can help develop education and public understanding, and provide practical demonstration of co-operation between private and public sectors.

Unexpected Discoveries

Discoveries of archaeological material, which can be encountered at any stage in the development process, must be reported promptly to the Receiver of Wreck (of the Maritime and Coastguard Agency) and the national curatorial body responsible to enable appropriate action to be taken. To avoid uncertainty during operations the developer will need to agree contingency plans with the Curator for dealing with unexpected discoveries of objects that have archaeological significance.

Prompt reporting is the constructive course of action and can be of widespread value and interest. However, it is not an end in itself and does not negate the requirement for other processes.

The potential costs and delays of dealing properly with important unexpected discoveries makes it highly desirable for all concerned that any significant remains should as far as possible be identified in advance and left securely in situ.

The British and Marine Aggregate Producers Association and English Heritage have produced a protocol for the reporting of unexpected finds. This is aimed at the marine aggregate industry but offers valuable guidance to all those looking to undertake seabed development; details can be found at: www.wessexarch.co.uk/projects/marine/bmapa/index.html



Credits

Main cover image:
Dr Colin Martin.

Other images courtesy of:

Amec

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Producers Association

Elsam

Npower Renewables

The Crown Estate

The Hampshire and Wight Trust
for Maritime Archaeology

The Mary Rose Trust

Wessex Archaeology

D. Still

Trustees of The British Museum

Kester Keighley

Tamara Thomsen

We are grateful to the following organisations, bodies and government departments for their contributions in developing the Code and the principles it sets out.

Members of the JNAPC

Association of Local Government Archaeological Officers (ALGAO), British Sub Aqua Club (BSAC), Council for British Archaeology (CBA), Hampshire and Wight Trust for Maritime Archaeology (HWTMA), Institute of Field Archaeologists (IFA), ICOMOS (UK), Marine Conservation Society (MCS), National Maritime Museum, National Museum and Galleries of Wales, The National Trust, Nautical Archaeology Society (NAS), Professional Association of Diving Instructors (PADI), Shipwreck Heritage Centre, Society for Nautical Research (SNR), Sub-Aqua Association (SAA), Institute of Conservation, Wessex Archaeology, Sarah Dromgoole, Steve Waring, Michael Williams, Robert Yorke.

Observers at the JNAPC

Advisory Committee on Historic Wreck Sites (ACHWS), Welsh Historic Monuments (CADW), The Crown Estate, English Heritage, Environment & Heritage Service (Northern Ireland), Historic Scotland, Maritime & Coastguard Agency (Receiver of Wreck), Ministry of Defence, Royal Commission on the Ancient and Historical Monuments of Scotland (RCAHMS).

Supporting Organisations

Association of British Ports (ABP), British Marine Aggregate Producers Association (BMAPA), British Ports Association (BPA), British Wind Energy Association (BWEA), Countryside Council for Wales (CCW), DCMS, DEFRA, English Nature, Joint Nature Conservation Committee (JNCC), National Federation of Fishermen's Organisations (NFFO), Royal Commission on the Ancient and Historical Monuments of Wales (RCAHMW), Renewable Power Association, Salvage Association, Scottish Trust for Underwater Archaeology, United Kingdom Cable Protection Committee (UKCPC).

This Code is a revision of the JNAPC Code of Practice for Seabed Developers first produced in 1995 and updated in 1998.

This publication has been made possible by The Crown Estate's Marine Stewardship Programme. The fund was established in 1999 to provide support to initiatives and programmes which contribute to the development of best practice, and make a significant contribution to the good management and stewardship of the marine environment.

A copy of this code along with an up to date list of contacts for advice can be found on The Crown Estate website www.thecrownestate.co.uk and the JNAPC website www.jnapc.org.uk.

The sites also contain additional information which may prove useful to potential developers and links to websites of key organisations.

Further copies of this code are available from the JNAPC

Joint Nautical Archaeology Policy Committee, c/o Council for British Archaeology,
St Mary's House, 66 Bootham, York YO30 7BZ

Tel: 01904 671417 Fax: 01904 671384



www.jnapc.org.uk

www.thecrownestate.co.uk

From: [Lionel Marr](#)
To: [IPC Scoping Opinion;](#)
Subject: Proposed Preesall saltfield Underground Gas storage Facility.
Date: 20 December 2010 13:05:25

FAO Will Spencer,

I apologise to the late response to your letter dated 19th October 2010.

On the last application by the previous applicant, the Council has had many observations over this proposed gas storage.

I have listed below their concerns:-

- 1) Concern of the environment of the sea bed, fisheries and the control of the levels of salt discharge into the sea . Impact on wild life in Morecambe Bay.
- 2) Geology of the rock salt to withstand the development and the effect on peoples human rights.
- 3) Most dangerous to store a potentially hazardous substance in proven unsuitable geographical infrastructure.
- 4) Safety of dense population both sides of the river Wyre.
- 5) Evacuation of residents in case of an explosion, emergency plans?
- 6) Triple S I and wild life.
- 7) HGV movements on rural roads.
- 8) There was an explosion in the old mine some time ago, therefore the ground is still unsuitable for this type of development, there has also been subsidence in the old mine field.
- 9) There is a geographical fault in the area.
- 10) Concern was expressed over the safety of the area following the earth tremor in April 2009 in the Ulverston area of Cumbria. shock waves were felt in Preesall and Fleetwood areas.
- 11) An application for Haxardous Substances was also rejected by the Council on the grounds of dangerous substances.

As you can see from the above list the Council would like all these concerns to be covered in the Environmental Statement.

Again I apologise for the late submission but hope you will consider our observations

Lionel Marr,
Clerk to Preesall Town Council.

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