

Mr Paul Grace
Berwin Leighton Paisner LLP
Adelaide House
London Bridge
London
EX4R 9HA

23 December 2011

Dear Mr Grace

Planning Act 2008 (“2008 Act”) section 55 (Acceptance Stage)

Application by Halite Energy Group Limited (“the developer”) for a Development Consent Order for the proposed Underground Gas Storage Facility at Preesall Saltfield, Lancashire (“the development”)

Notification of decision to accept application under section 55 of the 2008 Act

IPC Reference: EN030001

I refer to your application purporting to be an application for an order granting development consent made under s37(2) of the 2008 Act and received by the Commission on 1 December 2011.

The Commission has concluded that the provisions in s55(3)(a) – (e) inclusive have been satisfied. In respect of the conclusion reached under s55(3)(e) the Commission has had regard to the matters set out in s55(4). The Commission is therefore of the view that it can accept the application for examination.

You should be aware that this decision to accept the application does not incorporate a decision on whether all of the development for which authorisation is sought falls within s115 of the 2008 Act.

You should also be aware that my decision to accept the application in accordance with s55 of the 2008 Act does not fetter the competent authority’s subsequent consideration of likely significant effects. If likely significant effects are identified and the Examining authority is unable to conclude any necessary ‘appropriate assessment’ prior to making a recommendation, it would be required to conclude that the competent authority under the Conservation of Habitats and Species Regulations 2010¹ should refuse to authorise the project.

¹ These regulations transpose Council Directive 92/43/EEC on the Conservation of natural habitats and of wild fauna and flora.

The Commission also confirms receipt of your application for deemed Hazardous Substances Consent pursuant to the Planning (Hazardous Substances) Act 1990 (as amended by the 2008 Act). This application will be dealt with in accordance with the provisions of the Planning (Hazardous Substances) Act 1990 (where relevant) and the Infrastructure Planning (Decisions) Regulations 2010.

Please be aware of your duties under s56, s58 and s59 of the 2008 Act and Regulations 8, 9 and 10 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

Yours sincerely

A handwritten signature in black ink that reads "Paul Hudson". The signature is written in a cursive style with a horizontal line underlining the name.

Paul Hudson
Commissioner
on behalf of the Commission

Phone: 0303 444 5000

Email: Preesall@infrastructure.gsi.gov.uk

The IPC gives advice about applying for an order granting development consent or making representations about an application (or a proposed application). The IPC takes care to ensure that the advice we provide is accurate. This communication does not however constitute legal advice upon which you can rely and you should note that IPC lawyers are not covered by the compulsory professional indemnity insurance scheme. You should obtain your own legal advice and professional advice as required.

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