



National Infrastructure
Directorate
Temple Quay House
2 The Square
Bristol
BS1 6PN

Help line:
e-mail:

0303 444 5000
preesall@infrastructure.gsi.gov.uk

To all Interested Parties

Our Ref: EN030001

Date: 2 May 2012

Dear Sir/Madam

Planning Act 2008 (PA 2008) and the Infrastructure Planning (Examination Procedure) Rules 2010

Notice of procedural decisions made at and following the Preliminary Meeting regarding an application for the proposed Underground Gas Storage Facility at Preesall Saltfield, Lancashire

Planning Inspectorate Reference Number: EN030001

I am writing to inform you about the procedural decisions made by the Examining authority at and following the Preliminary Meeting held on Tuesday 24 April 2012 at the Marine Hall, The Esplanade, Fleetwood, Lancashire. These provide you with the timetable and the initial questions that the Examining authority is asking in the examination.

A note of the Preliminary Meeting is enclosed at Annex E. It will be published on our website, and made available for inspection at the venues listed in Annex A. An audio recording of the Preliminary Meeting will also be published on our website.

This letter is being sent to all Interested Parties¹ whether or not they attended the Preliminary Meeting, to anyone else not registered as an Interested Party but who attended the meeting and provided correspondence details, and any persons who have become an Interested Party by virtue of the amendments to PA2008² that came into force on 1 April 2012.

If you do not wish to participate any further in the examination you should contact the case manager (Tom Carpen) in writing at the postal or email address above to advise that you no longer wish to be an Interested Party.³

¹ Who were interested parties as defined by s102 PA2008 on 19 March 2012

² s102 (1) (aa) has the effect making any person notified under section 56 (2) (d) of the acceptance of the application an Interested Party.

³ Under s102 (1ZA) of the 2008 Act, as inserted by the Localism Act 2011, persons identified as interested parties may notify the Examining authority in writing of their wish to cease to be an interested party.

1. Procedural decision and timetable

As the Examining authority, the Panel is most grateful for all the views expressed at the Preliminary Meeting, and we have considered them carefully. The Examining authority has now made a procedural decision about the way in which the application is to be examined. A copy of the procedural decision is enclosed with this letter at Annex B and the timetable set by the Examining authority is at Annex C.

2. Written questions

The Examining authority has decided to ask a number of questions and to receive further information about matters it considers relevant to the application. These questions are set out in Annex D, and responses must be received **on or before Wednesday 6 June 2012**.

The Examining authority may write to Interested Parties with further questions or with a request for more information as the examination progresses at the timetabled dates and at any other time during the examination.

Written representations

The Examining authority invites all Interested Parties to submit written representations and evidence on any matters concerning the application, and representations already submitted, in accordance with the timetable set out in Annex C.

Please send your representations to presall@infrastructure.gsi.gov.uk or to the postal address at the top of this letter quoting reference **EN030001**, and your unique reference.

For the avoidance of doubt, representations can deal with any relevant matter, not just the matters set out in the Examining authority's initial assessment of principal issues which were discussed at the Preliminary Meeting, nor restricted to the questions set out in Annex D referred to above. Please note if you are submitting a written representation, you must identify those parts of the application or specific matters with which you agree and those parts with which you do not agree. You must state the reasons for such disagreement.

4. Availability and inspection of representations and documents

Written representations, responses to relevant representations and to questions, local impact reports, comments or any other documents or information about the application, must be made available to all Interested Parties and to anyone who requests an opportunity to inspect and take copies of them. In order to meet this obligation, we are notifying all Interested Parties that at each stage of the examination set out in the timetable and as soon as practicable, we will make these available by publishing them on the Planning Inspectorate website, and will also provide an opportunity for inspection and copying. The notification of the deposit locations is enclosed with this letter at Annex A.

5. Changes to the timetable

If the Examining authority needs to change the timetable set out in Annex C for any reason, we will write to you and inform you of the changes. We will also do this if the date, time and place of any hearing is changed, except in the event of an adjournment.

6. Deadlines for receipt of documents and requests for hearings

It is important to note that if written representations, responses to relevant representations and to written questions, further information or requests for hearings are not received by the dates specified in the timetable, the Examining authority may disregard them. I also draw your attention to the possibility of the award of costs against Interested Parties who behave unreasonably, and you should be aware of the relevant Costs Policy that applies to National Infrastructure Projects. The policy is available on the National Infrastructure pages of the Planning Inspectorate website.

7. Future notifications

If you are an Interested Party you will continue to receive notifications from the Planning Inspectorate about the examination throughout the process. If you have received this letter because you attended the Preliminary Meeting but you are not an Interested Party you will **not** receive any further communication from us relating to this application. You can, however, visit the dedicated project page on the Planning Inspectorate's website to stay informed of the progress of the examination of this application.

Yours faithfully

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
Lead Member of the Panel of Examining Inspectors

ANNEX A

Notification to all Interested Parties of the availability of representations and documents for inspection and copying in accordance with Rule 21 of the Infrastructure Planning (Examination Procedure) Rules 2010

Following receipt of any written representations, responses to questions, comments or any other documents or information about the application, as soon as practicable the Planning Inspectorate will make these available by publishing them on our website <http://www.planningportal.gov.uk/infrastructure> following the links: Projects – North West – Preesall Underground Gas Storage and for inspection and copying at:

Halite Energy Group

Unit 5, St Georges Court, St Georges Park, Kirkham, Lancashire, PR4 2EF

Mondays to Fridays 9am to 5pm

Contact: 01772 672277

Copying Facilities/Charges:

A4 Black and White: 10p per sheet

A4 Colour: 25p per sheet

Lancashire County Council

Environment and Public Protection Services, Environment Directorate, County Hall, Preston, PR1 0LD

Mondays to Fridays 9am to 5pm

Contact: 01772 531 929 / DevCon@lancashire.gov.uk

Copying Facilities/Charges:

No public copying facilities available

Wyre Borough Council

Civic Centre, Breck Road, Poulton-le-Fylde, Lancashire. FY6 7PU

Mondays to Thursdays 9am to 5pm; Fridays 8.30am to 4.30pm

Contact: 01253 891000

Copying Facilities/Charges:

A4 Black and White only: 30p per sheet

Fleetwood Library

North Albert Street, Fleetwood, Lancashire, FY7 6AJ

Mondays and Fridays 9.30am to 5pm; Tuesdays and Thursdays 9.30am to 7pm;

Wednesdays 9.30am to 12.30pm; Saturdays 9.30am to 4pm

Contact: 01253 775800 / fleetwood.library@lancashire.gov.uk

Copying Facilities/Charges:

A4 Black and White: 10p per sheet

A4 Colour: 25p per sheet

Knott End Library

Lancaster Road, Knott End, Lancashire, FY6 0AU

Mondays and Fridays 1.30pm to 5pm; Tuesdays and Thursdays 1.30pm to 7pm; Saturdays 10am to 12noon; and Wednesdays closed

Contact: 01253 810632 / knottend.library@lancashire.gov.uk

Copying Facilities/Charges:

A4 Black and White: 10p per sheet

A4 Colour: 25p per sheet

The Planning Inspectorate

Temple Quay House, Temple Quay, Bristol, BS1 6PN

Mondays to Fridays 9am to 5pm

Contact: 0303 444 5000 / presall@infrastructure.gsi.gov.uk

Copying Facilities/Charges:

A4 Black and White: 10p per sheet

Other sizes at additional cost

ANNEX B

Planning Act 2008 (PA 2008) and the Infrastructure Planning (Examination Procedure) Rules 2010

Procedural Decision regarding an application for the proposed Underground Gas Storage Facility at Preesall Saltfield, Lancashire– Planning Inspectorate Reference Number EN030001

Letter from Berwin Leighton Paisner dated 18 April 2012

On behalf of the applicant, Berwin Leighton Paisner notified the Planning Inspectorate on 18 April 2012 of an unintentional breach of section 56 of the Planning Act 2008. This was the late publication of an advertisement in 'Lloyd's List' inviting representations to be submitted by 10 February 2012. The effect of this was that potential respondents were given 15 days to submit relevant representations rather than 28 days required by the Act.

As stated at the Preliminary Meeting, the Panel as the Examining authority accepts the applicant's arguments that it is unlikely anyone has been prejudiced by this unintentional breach, so our decision is to allow the examination to proceed.

Principal issues

A number of comments were made to us at the Preliminary Meeting about the need to add topics to the Examining authority's initial assessment of principal issues contained in annex C of my letter of 19 March 2012.

In relation to the need for the project, we drew attention to the policy context within which this application will be examined, namely National Policy Statements principally EN-1 and EN-4.

The effects of the proposed application on matters such as tourism, and the response of local authorities and emergency services to an accident or other incident we consider are likely to be covered in the local impact reports requested from the local authorities, and we therefore look to them in the first instance to provide evidence about such matters.

All representations made by all Interested Parties will be considered by the Examining authority irrespective of whether or not they were included in the Examining authority's initial assessment of principal issues, circulated in advance of the meeting. Regard will be had to all important and relevant matters in making findings and conclusions after the examination is concluded. Given this, the Examining authority does not intend to revise the initial assessment of principal issues.

Methods of examination

The Examining authority confirms that the examination will proceed in accordance with the timetable set out at Annex C. Issue specific hearings will take place to consider the drafting aspects of the draft Development Consent Order, including proposed requirements and s106 undertakings. For the avoidance of doubt, these hearings will not consider the underlying issues and will be done on a without prejudice basis. The Examining authority's decision to hold such hearings should not be taken to imply that it has any view about whether the Order should be granted.

At this stage, no other hearings are proposed, but provision is made in the timetable to hold issue specific hearings on particular topics if it is necessary to complete the

examination, together with time reserved for any compulsory acquisition and open floor hearings.

The Examining authority intends to carry out two accompanied site visits; the first on 3 May 2012 to view specific locations as announced at the Preliminary Meeting; and the second at the end of the examination on 19, 23 or 24 October 2012, to be confirmed by 31 August 2012 in the light of decisions about the need for hearings and therefore dates necessary to hold them.

The examination will close on 25 October 2012.

The Examining authority confirms its request set out in Annex E of my letter of 19 March 2012 to receive a number of Statements of Common Ground (SoCGs) between the applicant and Interested Parties by the date specified in the timetable at Annex C of this letter, namely 6 June 2012:

- Geology (Halite and Lancashire County Council (LCC) in particular)
- Habitats Regulations Assessment (Halite and Natural England in particular)
- Draft Development Consent Order (DCO) including Requirements (Halite and LCC, Wyre Borough Council (WBC) in particular)
- Landscape and Ecological Management Strategy Plan (Halite, LCC and WBC in particular)
- Transport and Site Access (Halite, LCC and WBC in particular)
- Noise (Halite and WBC in particular)
- Application for deemed Hazardous Substances Consent (Halite, Health and Safety Executive, LCC and WBC in particular)
- Deemed Marine Licence (Halite and Marine Management Organisation in particular)

ANNEX C

Proposed Underground Gas Storage Facility at Preesall Saltfield, Lancashire– Planning Inspectorate Reference Number EN030001

Timetable for examination of the application

The Examining authority is under a duty to complete the examination of the application by the end of the period of 6 months beginning with the day after the start day (s98 PA 2008).

Item	Matters	Due Dates
1	Start of examination	Tuesday 24 April 2012
2	Issue of: <input type="checkbox"/> Note of preliminary meeting held on 24 April 2012 ⁴ <input type="checkbox"/> Procedural timetable ⁵ <input type="checkbox"/> Examining authority's first written questions ⁶	Wednesday 2 May 2012
3	Examining authority's initial site inspection to the application site and surrounding area in the company of Interested Parties ⁷ Start Time: 13:30 (meet at 13:00) Start Place: Marine Hall, The Esplanade, Fleetwood, Lancashire, FY7 6HF	Thursday 3 May 2012

⁴ Rule 7(2)

⁵ Rule 8(1) and (2)

⁶ Rule 3(3)(b); Rule 8(1)(b)(i) and (iii); and Rule 10(6)(b) and (c)

⁷ Rule 16(2)

<p>4</p>	<p>Deadline for receipt by the Examining authority of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Responses to Examining authority's first written questions⁸ <input type="checkbox"/> Summaries of any Relevant Representations exceeding 1500 words⁹ <input type="checkbox"/> Written Representations (including summaries of any Written Representations of more than 1500 words)¹⁰ <input type="checkbox"/> Local Impact Report(s) (LIR) by all relevant Local Authorities¹¹ <input type="checkbox"/> Statements of Common Ground (SoCG)¹² 	<p>Wednesday 6 June 2012</p>
<p>5</p>	<p>Deadline for receipt by the Examining authority of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Comments on Relevant and/or Written Representations¹³ <input type="checkbox"/> Comments on Local Impact Report(s)¹⁴ <input type="checkbox"/> Comments on responses to Examining authority's first written questions¹⁵ 	<p>Wednesday 4 July 2012</p>
<p>6</p>	<p>Issue of:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Examining authority's further written questions¹⁶ 	<p>Wednesday 18 July 2012</p>
<p>7</p>	<p>First Issue Specific Hearing on the draft Development Consent Order¹⁷</p>	<p>Tuesday 24 July 2012</p>

⁸ Rule 3(4); Rule 8(1)(b); and Rule 10(7)

⁹ Rule 8(1)(i) and 14(3)

¹⁰ Rule 8(1)(a) and (i); Rule 10(1) and (2); and Rule 14(3)

¹¹ Rule 8(1)(j)

¹² Rule 8(1)(e)

¹³ Rule 8(1)(c)(i) and (d)(i); Rule 3(2)(b); and Rule 10(5)

¹⁴ Rule 8(1)(j)

¹⁵ Rule 8(1)(c)(ii) and (d)(ii); Rule 3(4); and Rule 10(7)

¹⁶ Rule 3(3)(b); Rule 8(1)(b); and Rule 10(6)(b) and (c)

¹⁷ s91 PA2008; and Rule 13(3)(a)

8	Deadline for receipt by Examining authority of: <input type="checkbox"/> Responses to Examining authority's further written questions ¹⁸	Wednesday 15 August 2012
9	Second Issue Specific Hearing on the draft Development Consent Order ¹⁹	Wednesday 22 August 2012
10	Final notification by Examining authority of date, time and place for: <input type="checkbox"/> Any other Issue Specific Hearing(s) if required ²⁰	Friday 24 August 2012
11	Deadline for receipt by Examining authority of: <input type="checkbox"/> Comments on responses to Examining authority's further written questions ²¹ <input type="checkbox"/> Notification of wish to be heard at an Open Floor Hearing by Interested Parties ²² <input type="checkbox"/> Notification of wish to be heard at a Compulsory Acquisition Hearing by Affected Persons ²³	Friday 24 August 2012
12	Deadline for receipt by Examining authority of: <input type="checkbox"/> Final draft DCO, requirements and completed/executed s106 undertakings ²⁴	Friday 31 August 2012

¹⁸ Rule 3(4); Rule 8(1)(b); and Rule 10(7)

¹⁹ s91 PA2008; and Rule 13(3)(a)

²⁰ s91 PA2008; and Rule 13(3)(a)

²¹ Rule 8(1)(c)(ii) and (d)(ii)

²² s93(1) PA 2008 and Rule 8(1)(f) and Rule 13(1)

²³ s92(2) PA 2008 and Rule 8(1)(g) and Rule 13(1)

²⁴ Rule 8(1)(k)

13	Final notification by Examining authority of date, time and place for: <input type="checkbox"/> Compulsory Acquisition Hearing(s) ²⁵ <input type="checkbox"/> Open Floor Hearing(s) ²⁶ <input type="checkbox"/> Accompanied Site Inspection(s) ²⁷	Friday 31 August 2012
14	Time period reserved for any other Issue Specific Hearing(s) (in the event the Examining authority decides during the progress of the examination that they are needed)	Monday 17 to Thursday 20 September 2012
15	Time period reserved for any Compulsory Acquisition Hearing(s)	Tuesday 9 to Friday 12 October 2012
16	Time period reserved for any Open Floor Hearing	Tuesday 16 to Thursday 18 October 2012
17	Date reserved for Examining authority's site inspection to application site and surrounding area in the company of Interested Parties ²⁸	Friday 19, Tuesday 23 or Wednesday 24 October 2012
18	Deadline for close of examination (s98 (PA))	Thursday 25 October 2012

²⁵ s92 PA 2008 and Rule 13(3)(b)

²⁶ s93 PA 2008 and Rule 13(3)(a)

²⁷ Rule 16(3)

²⁸ Rule 16(2)

ANNEX D

Proposed Underground Gas Storage Facility at Preesall Saltfield, Lancashire– Planning Inspectorate Reference Number EN030001

Examining authority's first written questions – responses to be received by the Examining authority on or before 6 June 2012

Please note that the following questions and requests for further information put by the Examining authority are directed principally to the applicant and the specific named bodies. However, any other interested parties (such as local authorities and those with evidence and knowledge of the area) are entitled to submit comments or answers to the questions if they wish within the timetable.

The Examining authority has requested a number of Statements of Common Ground (SoCG) referred to in Annex B, and it is content if answers to questions put below are contained in the relevant SoCG that they are simply cross referenced and not repeated.

1. Geology

The application

1. Figure 1.1 of the Geological Summary Report (GSR, document 9.2.2) outlines a process model for reviewing the geology. Does this application represent a particular stage in the model, assuming the top stage is the detailed design for COMAH²⁹ approvals?
2. Please supply (preferably electronically) the following documents listed as references in chapter 8 of the GSR: 9 to 12 inclusive, 14, 17 to 20 inclusive and 35.
3. Please supply (preferably electronically) the British Geological Society (BGS) report CR/10/007 which is referred to at paragraph 11.4 in the Gas Interconnector Pipeline report (document 9.2.6).
4. Please supply prints of the following plots in the GSR at 1:5000 scale: Figure 3.7a (drawing number ending 0013) and Figure 3.9 (drawing number ending 0019).

Additional work carried out

5. What new seismic-reflection data, as distinct from the reassessment of data referred to in earlier applications, has been acquired for the present application?
6. The GSR includes data from four boreholes: Arm Hill, The Heads (2003) and Hay Nook, Burrows Marsh (2008/9) which appears to precede the preparation of the current application. Please confirm that no new boreholes have been sunk for the purposes of this application and whether the data from these four boreholes is reinterpretation of previous data or from re-drilling of the boreholes.

The geological model

7. The proposed caverns are in areas where there is limited borehole and seismic data. Please provide the evidence to demonstrate that there is sufficient data covering the areas proposed for the underground gas caverns.

²⁹ Control of Major Accident Hazards

8. What data was used to enable the accuracy of the BGS (2005 and 2009) models to be increased from 1:10,000 scale with 100 m contours to 1:5,000 scale with 20 m contours in the Rutherford (2010) model³⁰?
9. Are the revised positions of the faults shown of the Rutherford (2010) model based on new data or on a reinterpretation of the six seismic-reflection profiles referred to in earlier reports?
10. What is the data source for the identification of the faults shown in the drawing number ending 0001 in appendix B of the GSR, and what confidence is there that no fault penetrates the Preesall Halite in the proposed areas for cavern development?
11. How have the top and bottom boundaries of the Preesall Halite shown in Figure 3.5 of the GSR been defined?
12. What is the horizontal resolution with which faults can be recognised at the level of the top and the bottom of the Preesall Halite in each of the six seismic sections shown in drawing number ending 0001 in appendix B of the GSR?
13. With what vertical accuracy can the boundaries of the Preesall Halite be resolved in each of the six seismic sections in the drawing referred to above?
14. The geological cross sections (drawing numbers ending 0003,0004 and 0005 in appendix B of the GSR) show variations in the thickness of the Preesall Halite beneath the Fylde Estuary: e.g. from c. 250 to c. 420 m in section 1-1. What is the evidence for these variations?
15. Drawing number ending in 0014 in appendix B of the GSR shows dips of over 50° in the top of the Preesall Halite. Where and how were these dips identified?

Influence of earlier salt workings

16. In the drawing number ending 0001 in appendix B of the GSR there are the four "zones of recorded subsidence" in the northern area for cavern development. Are these modern collapse structures related to former salt workings such as caverns or wild-brine runs?
17. In the same drawing please provide:
 - i) an explanation of the red borehole/shaft prefixes HHF, HNB, BHR, RCP, CWFP, FBH, TP, E, B, BMB and MWS.
 - ii) an explanation for the blue areas of subsidence shown in the areas of proposed cavern development if they are not related to former salt workings.
 - iii) an additional version of this drawing also showing the polygonal areas, proposed cavern areas, well heads, Gas Compressor Compound (GCC), booster station and proposed road alignment, in order to illustrate existing and proposed works on a single drawing.
 - iv) an explanation about the current state of the brine wells with a marl roof; do they overlie partially collapsed caverns that are overlain by artificially induced wet rockhead?
18. What evidence is there that the location of every previous brinewell and cavern is now known?
19. What reliance can be placed on the mapping of wet rock head, and the claims in the GSR that its extent is stable?
20. The buffer zone shown in the drawing number ending 0002 in appendix B of the GSR for existing brine workings is given as 4r where $r = 50$ m. In the case of the caverns, is this measured from the centre of the existing cavern or from the edge of that cavern, and is this to the edge of the proposed gas-storage cavern or to the centre of that cavern?

Suitability of the salt body

³⁰ The assessment undertaken by Dr Everett Rutherford Jnr contained within document 9.2.2 – GSR

21. In total, how many samples of Preesall Halite have been chemically analysed and/or geomechanically tested?
22. Chapter 4 in the GSR refers to tests in two boreholes as "currently scheduled". What are these tests?
23. Given that there is at present limited borehole and seismic data available in the areas for cavern development, at what stage will site investigations be carried out at each of the proposed cavity locations to prove the thickness, purity and geotechnical properties of the Preesall Halite?
24. How reliable is the salt quality, in view of the mudstone interbed composition with a frequency of 6 to 8%% from the Arms Hill borehole and analysis of the downhole data and gamma ray logs suggesting 4 to 12% (paragraph 4.1.1 in the GSR)?
25. With what accuracy of thickness can the mudstone interbeds be identified in the gamma-ray logs?
26. In GSR Figure 4.1 halites with up to 25% insolubles are referred to as "clean". What is the maximum level of impurity before the halite is unable to support reliable cavern construction?
27. How valid is the assumption that the interbeds are not permeable to gas because of the presence of halite crystals?
28. Has the fracturing in the overlying mudstones, the mudstone interbeds and the Preesall Halite been recorded in any of the boreholes?
29. What is the mechanism for sealing the edges of interbeds on cavern formation, given that there are at least 5 identified in the Hay Nook borehole?
30. Given the presence of fractures in the Preesall Halite bed of between 0.5m to 1m, how long does it take for halite to "heal" itself?
31. How reliable is the data for permeability of the salt, and what are the minimum limits? The results are not compared with standards or norms so are the levels of permeability at Preesall exceptionally good, merely average, or on the boundaries of acceptability?
32. Are there industry wide standards for sub surface and surface risks arising from underground gas storage?
33. Are there any other industry-wide standards for cavern design in addition to the "Rockhar Rules" and are these other standards more or less conservative?

Possible seismic risk

34. Was the possible effects of the shale gas exploration in 2011 in the Fylde area considered as part of the Seismic Desk Study (document 9.2.7) and where is the evidence for the statement in paragraph 2.5.1.1 that "such small magnitude earthquake near Blackpool poses very little hazard to the gas storage project"?
35. What consequences are there for cavern creation proposed by this application from the possible future programme of shale gas exploration in the Fylde area?
36. What are the risks of the formation of each new cavern impacting on the integrity of an operational cavern on the site?

Surface connections

37. How will the caverns, wells connecting the caverns to the surface and connecting pipelines remain gas tight, considering mudstone interbeds, faults and possible seismic activity?

Possible damage to local infrastructure

38. What are the implications of salt permeability and ground settlement for the Preesall and Fleetwood waste water treatment works?

2. Assessment of significant effects on Morecambe Bay SPA and Ramsar site, and impact on the SSSIs

1. Please provide the linkage information in tabular format, showing how the potential effects of the project on biodiversity and habitat losses, identified in the Environmental Statement (documents 5.1 to 5.4) and Habitat Regulations Assessment reports (documents 3.2 and 3.3), are mitigated by the proposals in the Landscape and Ecological Management Strategy Plan (LEMSP).
2. Please provide a timeline for the LEMSP, showing start and finish date with regard to the pre-construction, construction, construction and operation and operation phases.
3. Please identify (with reference to the field numbers shown on the LEMSP at Figure 14.10 of the Environmental Statement volume 2B (document 5.4)) where the 16 ha of land is located which is to be provided at a distance of more than 500m from project related activities, as an alternative habitat for pink footed geese throughout the construction, and construction and operation periods?
4. As the LEMSP is anticipated to be implemented over a phased programme (paragraph 1.1.4 of the Environmental Statement volume 1B Appendix 14.11, (document 5.2)) please explain how this would affect the management and availability of the identified 16 ha of replacement functionally-linked land over the construction and construction and operation periods.
5. How will the applicant ensure that any alternative habitat provided to support over wintering pink footed geese which is outside the DCO boundary is managed in accordance with the LEMSP?
6. In view of Natural England's current position about the adequacy of information submitted for the purpose of the Habitats Regulations, what evidence is there to conclude that there are no residual significant effects on the Morecambe Bay SPA and Ramsar site, taking into account the mitigation to be provided by the LEMSP?
7. Does Natural England agree with the applicant's conclusion of no likely significant effects on the Morecambe Bay SAC as set out in the Habitats Regulations Assessment (document 3.2)?
8. Would Natural England please confirm whether any proposed operation (whether or not taking place on land included in the Wyre Estuary, Lune Estuary or Winmarleigh Moss SSSIs) is likely to damage any of the flora, fauna or geological or physiographical features by reason of which the SSSIs are of special interest.
9. What progress has been made with the licence applications to Natural England with regard to protected species?
10. Please explain how the derogation tests in relation to the European Protected Species licence will be met?³¹

3. Impact of brine discharge to the Irish Sea and associated works

1. Is the Environment Agency satisfied that there have been no changes in circumstances since the issue of the brine discharge licence in 2007 to warrant a reassessment?

³¹ These tests are that there is "no satisfactory alternative" (Regulation 53 (9) (a) of the Habitats Regulations), that the activity authorised will not be "detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range" (Regulation 53 (9) (b) and that the licence is for a purpose specified in Regulation 53(1) which includes for "imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment

2. Has the applicant carried out any analyses of the saturated brines to determine whether or not they contain any trace metals (pb, sn, cu, zn etc) or associated trace elements (as, sb etc) that might be detrimental to marine habitats?
3. What is the purpose of the observation platform at the seawall crossing?
4. What are the consequences for maintenance and amenity purposes of the loss of vehicular access to the beach and slipway at the seawall crossing site?
5. Paragraph 9.7.110 of the Environmental Statement volume1A (Document 5.1) acknowledges there is some uncertainty over whether fish have the ability to avoid lethal concentrations of saline, which could affect relatively large numbers of fish. However the following paragraph concludes that the potential effects of mortality of adult fish through contact with the brine discharge are considered to be not significant at any level. Please explain this apparent inconsistency.
6. Please confirm that actual commercial fishing in the area of the discharge pipeline is limited to two vessels, and indicate the scale of the potential impact on fishing areas along the Fylde coast given that the pipeline is buried at this location.
7. What is the purpose of the air vent at the railway bridge crossing on Jameson Road and what is the predicted composition of the gas discharge?

4. Noise impacts

1. Where will the drilling rig be located for the southern Wyre crossing and when in the construction programme and at what time of year is this intended?
2. If the drilling rig is to be located on the west bank of the estuary, please provide revised construction noise calculations for the caravan parks at Stanah.
3. Please provide a drawing to cover the west and east banks of the estuary showing construction noise levels in year one, in the same format as given for construction and operation, and operation only phases in Figures 12.3 and 12.4 of the Environmental Statement volume 2A (document 5.4).
4. How will operational and care activities in Rossall Hospital be affected by vibration from the construction activities (as distinct from noise assessed in table 12.47 of the Environmental Statement volume1A (document 5.1))?
5. What progress has been made in obtaining Wyre Borough Council's agreement to construction and operational noise limits?

5. Landscape impacts

1. Please explain the components and purpose of the various elements which comprise the Gas Compressor Compound (GCC).
2. Is the GCC proposed to be lit?
3. What is the pattern of visits to the GCC during operations and for what purpose?
4. Given that the landscape character areas in which the GCC is proposed to be located are of high landscape sensitivity and low capacity to accommodate the project, why are the mitigation proposals in the LEMSP considered to be sufficient?
5. Does the Health and Safety Executive support the conclusion in the Planning Statement (document 9.1.1) that a location for the GCC on the west bank of the Wyre estuary is unacceptable on hazardous substances grounds?

6. Brine Well (BW) number 123 and disposal of waste arisings

1. Please provide details of how BW123 will be used for disposal of insoluble waste arisings from cavern formation in terms of:
 - (i) volume of waste
 - (ii) method of transportation
 - (iii) volume of cavern available
 - (iv) how will displaced brine water be disposed of, and
 - (v) what measures will be taken to ensure that there are no unconsented discharges.
2. What progress has been made with the application for environmental permits for:
 - (i) disposal to existing cavern BW123 of the insolubles waste arisings from the cavern formation process, and
 - (ii) use of the drilling wastes as landscaping on site?
3. Paragraph 4.8.4 of the Health Impact Assessment (document 9.1.7) states that caverns BW118 to BW123 will be used for the disposal of insoluble waste arisings. Are caverns 118 to 122 intended to be used as well as BW 123?

7. Access

1. Why is a new road from the A588 to the GCC needed permanently, even if it is accepted as necessary for the construction phase?
2. Can the applicant confirm that during year one of construction, HGV traffic at the Preesall site will total about 4800, or about 20 per day?
3. What traffic movements are expected to the well heads during operations?
4. Can the applicant confirm that once operational, total traffic using the Preesall site is estimated to be about 40 light vehicle trips per day?
5. What is the purpose of the two accesses to the south river crossing temporary compound (west bank)?

8. The pipeline to Nateby

1. What impacts does the pipeline from Hall Gate Lane (A558) to Nateby have on farming operations during construction and permanently?

9. Hazardous Substances Consent

1. In order to progress the application for deemed hazardous substances consent, the following information is requested from Wyre Borough Council:
 - (i) any current or contemplated use of the land to which the application relates
 - (ii) the way in which other land in the vicinity is being used or is likely to be used; and
 - (iii) any planning permission or development consent that has been granted for development of that other land in the vicinity.

10. Compulsory Acquisition

1. Please give the reasons why permanent acquisition of plots 9 and 13 shown in the Land Plans is required.
2. In Appendix 2 of the Statement of Reasons (document 7.1) re plots 49 and 50 where and what works are A16B?

3. Please explain the requirement for rights over plots 49 and 50 shown in the Land Plans.
4. If all interests in plots 149, 151 to 155 and 157 shown in the Land Plans are being sought, then why are new rights also being sought in relation to these plots?
5. Plot 147 is part of a public road but is included in the Schedule 6 of the DCO and Appendix 3 of the Statement of Reasons as a plot where temporary possession is required. Elsewhere in the Book of Reference (document 7.3) where public roads are involved no temporary possession rights have been sold presumably because they are not needed on a public highway. Please confirm plot 147 should be deleted from Schedule 6 and Appendix 3.
6. Plots 159 to 211 (save 205) seek rights with no limitation as to depth. This differs to the approach in other places e.g. plots 95, 96. Is there a reason for this?
7. On the Land Plans most of the plots are edged with a dotted green line to show that temporary possession rights are required. In the Book of Reference Part 1 plots 4, 5, 7, 8, 11, 12, 16, 17, 19, 20, 22, 28, 33, 34, 36, 40, 49, 50, 53, 119, and 126 are all referred to as requiring temporary possession rights. Why have only these plots been identified in the Book of Reference as requiring temporary possession rights? Is it because no other rights are sought in relation to these plots other than the right to temporary possession?
8. Is the purpose for which plots 149, 151 to 155 are being compulsorily acquired accurately described in the Book of Reference, given that this land is the new access road to the site from the A588?
9. What is the current position concerning negotiations over plots which are Crown land and the open space certificate required from the Secretary of State?
10. Is any land owned by statutory undertakers subject to objections against compulsory acquisition?

11. Corporate Structure

1. Please supply the corporate structure of the companies involved in current ownership of land within which the project is intended to be constructed and those undertaking the operation, and the relationship between them.
2. Please supply evidence of the financial strength of the applicant to meet all the residual liabilities of the proposed project including decommissioning.

ANNEX E

Proposed Underground Gas Storage Facility at Preesall Saltfield, Lancashire– Planning Inspectorate Reference Number EN030001

Planning Act 2008 (PA 2008) and the Infrastructure Planning (Examination Procedure) Rules 2010

Note of the Preliminary Meeting

Date: Tuesday 24 April 2012

Venue: Marine Hall Fleetwood, The Esplanade, Fleetwood, FY7 6HF

***Please note:** This meeting note is not a full transcript of the Preliminary Meeting but a summary of the key points discussed and advice given. A complete audio recording of the event is available on the Planning Inspectorate's website.*

CONTENTS

- 1.0 Welcome to Interested Parties and Invitees to the Meeting
- 2.0 Agenda Item 1 – Principal Issues and other matters to be examined
- 3.0 Agenda Item 2 – Methods of Examination, including the need for hearings
- 4.0 Agenda Item 3 – Timetable for the Examination
- 5.0 Agenda Item 4 – Accompanied Site Visits
- 6.0 Closing Remarks

LIST OF PARTICIPANTS

Paul Hudson (PH)	Lead Member of the Panel
Libby Gawith	Member of the Panel
Emrys Parry (EP)	Member of the Panel
Dr. Ramues Gallois	Technical Assessor
Michael Humphries QC (MH)	Representative of Halite Energy
David Thow (DT)	Representative of Wyre Borough Council
Stuart Perigo (SP)	Representative of Lancashire County Council
Ian Blinkho (IB)	Officer of Lancashire County Council
Howard Philips (HP)	Vice-chair of Protect Wyre Group
June Jackson (JJ)	Member of Stalmine with Staynall Parish Council and representative of the Lancashire Association of Local Councils
Roy Pickup (RP)	Resident of Knott End
Ian Mulroy (IM)	Chair of Protect Wyre Group
Hilda Dickinson (HD)	Local resident
Mandy Knott (MK)	Representative of the North Western Inshore Fisheries and Conservation Authority

1.0 Welcome to Interested Parties and Invitees to the Meeting

- 1.1 **Paul Hudson (PH)** welcomed attendees to the Preliminary Meeting, and cited the date of the application and a brief description of the proposed development.
- 1.2 He introduced Libby Gawith and Emrys Parry as the other two members of the Panel that comprises the Examining authority appointed to examine the application.
- 1.3 He also introduced Dr. Ramues Gallois as the technical assessor to the Panel. He explained that Dr Gallois would advise the Panel on geological matters, and he would not act in any independent capacity.
- 1.4 He explained that although the application had been made to the Infrastructure Planning Commission, that body had since been abolished and the process that it administered would now be continued by the Planning Inspectorate. Work already done would not be repeated.
- 1.5 He confirmed that the application would be considered under the Planning Act 2008, and that the Panel were under a duty to complete the examination into the application within 6 months. He said the examination would close on 25 October 2012. The Panel would reach their conclusions and write a report to the Secretary of State within 3 months. The Secretary of State would make a decision within 3 months. He said a decision was anticipated around the 25 April 2013.
- 1.6 He said that the Panel had read the application documents in some detail, but had not taken a view on the merits of the application and would not do so until they had completed the examination and taken into account the material that had been provided to them. Two of the Panel members had already visited the site and surrounding area on a number of occasions.
- 1.7 He explained that it was not the purpose of the Preliminary Meeting to discuss the merits of the proposal, but instead to discuss the structure of the examination. The Panel would make a procedural decision on or around 2 May 2012 which would confirm the timetable for the examination and set out the Panel's first round of written questions. There would also be a note of the meeting.
- 1.8 He confirmed that the applicant had advised the Examining authority of an unintentional breach of s56 of the Planning Act 2008– the late publication of an advertisement in Lloyds List advising the deadline for relevant representations, the effect of which was that it gave 15 days notice rather than 28. He said that Panel had considered and accepted the applicant's arguments that it was unlikely anyone had been prejudiced. As a consequence, the Panel as Examining authority was content for the examination to proceed.
- 1.9 **Michael Humphries QC (MH)** introduced himself as representing Halite Energy. He also introduced Pip Saill, the Project Director, and Paul Grace, from Berwin Leighton Paisner

- 1.10 **David Thow (DT)** introduced himself as the Head of Planning Services for Wyre Borough Council.
- 1.11 **Stuart Perigo (SP)** introduced himself as a representative of Lancashire County Council.
- 1.12 **Ian Blinkho (IB)** introduced himself as a solicitor employed by Lancashire County Council.
- 2.1 **Agenda Item 1 - Principal Issues and other matters to be examined**
- 2.2 **PH** explained that the Panel had identified those matters that were likely to be the most important during the course of the examination and the areas where questions were likely to be directed. They were not intended to be the only matters and it is not an exclusive list; no-one is precluded from making representations on matters not on the list.
- 2.3 He asked if anyone had any other important and relevant matters that they felt should be added, or disagreed with the matters that had been identified.
- 2.4 **SP** said that the local authorities had nothing to add.
- 2.5 **Howard Philips (HP)** introduced himself as vice-chair of Protect Wyre Group, which is an umbrella association of residents groups formed to oppose gas storage proposals initially brought forward by Canatxx and now by Halite Energy. He noted that there was no mention of need in the initial assessment of principal issues, and that quite a sizable section of the Halite application deals with the matter of need. He understood that the Panel could not question the National Policy Statements, but he asked that the need for this specific project be considered. He felt that Halite had used extracts from the National Policy Statements and other policy documents to support their application, and asked that the Panel examine this in some depth.
- 2.6 **PH** made the observation that the policy context in which the application would be considered was the relevant National Policy Statements, particularly EN-1 and EN-4, and that Mr Philips may wish to look at them with regard to need arguments.
- 2.7 **June Jackson (JJ)** introduced herself as a member of Stalmine with Staynall Parish Council and a representative of the Lancashire Association of Local Councils. She said that there did not appear to be anything in the list on how the application would impact on tourism or other businesses, such as the sewerage treatment works on the golf course. She felt it was important to consider all these impacts.
- 2.8 **Roy Pickup (RP)** introduced himself as a resident of Knott End and a representative of himself and his wife. He said he could not see any reference to safety or what would happen if things went wrong; for example, response of emergency services and evacuation. Given that Fleetwood is a peninsular with one entrance and exit, he thought this was a major issue that should be looked at. He said that after 27 years in the Ambulance Service and being familiar with the emergency plans for Springfield, he was aware that the access to the site downwind was one of the primary roles of the emergency

services. He felt that this was impossible in a peninsula and that in his opinion if something went wrong it would not be possible to evacuate the area. In the case of a mass evacuation, the entire area would be shut down for domestic gas, which would not be restored until every property had been cleared. He referred to a recent incident in the North Sea, where a 2 mile exclusion zone had been put in place and the area evacuated, but that it was still leaking gas.

- 2.9 **PH** invited the applicant's comments on agenda item 1.
- 2.10 **MH** confirmed that the applicant had no matters they wished to see added, and understood that the Panel would consider and form their own views on submissions made by others.
- 3.1 **Agenda Item 2 – Methods of Examination, including the need for hearings**
- 3.2 **PH** noted that the application was being considered under a relatively new process under the Planning Act 2008, which was not a public inquiry but rather a principally written process. All participants are invited to write to the Panel with their views and the evidence to support them. Everyone will have an opportunity to comment on submissions made.
- 3.3 He said that hearings would be held on specific issues only if the Panel felt there was a benefit to the examination doing so; particularly if, having been through a couple of rounds of written submissions, they are still unclear on an issue or feel that a hearing is necessary to properly explore it.
- 3.4 At this stage, the Panel do not intend to hold any issue specific hearings other than Compulsory Acquisition hearings; because the applicant is proposing extensive compulsory acquisition as part of the application. Provision will also be made for an Open Floor hearing towards the end of the examination, which is an opportunity for Interested Parties to make oral submissions.
- 3.5 Provision has been made in the timetable to hold issue specific hearings if the Panel decides they want to hold hearings having seen the written submissions.
- 3.6 He invited comments from local authorities.
- 3.7 **SP** said that the authorities were satisfied with that so far.
- 3.8 **PH** invited any other comments.
- 3.9 **MH** noted that three issue specific hearings on the draft Development Consent Order appeared in the draft timetable, and that they were content with what was proposed.
- 4.1 **Agenda Item 3 – Timetable for the Examination**
- 4.2 **PH** noted that the draft timetable was set out in Annex D of the letter inviting Interested Parties to the Preliminary Meeting. The timetable will set out the deadlines that the Panel expect parties to adhere to. He noted that the

Examination Procedure Rules provide that late submissions can be disregarded; but that this was not something the Panel wished to do and so it was important that the timetable was correct.

- 4.3 He explained that the first major deadline in the draft timetable was 6 June 2012. This was the deadline for responses to the Panel's first round of written questions, and also written representations from Interested Parties, local impact reports from local authorities, and statements of common ground.
- 4.4 The timetable includes stages to look in detail at the draft development consent order.
- 4.5 He invited comments from the local authorities.
- 4.6 **SP** said that the authorities were satisfied with the draft timetable.
- 4.7 **PH** asked what were the authorities' intentions with regard to the local impact reports.
- 4.8 **SP** said that the reports would be produced in parallel, but that he was not sure whether or not the reports would be a single submission. They were likely to be two separate submissions with some common ground.
- 4.9 **Ian Mulroy (IM)** introduced himself as the Chairman of the Protect Wyre Group, and asked for clarification of the distinction made in the timetable between representations and summaries.
- 4.10 **PH** confirmed that relevant and written representations over 1,500 words should be accompanied by a summary. The written representations should be full submissions.
- 4.11 **IM** noted that this was the fourth application they had opposed and that they hoped to give local residents the opportunity to make their views known. In the past, these had been directed to the County Council, but given the Planning Act 2008 process they proposed to submit these in support of the written representations of Protect Wyre Group. This was a very large task of collation and summarising. He asked whether or not the Panel would like to see copies of original letters to Protect Wyre Group, and also if the analysis of the correspondence in the summary could be submitted on 4 July 2012 rather than 6 June 2012 given the scale of the task.
- 4.12 **PH** noted that all local residents had the opportunity to register as Interested Parties individually. He asked if Protect Wyre Group would be acting for parties who had not individually registered.
- 4.13 **IM** said that they intended to solicit views from the communities they represent and submit those with their evidence.
- 4.14 **PH** confirmed that this was acceptable, but noted that those individuals would not be making representations to the Panel as Interested Parties. The Panel would consider what was said about the provision of the summary, but that the regulations applied to all Interested Parties. He therefore encouraged

Protect Wyre Group to focus on producing their full written representations to meet the 6 June deadline.

- 4.15 **IM** indicated that he understood the position.
- 4.16 **MH** noted, but not in response to IM's comments, that there had been full statutory consultation with the public in accordance with the pre-application requirements of the Planning Act 2008, and a consultation report had been provided with the application which included analysis of responses. It was hoped that if people had comments they would have made them at that stage.
- 4.17 He also noted that the first issue specific hearing on the draft Development Consent Order (DCO) was at item 7 of the draft timetable and that this was acceptable. He also noted that the second issue specific hearing on the draft DCO and the deadline for submission of a final draft DCO (items 9 and 12) were timetabled before the dates for any other issue specific hearings, compulsory acquisition hearings and open floor hearings. He submitted that there was some merit in having any second issue specific hearing on the draft DCO after those events so that if, after hearing evidence, any changes to the DCO were felt to be necessary, there was an opportunity to make them.
- 4.18 He further noted that the time for any Open Floor and Compulsory Acquisition hearings was towards the end of the statutory period, and so as a consequence it may be necessary to move these slightly forward if the submissions on the timing of the second issue specific hearing on the draft DCO were accepted.
- 4.19 **PH** confirmed that it was very much in the minds of the Panel that, before the hearings, the DCO and its requirements should be in as final a state as can be managed but that this did not necessarily preclude any further discussions. Item 12 was an attempt to make clear that the Panel expect the DCO to be largely finalised by that point, and beyond the status of a travelling draft.
- 4.20 **Emrys Parry (EP)** confirmed that he considered that there would be ongoing discussion beyond that point.
- 4.21 **PH** asked if this addressed the applicant's concerns, and their request with respect to the timing of compulsory acquisition and open floor hearings.
- 4.22 **MH** confirmed that this appeared to meet the observations about the programming of hearings and he was therefore content with what is proposed.
- 4.23 **Agenda Item 4 – Accompanied Site Visits**
- 5.1 **PH** said that the Panel intended to hold two accompanied site inspections, the first on 3 May 2012. The purpose of this visit was to concentrate on the parts of the site that could not be seen from public land. The second visit at the end of the examination will be a more compressive overview of the entire project. For that reason, the visit on 3 May is only expect to last half a day.
- 5.2 The visit will focus on the following 6 locations:

- The seawater pumping station site in Fleetwood dock
- The farm buildings at Higher Lickow Farm
- The gas compressor compound site
- The location of Brine well 123
- Acres Lane and the approach to Coat Walls Farm
- The gas monitoring station at Nateby

- 5.3 A number of requests have been received to accompany the Panel on the visit. He asked that people who wished to join the visit identify what they wanted the Panel to see.
- 5.4 **SP** confirmed that he would attend for Lancashire County Council
- 5.5 **DT** confirmed that he would attend for Wyre Borough Council.
- 5.6 **Hilda Dickinson (HD)** said that she would not attend the site visit, but asked whether, in view of the “fracking” that was about to take place, would the Panel consider seismic activity, which she felt was very relevant.
- 5.7 **PH** said that he understood this to more a matter of principal issues than a location that should be visited.
- 5.8 **HD** confirmed that she thought it should be relevant to the examination.
- 5.9 **IM** asked that the Panel visit Brine Well 88, which is the most recent collapse of a brine well. He felt it would be valuable to see the effect that collapsed brine well has.
- 5.10 **MH** said he had no comments on sites to be visited, but asked if arrangements for access to private land should be made by the Planning Inspectorate or by the applicant.
- 5.11 **PH** confirmed that the Panel expected the applicant to escort them to the site of the proposed development, and where possible to make the necessary arrangements.
- 5.12 **MH** said that this would be done. He asked that some indication of numbers be provided.
- 5.13 **PH** performed a count of hands, which gave a number of approximately 12 persons.
- 6.1 **Closing Remarks**
- 6.2 **PH** said that the Panel would now consider the submissions made and issue a procedural decision, which would be sent to all Interested Parties. He emphasised that the process was principally a written one which required that parties make their submissions in writing and line with the timetable. This is what the Planning Act 2008 expects and so does the Panel.
- 6.3 **IM** asked if, given that there were three Inspectors, the Panel required 3 copies of submissions.

- 6.4 **PH** confirmed that one was sufficient.
- 6.5 **Mandy Knott (MK)** introduced herself as being from the North Western Inshore Fisheries and Conservation Authority. She noted that many Interested Parties had been unable to attend the meeting, and asked if they would be informed of the timetable of the examination.
- 6.6 **PH** confirmed that they would.

THE MEETING CLOSED