

THE INFRASTRUCTURE PLANNING (APPLICATIONS: PRESCRIBED FORMS AND PROCEDURE) REGULATIONS 2009

**Preesall Underground Gas Storage Facility,
Lancashire**

DRAFT DEVELOPMENT CONSENT ORDER

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201[●] No. [●]

INFRASTRUCTURE PLANNING

ENERGY

The [Draft] Preesall (Underground Gas Storage Facility)
Development Consent Order 201[●]

<i>Made</i> - - - -	[●] 201[●]
<i>Laid before Parliament</i> - -	[●] 201[●]
<i>Coming into force</i> - -	[●] 201[●]

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An application has been made to the Infrastructure Planning Commission in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009^(a) and sections 37, 42, 48, 55, 56, and 59 of the Planning Act 2008 (“the Act”)^(b) for an Order under sections 37, 114, 115, 120, 121, 122, 123 and 142 of the Act.

The application was examined by an Examining authority appointed by the Infrastructure Planning Commission pursuant to Chapter 4 of Part 6 of the Act.

The Examining authority, in accordance with section 104(3) of the Act, has considered the national planning statements which have effect in relation to development of the description to which the application relates, and has concluded that the application accords with those statements.

The Examining authority, having considered the objections made and not withdrawn and the application with the documents that accompanied the application, has determined to make an Order giving effect to the proposals comprised in the application.

The decision-maker’s determination was published on [●].

Accordingly, as the decision-maker in exercise of the powers conferred by sections 103, 114, 115, 120, 121, 122, 123 and 142 of the Act the [Secretary of State] makes the following Order:

PART 1 PRELIMINARY

Citation and Commencement

1. This Order may be cited as the Preesall (Underground Gas Storage Facility) Development Consent Order 201[●] and shall come into force on [●] 201[●].

Interpretation

2.—(1) In this Order—

“the 1961 Act” means the Land Compensation Act 1961^(c);

“the 1965 Act” means the Compulsory Purchase Act 1965^(d);

“the 1980 Act” means the Highways Act 1980^(e);

“the 1984 Act” means the Road Traffic Regulation Act 1984^(f);

“the 1990 Act” means the Town and Country Planning Act 1990^(g);

“the 1991 Act” means the New Roads and Street Works Act 1991^(h);

“the 2008 Act” means the Planning Act 2008^(a);

(a) S.I. 2009/ 2264, amended by S.I. 2010/602; there are other amendments not relevant to this Order.

(b) 2008 c.29; sections 42, 55 and 56 were amended by section 23 of the Marine and Coastal Access Act 2009 (c.23).

(c) 1961 c.33..

(d) 1965 c.56.

(e) 1980 c.66..

(f) 1984 c. 27.

(g) 1990 c.8..

(h) 1991 c.22.

“authorised development” means the development and associated development described in Schedule 1 (authorised development) and any other development authorised by this Order, which is development within the meaning of section 32 of the 2008 Act;

“Blackpool Transport Services” means Blackpool Transport Services Limited (Company No: 02003020) whose registered office is at Rigby Road, Blackpool in the County of Lancashire, FY1 5DD;

“the book of reference” means the book of reference certified by the decision-maker as the book of reference for the purposes of this Order;

“building” includes any structure or erection or any part of a building, structure or erection;

“carriageway” has the same meaning as in the 1980 Act;

“compulsory acquisition notice” means a notice served in accordance with section 134 of the 2008 Act;

“the decision-maker” has the same meaning as in section 103 of the 2008 Act;

“Halite Energy Group” means Halite Energy Group Limited (Company number 04145789) whose registered office is at Unit 5, St Georges Park, Kirkham, Lancashire, PR4 2EF;

“highway” and “highway authority” have the same meaning as in the 1980 Act;

“the land plan” means the plan certified as the land plan by the decision-maker for the purposes of this Order;

“maintain” includes maintain, inspect, repair, adjust, alter, remove, clear, refurbish, reconstruct, decommission, demolish, replace or improve the authorised development and “maintaining” and “maintenance” shall be construed accordingly;

“Order land” means the land shown on the land plan which is within the limits of land to be acquired and described in the book of reference;

“the Order limits” means the limits shown on the works plan within which the authorised development may be carried out;

“owner”, in relation to land, has the same meaning as in section 7 of the Acquisition of Land Act 1981**(b)**;

“Preesall halite deposit” means the member of the Kirkham Mudstone formation being a deposit characterised by halite with varying marl content and localised mudstone interbeds, more particularly described and shown as the Preesall Salt on the Geological Survey of Great Britain (England and Wales) Sheet 66, 1:50,000 Series, Solid and Drift Edition, of the British Geological Survey Classification entitled “The Geology of the country around Blackpool” dated 1990 and further described in the accompanying British Geological Survey Sheet Memoir 66;

“relevant planning authority” means Wyre Borough Council and any successors to its function as planning authority for the area in which the land to which the provisions of this Order apply;

“access and temporary stopping up plan” means the plan certified as the access and temporary stopping up plan by the decision-maker for the purposes of this Order;

“statutory undertaker” means any person falling within section 127(8), 128(5) or 129(2) of the 2008 Act;

“street” means a street within the meaning of section 48 of the 1991 Act**(c)**, together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act;

“the tribunal” means the Lands Chamber of the Upper Tribunal;

(a) 2008 c.29.

(b) S.I. 2009/ 2264, amended by S.I. 2010/602; there are other amendments not relevant to this Order.

(c) 2008 c.29; sections 42, 55 and 56 were amended by section 23 of the Marine and Coastal Access Act 2009 (c.23).

“undertaker” means the person who has the benefit of this Order in accordance with Articles 7 and/or 8 of this Order;

“watercourse” includes all rivers, streams, ditches, drains, canals, cuts, culverts, dykes, sluices, sewers and passages through which water flows except a public sewer or drain; and

“the works plan” means the plan certified as the works plan by the decision-maker for the purposes of this Order.

(2) Save for the definition of the “undertaker”, the definitions in paragraph 1 shall not apply to Schedule 7 (deemed consent under Part 4 of the Marine and Coastal Access Act 2009).

(3) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the air-space above its surface.

(4) All distances, directions and lengths referred to in this Order and any document referred to in this Order are approximate and distances between points on a work comprised in the authorised development shall be taken to be measured along that work.

PART 2

WORKS PROVISIONS

Principal powers

Development consent etc. granted by the Order

3. Subject to the provisions of this Order and to the requirements in Schedule 9 (requirements) attached to this Order the undertaker is granted—

- (a) development consent for the authorised development to be carried out within the Order limits; and
- (b) consent to use the authorised development for the purpose for which it is designed including without limitation use of the cavities to be created for the underground storage of gas.

Maintenance of authorised development

4.—(1) The undertaker may at any time maintain the authorised development, except to the extent that this Order or an agreement made under this Order, provides otherwise and may enter on any land within the Order limits if such entrance is reasonably required for the purpose of maintaining the authorised development.

(2) Subject to paragraph (3) and the requirements, the power to maintain the authorised development includes the power to carry out and maintain such of the following works as may be necessary or expedient for the purposes of, or for purposes ancillary to, the construction or operation of the authorised development, namely—

- (a) works to alter the position of apparatus below ground level, including mains, sewers, drains and cables including below ground structures associated with that apparatus within the Order limits;
- (b) works of decommissioning and demolition.

(3) Paragraph (2) shall only authorise the carrying out or maintenance of works within the Order limits.

Limits of Deviation

5. In constructing or maintaining the authorised development, the undertaker may deviate laterally from the lines or situations of the authorised development shown on the works plan to the extent of the limits of deviation shown on that plan.

Defence to proceedings in respect of statutory nuisance

6.—(1) Where proceedings are brought under section 82(1) of the Environmental Protection Act 1990(a) (summary proceedings by person aggrieved by statutory nuisance) in relation to a nuisance falling within paragraph (g) of section 79(1) of that Act (noise emitted from premises so as to be prejudicial to health or a nuisance) no order shall be made, and no fine may be imposed, under section 82(2) of that Act(b) if—

- (a) the defendant shows that the nuisance—
 - (i) relates to premises used by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development and that the nuisance is attributable to the carrying out of the authorised development in accordance with a notice served under section 60 (control of noise on construction site), or a consent given under section 61 (prior consent for work on construction site) or 65 (noise exceeding registered level), of the Control of Pollution Act 1974(c); or
 - (ii) is a consequence of the construction or maintenance of the authorised development and that it cannot reasonably be avoided; or
- (b) the defendant shows that the nuisance—
 - (i) relates to premises used by the undertaker for the purposes of or in connection with the use of the authorised development and that the nuisance is attributable to the use of the authorised development which is being used in accordance with a scheme for noise management approved by the relevant planning authority as described in paragraph 29 of Schedule 1 (requirements); or
 - (ii) is a consequence of the use of the authorised development and that it cannot reasonably be avoided.

(2) Section 61(9) (consent for work on construction site to include statement that it does not of itself constitute a defence to proceedings under section 82 of the Environmental Protection Act 1990) of the Control of Pollution Act 1974 and section 65(8) of that Act (corresponding provision in relation to consent for registered noise level to be exceeded), shall not apply where the consent relates to the use of premises by the undertaker for the purposes of or in connection with the construction or maintenance of the authorised development.

Benefit of order

Benefit of Order

7. Subject to article 8 (transfer of benefit of Order), the provisions of this Order shall have effect solely for the benefit of Halite Energy Group.

Transfer of benefit of Order

- 8.—(1)** The undertaker may with the consent of the Secretary of State—
- (a) transfer to another person (“the transferee”) any or all of the benefit of the provisions of this Order and such related rights as may be agreed between the undertaker and the transferee; or
 - (b) grant to another person (“the lessee”) for a period agreed between the undertaker and the lessee any or all of the benefit of the provisions of this Order and such related statutory rights as may be so agreed.

(a) 1990 c.43. section 82 is amended by section 5 of the Noise and Statutory Nuisance Act 1993 (c.40), Schedule 17 to the Environment Act 1995 (c.25) and section 103 of the Clean Neighbourhoods and Environment Act 2005 (c.16).

(b) There are amendments to section 82 that are not relevant to this Order.

(c) 1974 c.40. sections 61 and 65 are amended by section 133 of the Building Act 1984 (c.55), Schedule 24 to the Environment Act 1995 (c.25) and section 162 of, and Schedule 15 to, the Environmental Protection Act 1990 (c.43); there are other amendments not relevant to this Order.

(2) Where an agreement has been made in accordance with paragraph (1) references in this Order to the undertaker shall include references to the transferee or the lessee.

(3) The exercise by a person of any benefits or rights conferred in accordance with any transfer or grant under paragraph (1) shall be subject to the same restrictions, liabilities and obligations as would apply under this Order if those benefits or rights were exercised by Halite Energy Group.

Streets

Street works

9.—(1) The undertaker may, for the purposes of the authorised development, enter on so much of any of the streets specified in Schedule 2 (streets subject to street works) as is within the Order limits and may—

- (a) break up or open the street, or any sewer, drain or tunnel under it;
- (b) tunnel or bore under the street;
- (c) place apparatus in the street;
- (d) maintain apparatus in the street or change its position;
- (e) demolish, remove, replace and relocate any bus shelter and associated bus stop infrastructure;
- (f) execute any works to provide or improve sight lines required by the highway authority; and
- (g) execute any works required for or incidental to any works referred to in sub-paragraphs (a), (b), (c), (d), (e) and (f).

(2) The authority given by paragraph (1) is a statutory right for the purposes of sections 48(3) (streets, street works and undertakers) and 51(1) (prohibition of unauthorised street works) of the 1991 Act.**(a)**

(3) The provisions of sections 54 to 106 of the 1991**(b)** Act apply to any street works carried out under paragraph (1).

(4) In this article “apparatus” has the same meaning as in Part 3 of the 1991 Act save that it shall further include a bus shelter and associated bus stop infrastructure.

Power to alter layout, etc., of streets

10.—(1) The undertaker may alter the layout of or carry out any ancillary works in the street specified in column (2) of Schedule 3 (streets subject to alteration of layout) in the manner specified in relation to that street in column (3).

(2) Without prejudice to the specific powers conferred by article 3 or paragraph 1(1) but subject to paragraph (3), the undertaker may, for the purposes of constructing and maintaining the authorised development, alter the layout of any street within the Order limits and the layout of any street having a junction with such a street; and, without limiting the scope of this paragraph, the undertaker may—

- (a) increase the width of the carriageway of the street by reducing the width of any kerb, footpath, footway, cycle track or verge within the street;
- (b) alter the level or increase the width of any such kerb, footpath, footway, cycle track or verge; and
- (c) reduce the width of the carriageway of the street.

(a) Section 51 is amended by Schedule 1 to the Traffic Management Act 2004 (c.18).

(b) (Consequential Provisions) Act 1991 (c.60), sections 255 and 256 of the Transport Act 2000 (c.38), sections 40 to 64 of, and Schedule 1 to, the Traffic Management Act 2004 (c.18), Schedule 3 to the Flood and Water Management Act 2010 (c.29), and regulation 17 of S.I. 2007/1951; there are other amendments that are not relevant to this Order.

(3) The powers conferred by paragraph (2) shall not be exercised without the consent of the street authority but such consent shall not be unreasonably withheld.

Maintenance of new or altered streets

11.—(1) Where a street is altered or diverted under this Order, the altered or diverted part of the street shall, when completed to the reasonable satisfaction of the street authority, unless otherwise agreed with the street authority, be maintained by and at the expense of the undertaker for a period of 12 months from its completion and at the expiry of that period by and at the expense of the street authority.

(2) In any action against the undertaker in respect of loss or damage resulting from any failure by it to maintain a street under this article, it shall be a defence (without prejudice to any other defence or the application of the law relating to contributory negligence) to prove that the undertaker had taken such care as in all the circumstances was reasonably required to secure that the part of the street to which the action relates was not dangerous to traffic.

(3) For the purposes of a defence under paragraph (2), the court shall in particular have regard to the following matters—

- (a) the character of the street and the traffic which was reasonably to be expected to use it;
- (b) the standard of maintenance appropriate for a street of that character and used by such traffic;
- (c) the state of repair in which a reasonable person would have expected to find the street;
- (d) whether the undertaker knew, or could reasonably have been expected to know, that the condition of the part of the street to which the action relates was likely to cause danger to users of the street;
- (e) where the undertaker could not reasonably have been expected to repair that part of the street before the cause of action arose, what warning notices of its condition had been displayed,

but for the purposes of such a defence it is not relevant to prove that the undertaker had arranged for a competent person to carry out or supervise the maintenance of the part of the street to which the action relates unless it is also proved that the undertaker had given the competent person proper instructions with regard to the maintenance of the street and that the competent person had carried out those instructions.

Temporary stopping up of streets and rights of way

12.—(1) The undertaker, during and for the purposes of carrying out the authorised development, may temporarily stop up, alter or divert any street or any other right of way and may for any reasonable time—

- (a) divert the traffic or a class of traffic from the street or right of way; and
- (b) subject to paragraph (2), prevent all persons from passing along the street or right of way.

(2) The undertaker shall provide reasonable access for pedestrians going to or from premises abutting a street affected by the temporary stopping up, alteration or diversion of a street under this article if there would otherwise be no such access.

(3) Without prejudice to the generality of paragraph (1), the undertaker may temporarily stop up, alter or divert the streets or rights of way specified in columns (1) and (2) of Schedule 4 (streets and rights of way to be temporarily stopped up) to the extent specified, by reference to the letters and numbers shown on the access and temporary stopping up plan, in column (3) of that Schedule.

(4) The undertaker shall not temporarily stop up, alter or divert—

- (a) any street or right of way specified as mentioned in paragraph (3) without first consulting the local highway authority; and
- (b) any other street without the consent of the highway authority which may attach reasonable conditions to any consent.

(5) Any person who suffers loss by the suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

Access to works

13.—(1) The undertaker may, for the purposes of the construction and/or the maintenance of the authorised development—

- (a) form and lay out means of access, or improve existing means of access, in the locations specified in columns (1) and (2) of Schedule 5 (access to works); and
- (b) with the approval of the relevant planning authority after consultation with the highway authority, form and lay out such other means of access or improve existing means of access, at such locations within the Order limits as the undertaker reasonably requires for the purposes of the authorised development.

Agreements with street authorities

14.—(1) A street authority and the undertaker may enter into agreements with respect to—

- (a) the construction of any new street including any structure carrying the street over or under any part of the authorised development;
- (b) the strengthening, improvement, repair or reconstruction of any street under the powers conferred by this Order;
- (c) any stopping up, alteration or diversion of a street authorised by this Order; or
- (d) the carrying out in the street of any of the works referred to in article 9(1) (street works).

(2) Such an agreement may, without prejudice to the generality of paragraph (1)—

- (a) make provision for the street authority to carry out any function under this Order which relates to the street in question;
- (b) include an agreement between the undertaker and street authority specifying a reasonable time for completion of the works; and
- (c) contain such terms as to payment and otherwise as the parties consider appropriate.

Supplemental powers

Discharge of water

15.—(1) The undertaker may use any watercourse or any public sewer or drain for the drainage of water in connection with the carrying out or maintenance of the authorised development and for that purpose may lay down, take up and alter pipes and may, on any land within the Order limits, make openings into, and connections with, the watercourse, public sewer or drain.

(2) Any dispute arising from the making of connections to or the use of a public sewer or drain by the undertaker pursuant to paragraph (1) shall be determined as if it were a dispute under section 106 of the Water Industry Act 1991^(a) (right to communicate with public sewers).

(3) The undertaker shall not discharge any water into any watercourse, public sewer or drain except with the consent of the person to whom it belongs; and such consent may be given subject to such terms and conditions as that person may reasonably impose, but shall not be unreasonably withheld.

(4) The undertaker shall not make any opening into any public sewer or drain except—

- (a) in accordance with plans approved by the person to whom the sewer or drain belongs, but such approval shall not be unreasonably withheld; and

^(a) 1991 c.56. Section 106 was amended by sections 36(2) and 99 of the Water Act 2003 (c.37). There are other amendments to this section which are not relevant to this Order.

(b) where that person has been given the opportunity to supervise the making of the opening.

(5) The undertaker shall not, in carrying out or maintaining works pursuant to this article, damage or interfere with the bed or banks of any watercourse forming part of a main river.

(6) The undertaker shall take such steps as are reasonably practicable to secure that any water discharged into a watercourse or public sewer or drain pursuant to this article is as free as may be practicable from gravel, soil or other solid substance, oil or matter in suspension.

(7) This article does not authorise the discharge or entry into inland fresh waters or coastal waters of any matter whose entry or discharge into those waters is prohibited by regulation 38 of the Environmental Permitting (England and Wales) Regulations 2010(a).

(8) In this article—

(a) “public sewer or drain” means a sewer or drain which belongs to the Homes and Communities Agency, the Environment Agency or a harbour authority within the meaning of section 57 of the Harbours Act 1964(b) (interpretation), an internal drainage board, a joint planning board, a local authority, a National Park Authority, a sewerage undertaker or an urban development corporation; and

(b) Other expressions, excluding watercourse, used both in this article and in the water Resources Act 1991 have the same meaning as in that Act.

Protective work to buildings

16.—(1) Subject to the following provisions of this article, the undertaker may at its own expense carry out such protective works to any building lying within the Order limits as the undertaker considers necessary or expedient.

(2) Protective works may be carried out—

(a) at any time before or during the carrying out in the vicinity of the building of any part of the authorised development; or

(b) after the completion of that part of the authorised development in the vicinity of the building at any time up to the end of the period of 5 years beginning with the day on which that part of the authorised development is first opened for use.

(3) For the purpose of determining how the functions under this article are to be exercised the undertaker may enter and survey any building falling within paragraph (1) and any land within its curtilage.

(4) For the purpose of carrying out protective works under this article to a building the undertaker may (subject to paragraphs (5) and (6))—

(a) enter the building and any land within its curtilage; and

(b) where the works cannot be carried out reasonably conveniently without entering land which is adjacent to the building but outside its curtilage, enter the adjacent land (but not any building erected on it).

(5) Before exercising—

(a) a right under paragraph (1) to carry out protective works to a building;

(b) a right under paragraph (3) to enter a building and land within its curtilage;

(c) a right under paragraph (4)(a) to enter a building and land within its curtilage; or

(d) a right under paragraph (4)(b) to enter land,

the undertaker shall, except in the case of emergency, serve on the owners and occupiers of the building or land not less than 14 days’ notice of its intention to exercise that right and, in a case falling within sub-paragraph (a) or (c), specifying the protective works proposed to be carried out.

(a) S.I. 2010/675.

(b) 1964 c.40; there are amendments to section 57 that are not relevant to this Order.

(6) Where a notice is served under paragraph (5)(a), (c) or (d), the owner or occupier of the building or land concerned may, by serving a counter-notice within the period of 10 days beginning with the day on which the notice was served, require the question whether it is necessary or expedient to carry out the protective works or to enter the building or land to be referred to arbitration under article 41 (arbitration).

(7) The undertaker shall compensate the owners and occupiers of any building or land in relation to which rights under this article have been exercised for any loss or damage arising to them by reason of the exercise of those rights.

(8) Where—

- (a) protective works are carried out under this article to a building; and
- (b) within the period of 5 years beginning with the day on which the part of the authorised development carried out in the vicinity of the building is first opened for use it appears that the protective works are inadequate to protect the building against damage caused by the carrying out or use of that part of the authorised development,

the undertaker shall compensate the owners and occupiers of the building for any loss or damage sustained by them.

(9) Nothing in this article shall relieve the undertaker from any liability to pay compensation under section 10(2) of the 1965 Act (compensation for injurious affection).

(10) Any compensation payable under paragraph (7) or (8) shall be determined, in case of dispute, under Part 1 of the 1961 Act (determination of questions of disputed compensation).

(11) In this article “protective works” in relation to a building means—

- (a) underpinning, strengthening and any other works the purpose of which is to prevent damage which may be caused to the building by the carrying out, maintenance or use of the authorised development; and
- (b) any works the purpose of which is to remedy any damage which has been caused to the building by the carrying out, maintenance or use of the authorised development.

Authority to survey and investigate the land

17.—(1) The undertaker may for the purposes of this Order enter on any land shown within the Order limits or which may be affected by the authorised development and—

- (a) survey and/or investigate the land;
- (b) without prejudice to the generality of sub-paragraph (a), make trial holes in such positions on the land as the undertaker thinks fit to investigate the nature of the surface layer and/or subsoil and/or to remove soil samples;
- (c) without prejudice to the generality of sub-paragraph (a), carry out ecological and/or archaeological investigations on such land; and
- (d) place on, leave on and remove from the land apparatus for use in connection with the survey and/or investigation of land and/or the making of trial holes.

(2) No land may be entered or equipment placed or left on or removed from the land under paragraph (1) unless at least 14 days’ notice has been served on every owner and occupier of the land.

(3) Any person entering land under this article on behalf of the undertaker—

- (a) shall, if so required entering the land, produce written evidence of their authority to do so; and
- (b) may take with them such vehicles and equipment as are necessary to carry out the survey or investigation or to make the trial holes.

(4) No trial holes shall be made under this article—

- (a) in land located within the highway boundary without the consent of the highway authority; or

(b) in a private street without the consent of the street authority,
but such consent shall not be unreasonably withheld.

(5) The undertaker shall compensate the owners and occupiers of the land for any loss or damage arising by reason of the exercise of the authority conferred by this article, such compensation to be determined, in case of dispute, under Part 1 (determination of questions of disputed compensation) of the 1961 Act.

PART 3

ACQUISITION AND POSSESSION OF LAND

Powers of acquisition

Compulsory acquisition of land

18.—(1) The undertaker may acquire compulsorily so much of the Order land as is required for the authorised development or to facilitate it, or is incidental to it.

(2) As from the date on which a compulsory acquisition notice under section 134(3) of the 2008 Act is served or the date on which the Order land, or any part of it, is vested in the undertaker, whichever is the later, that land or that part of it which is vested (as the case may be) shall be discharged from all rights, trusts and incidents to which it was previously subject.

(3) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(4) This article is subject to article 20 (acquisition of subsoil only) and article 23 (temporary use of land for carrying out the authorised development).

Compulsory acquisition of rights

19.—(1) The undertaker may acquire compulsorily the existing rights and create and acquire compulsorily the new rights described in the book of reference and shown on the land plan.

(2) As from the date on which a compulsory acquisition notice is served or the date on which any new right is vested in the undertaker, whichever is the later, the land over which any new rights is acquired shall be discharged from all rights, trusts and incidents to which it was previously subject so far as their continuance would be inconsistent with the exercise of that new right.

(3) Subject to section 8 of the 1965 Act, as substituted by article 28 (acquisition of part of certain properties), where the undertaker acquires an existing right over land under paragraph (1), the undertaker shall not be required to acquire a greater interest in that land.

(4) Any person who suffers loss as a result of the extinguishment or suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

Acquisition of subsoil only

20.—(1) The undertaker may acquire compulsorily so much of, or such rights in, the subsoil of the land referred to in paragraph (1) of article 18 (compulsory acquisition of land) as may be required for any purpose for which that land may be acquired under that provision instead of acquiring the whole of the land.

(2) Where the undertaker acquires any part of, or rights in, the subsoil of land under paragraph (1), the undertaker shall not be required to acquire an interest in any other part of the land.

(3) Paragraph (2) shall not prevent article 28 (acquisition of part of certain properties) from applying where the undertaker acquires a cellar, vault, arch or other construction forming part of a house, building or manufactory.

(4) Nothing in the provision shall require the undertaker to acquire any estate, right or interest in the corpus of any adopted highway.

Power to override easements and other rights

21.—(1) Any authorised activity which takes place on land within the Order limits (whether the activity is undertaken by the undertaker or by any person deriving title from the undertaker or by any servants or agents of the undertaker) is authorised by this Order if it is done in accordance with the terms of this Order, notwithstanding that it involves—

- (a) an interference with an interest or right to which this article applies; or
- (b) a breach of a restriction as to the user of land arising by virtue of a contract.

(2) In this article “authorised activity” means—

- (a) the erection, construction or carrying out, or maintenance of any building or work on land;
- (b) the erection, construction, or maintenance of anything in, on, over or under land; or
- (c) the use of any land (including the temporary use of land).

(3) The interests and rights to which this article applies are any easement, liberty, privilege, right or advantage annexed to land and adversely affecting other land, including any natural right to support and include restrictions as to the user of land arising by the virtue of a contract.

(4) Where any interest or right to which this article applies is interfered with or any restriction breached by any authorised activity in accordance with the terms of this article the interest, right or restriction shall be extinguished, abrogated or discharged at the time that the interference or breach in respect of the authorised activity in question commences.

(5) In respect of any interference, breach, extinguishment, abrogation or discharge in pursuance of this article, compensation—

- (a) shall be payable under section 7 or 10 of the 1965 Act^(a); and
- (b) shall be assessed in the same manner and subject to the same rules as in the case of other compensation under those sections where—
 - (i) the compensation is to be estimated in connection with a purchase under that Act; or
 - (ii) the injury arises from the execution of works on or use of land acquired under that Act.

(6) Where a person deriving title under the undertaker by whom the land in question was acquired—

- (a) is liable to pay compensation by virtue of paragraph (5), and
- (b) fails to discharge that liability,

the liability shall be enforceable against that undertaker.

(7) Nothing in this article shall be construed as authorising any act or omission on the part of any person which is actionable at the suit of any person on any grounds other than such an interference or breach as is mentioned in paragraph (1) of this article.

Application of the Compulsory Purchase (Vesting Declarations) Act 1981

22.—(1) The Compulsory Purchase (Vesting Declarations) Act 1981^(b) shall apply as if this Order were a compulsory purchase order.

(2) The Compulsory Purchase (Vesting Declarations) Act 1981, as so applied, shall have effect with the following modifications.

^(a) There are amendments that are not relevant to this Order.

^(b) 1981 c. 66.

- (3) In section 3 (preliminary notices), for subsection (1) there shall be substituted—
- “(1) Before making a declaration under section 4 with respect to any land which is subject to a compulsory purchase order, the acquiring authority shall include the particulars specified in subsection (3) in a notice which is—
- (a) given to every person with a relevant interest in the land with respect to which the declaration is to be made (other than a mortgagee who is not in possession); and
 - (b) published in a local newspaper circulating in the area in which the land is situated.”.
- (4) In that section, in subsection (2), for “(1)(b)” there shall be substituted “(1)” and after “given” there shall be inserted “and published”.
- (5) In that section, for subsections (5) and (6) there shall be substituted—
- “(5) For the purposes of this section, a person has a relevant interest in land if—
- (a) that person is for the time being entitled to dispose of the fee simple of the land, whether in possession or in reversion; or
 - (b) that person holds, or is entitled to the rents and profits of, the land under a lease or agreement, the unexpired term of which exceeds one month.”.
- (6) In section 5 (earliest date for execution of declaration)—
- (a) in subsection (1), after “publication” there shall be inserted “in a local newspaper circulating in the area in which the land is situated”; and
 - (b) subsection (2) shall be omitted.
- (7) In section 7 (constructive notice to treat), in subsection (1)(a), the words “(as modified by section 4 of the Acquisition of Land Act 1981)” shall be omitted.
- (8) References to the 1965 Act in the Compulsory Purchase (Vesting Declarations) Act 1981 shall be construed as references to that Act as applied by section 125 of the 2008 Act to the compulsory acquisition of land under this Order.

Temporary possession of land

Temporary use of land for carrying out the authorised development

- 23.**—(1) The undertaker may, in connection with the carrying out of the authorised development—
- (a) enter on and take temporary possession of the land specified in columns (1) and (2) of Schedule 6 (land of which temporary possession may be taken) for the purpose specified in relation to that land in column (3) of that Schedule relating to the part of the authorised development specified in column (4) of that Schedule;
 - (b) remove any buildings and vegetation from that land; and
 - (c) construct temporary works (including the provision of means of access) and buildings on that land.
- (2) Not less than 14 days before entering on and taking temporary possession of land under this article the undertaker shall serve notice of the intended entry on the owners and occupiers of the land.
- (3) The undertaker may not, without the agreement of the owners of the land, remain in possession of any land under this article after the end of the period of one year beginning with the date of completion of the part of the authorised development specified in relation to that land in column (4) of Schedule 6 (land of which temporary possession may be taken) unless and to the extent that it is authorised to do so by the acquisition of rights over land or the creation of new rights over land pursuant to article 19 (compulsory acquisition of rights) of this Order.
- (4) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land; but the undertaker shall not be required to replace a building removed under this article.

(5) The undertaker shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of any power conferred by this article.

(6) Any dispute as to a person's entitlement to compensation under paragraph (5), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.

(7) Nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act (further provisions as to compensation for injurious affection) or under any other enactment in respect of loss or damage arising from the carrying out of the authorised development, other than loss or damage for which compensation is payable under paragraph (5).

(8) The undertaker may not compulsorily acquire under this Order the land referred to in paragraph (1) except that the undertaker shall not be precluded from—

- (a) acquiring new rights over any part of that land under article 19 (compulsory acquisition of rights); or
- (b) acquiring any part of the subsoil (or rights in the subsoil) of that land under article 20 (acquisition of subsoil only).

(9) Where the undertaker takes possession of land under this article, the undertaker shall not be required to acquire the land or any interest in it.

(10) Section 13 of the 1965 Act^(a) (refusal to give possession to acquiring authority) shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).

Temporary use of land for maintaining authorised development

24.—(1) Subject to paragraph (2), at any time during the maintenance period relating to any part of the authorised development, the undertaker may—

- (a) enter on and take temporary possession of any land within the Order limits if such possession is reasonably required for the purpose of maintaining the authorised development;
- (b) enter on any land within the Order limits for the purpose of gaining access as is reasonably required for the purpose of maintaining the authorised development; and
- (c) construct such temporary works (including the provision of means of access) and buildings on the land as may be reasonably necessary for that purpose.

(2) Paragraph (1) shall not authorise the undertaker to take temporary possession of—

- (a) any house or garden belonging to a house; or
- (b) any building (other than a house) if it is for the time being occupied.

(3) Not less than 28 days before entering on and taking temporary possession of land under this article the undertaker shall serve notice of the intended entry on the owners and occupiers of the land.

(4) The undertaker may only remain in possession of land under this article for so long as may be reasonably necessary to carry out the maintenance of the part of the authorised development for which possession of the land was taken.

(5) Before giving up possession of land of which temporary possession has been taken under this article, the undertaker shall remove all temporary works and restore the land to the reasonable satisfaction of the owners of the land.

(6) The undertaker shall pay compensation to the owners and occupiers of land of which temporary possession is taken under this article for any loss or damage arising from the exercise in relation to the land of the provisions of this article.

^(a) Section 13 is amended by section 139 of the Tribunals, Courts and Enforcement Act 2007 (c.15).

(7) Any dispute as to a person's entitlement to compensation under paragraph (6), or as to the amount of the compensation, shall be determined under Part 1 of the 1961 Act.

(8) Nothing in this article shall affect any liability to pay compensation under section 10(2) of the 1965 Act (further provisions as to compensation for injurious affection) or under any other enactment in respect of loss or damage arising from the maintenance of the authorised development, other than loss or damage for which compensation is payable under paragraph (6).

(9) Where the undertaker takes possession of land under this article, the undertaker shall not be required to acquire the land or any interest in it.

(10) Section 13 of the 1965 Act (refusal to give possession to acquiring authority) shall apply to the temporary use of land pursuant to this article to the same extent as it applies to the compulsory acquisition of land under this Order by virtue of section 125 of the 2008 Act (application of compulsory acquisition provisions).

(11) In this article "the maintenance period", in relation to any part of the authorised development, means the period of 5 years beginning with the date on which that part of the authorised development is first opened for use.

Compensation

Disregard of certain interests and improvements

25.—(1) In assessing the compensation payable to any person on the acquisition from that person of any land or right over any land under this Order, the tribunal shall not take into account—

- (a) any interest in land; or
- (b) any enhancement of the value of any interest in land by reason of any building erected, works executed or improvement or alteration made on relevant land,

if the tribunal is satisfied that the creation of the interest, the erection of the building, the execution of the works or the making of the improvement or alteration as part of the authorised development was not reasonably necessary and was undertaken with a view to obtaining compensation or increased compensation.

(2) In paragraph (1) "relevant land" means the land acquired from the person concerned or any other land with which that person is, or was at the time when the building was erected, the works executed or the improvement or alteration made as part of the authorised development, directly or indirectly concerned.

Set-off for enhancement in value of retained land

26.—(1) In assessing the compensation payable to any person in respect of the acquisition from that person under this Order of any land (including the subsoil) the tribunal shall set off against the value of the land so acquired any increase in value of any contiguous or adjacent land belonging to that person in the same capacity which will accrue to that person by reason of the construction of the authorised development.

(2) In assessing the compensation payable to any person in respect of the acquisition from that person of any new rights over land (including the subsoil), under article 19 (compulsory acquisition of rights), the tribunal shall set off against the value of the rights so acquired—

- (a) any increase in the value of the land over which the new rights are required; and
- (b) any increase in value of any contiguous or adjacent land belonging to that person in the same capacity,

which will accrue to that person by reason of the construction of the authorised development.

(3) The 1961 Act shall have effect, subject to paragraphs (1) and (2), as if this Order were a local enactment for the purposes of that Act.

No double recovery

27. Compensation shall not be payable in respect of the same matter both under this Order and under any other enactment, any contract or any rule of law, or under two or more different provisions under this Order.

Supplementary

Acquisition of part of certain properties

28.—(1) This article shall apply instead of section 8(1) of the 1965 Act (other provisions as divided land) (as applied by section 125 of the 2008 Act) where—

- (a) a notice to treat is served on a person (“the owner”) under the 1965 Act (as so applied) in respect of land forming only part of a house, building or manufactory or of land consisting of a house with a park or garden (“the land subject to the notice to treat”); and
- (b) a copy of this article is served on the owner with the notice to treat.

(2) In such a case, the owner may, within the period of 21 days beginning with the day on which the notice was served, serve on the undertaker a counter-notice objecting to the sale of the land subject to the notice to treat which states that the owner is willing and able to sell the whole (“the land subject to the counter-notice”).

(3) If no such counter-notice is served within that period, the owner shall be required to sell the land subject to the notice to treat.

(4) If such a counter-notice is served within that period, the question whether the owner shall be required to sell only the land subject to the notice to treat shall, unless the undertaker agrees to take the land subject to the counter-notice, be referred to the tribunal.

(5) If on such a reference the tribunal determines that the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat consists of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the owner shall be required to sell the land subject to the notice to treat.

(6) If on such a reference the tribunal determines that only part of the land subject to the notice to treat can be taken—

- (a) without material detriment to the remainder of the land subject to the counter-notice; or
- (b) where the land subject to the notice to treat consists of a house with a park or garden, without material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house,

the notice to treat shall be deemed to be a notice to treat for that part.

(7) If on such a reference the tribunal determines that—

- (a) the land subject to the notice to treat cannot be taken without material detriment to the remainder of the land subject to the counter-notice; but
- (b) the material detriment is confined to a part of the land subject to the counter-notice,

the notice to treat shall be deemed to be a notice to treat for the land to which the material detriment is confined in addition to the land already subject to the notice, whether or not the additional land is land which the undertaker is authorised to acquire compulsorily under this Order.

(8) If the undertaker agrees to take the land subject to the counter-notice, or if the tribunal determines that—

- (a) none of the land subject to the notice to treat can be taken without material detriment to the remainder of the land subject to the counter-notice or, as the case may be, without

material detriment to the remainder of the land subject to the counter-notice and without seriously affecting the amenity and convenience of the house; and

(b) the material detriment is not confined to a part of the land subject to the counter-notice, the notice to treat shall be deemed to be a notice to treat for the land subject to the counter-notice whether or not the whole of that land is land which the undertaker is authorised to acquire compulsorily under this Order.

(9) Where, by reason of a determination by the tribunal under this article, a notice to treat is deemed to be a notice to treat for less land or more land than that specified in the notice, the undertaker may, within the period of 6 weeks beginning with the day on which the determination is made, withdraw the notice to treat; and, in that event, shall pay the owner compensation for any loss or expense occasioned to the owner by the giving and withdrawal of the notice, to be determined in case of dispute by the tribunal.

(10) Where the owner is required under this article to sell only part of a house, building or manufactory or of land consisting of a house with a park or garden, the undertaker shall pay the owner compensation for any loss sustained by the owner due to the severance of that part in addition to the value of the interest acquired.

Statutory undertakers

29. The undertaker may—

- (a) acquire compulsorily the land belonging to statutory undertakers shown on the land plan within the limits of the land to be acquired and described in the book of reference;
- (b) within the Order limits extinguish the rights of, and/or remove, replace, reposition, renew, alter and supplement the apparatus belonging to, statutory undertakers shown on the access and temporary stopping up plan and described in the book of reference; and
- (c) acquire compulsorily the new rights over land belonging to statutory undertakers shown on the land plan and described in the book of reference.

Recovery of costs of new connections

30.—(1) Where any apparatus of a public utility undertaker or of a public communications provider is removed under article 29 (statutory undertakers) any person who is the owner or occupier of premises to which a supply was given from that apparatus shall be entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of effecting a connection between the premises and any other apparatus from which a supply is given.

(2) Paragraph (1) shall not apply in the case of the removal of a public sewer but where such a sewer is removed under article 29, any person who is—

- (a) the owner or occupier of premises the drains of which communicated with that sewer; or
- (b) the owner of a private sewer which communicated with that sewer,

shall be entitled to recover from the undertaker compensation in respect of expenditure reasonably incurred by that person, in consequence of the removal, for the purpose of making the drain or sewer belonging to that person communicate with any other public sewer or with a private sewerage disposal plant.

(3) This article shall not have effect in relation to apparatus to which Part 3 of the 1991 Act applies.

(4) In this paragraph—

“public communications provider” has the same meaning as in section 151(1) of the Communications Act 2003(a); and

(a) 2003 c.21; there are amendments to section 151 that are not relevant to this Order.

“public utility undertaker” has the same meaning as in the 1980 Act.

Time limit for exercise of authority to acquire land compulsorily

31.—(1) After the end of the period of 5 years beginning on the day on which this Order is made—

- (a) no notice to treat shall be served under Part 1 of the 1965 Act; and
- (b) no declaration shall be executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981^(a) as applied by article 22 (application of the Compulsory Purchase (Vesting Declarations) Act 1981).

(2) The authority conferred by article 23 (temporary use of land for carrying out the authorised development) shall cease at the end of the period referred to in paragraph (1), save that nothing in this paragraph shall prevent the undertaker remaining in possession of land after the end of that period, if the land was entered and possession was taken before the end of that period.

Private rights of way

32.—(1) Subject to the provisions of this article, all private rights of way over land subject to compulsory acquisition under this Order shall be extinguished—

- (a) as from the date of acquisition of the land by the undertaker, whether compulsorily or by agreement; or
- (b) on the date of entry on the land by the undertaker under section 11(1) of the 1965 Act^(b) (power of entry),

whichever is the earlier.

(2) Subject to the provisions of this article, all private rights of way over land owned by the undertaker which, being within the limits of land which may be acquired shown on the land plan, is required for the purposes of this Order shall be extinguished on the appropriation of the land by the undertaker for any of those purposes.

(3) Subject to the provisions of this article, all private rights of way over land of which the undertaker takes temporary possession under this Order shall be suspended and unenforceable for as long as the undertaker remains in lawful possession of the land.

(4) Any person who suffers loss by the extinguishment or suspension of any private right of way under this article shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) This article does not apply in relation to any right of way to which section 138 of the 2008 Act (extinguishment of rights, and removal of apparatus, of statutory undertakers etc.) or article 29 (statutory undertakers) applies.

(6) Paragraphs (1) to (3) shall have effect subject to—

- (a) any notice given by the undertaker before—
 - (i) the completion of the acquisition of the land,
 - (ii) the undertaker’s appropriation of it,
 - (iii) the undertaker’s entry onto it, or
 - (iv) the undertaker’s taking temporary possession of it,that any or all of those paragraphs shall not apply to any right of way specified in the notice; and
- (b) any agreement made at any time between the undertaker and the person in or to whom the right of way in question is vested or belongs.

^(a) 1981 c.66.

^(b) Section 11 is amended by Schedule 4 to the Acquisition of Land Act 1981 (c.67), Schedule 1 to the Housing (Consequential Provisions) Act 1985 (c.71) and S.I. 2009/1307.

- (7) If any such agreement as is referred to in paragraph (6)(b)—
- (a) is made with a person in or to whom the right of way is vested or belongs; and
 - (b) is expressed to have effect also for the benefit of those deriving title from or under that person,

it shall be effective in respect of the persons so deriving title, whether the title was derived before or after the making of the agreement.

Rights under or over streets

33.—(1) The undertaker may enter on and appropriate so much of the subsoil of, or air-space over, any street within the Order limits as may be required for the purposes of the authorised development and may use the subsoil or air-space for those purposes or any other purpose ancillary to the authorised development.

(2) Subject to paragraph (3), the undertaker may exercise any power conferred by paragraph (1) in relation to a street without being required to acquire any part of the street or any easement or right in the street.

(3) Paragraph (2) shall not apply in relation to—

- (a) any subway or underground building; or
- (b) any cellar, vault, arch or other construction in, on or under a street which forms part of a building fronting onto the street.

(4) Subject to paragraph (5), any person who is an owner or occupier of land appropriated under paragraph (1) without the undertaker acquiring any part of that person's interest in the land, and who suffers loss as a result, shall be entitled to compensation to be determined, in case of dispute, under Part 1 of the 1961 Act.

(5) Compensation shall not be payable under paragraph (4) to any person who is an undertaker to whom section 85 of the 1991 Act (sharing cost of necessary measures) applies in respect of measures of which the allowable costs are to be borne in accordance with that section.

PART 4

MISCELLANEOUS AND GENERAL

Application of landlord and tenant law

34.—(1) This article applies to—

- (a) any agreement for leasing to any person the whole or any part of the authorised development or the right to operate the same; and
- (b) any agreement entered into by the undertaker with any person for the construction, maintenance, use or operation of the authorised development, or any part of it,

so far as any such agreement relates to the terms on which any land which is the subject of a lease granted by or under that agreement is to be provided for that person's use.

(2) No enactment or rule of law regulating the rights and obligations of landlords and tenants shall prejudice the operation of any agreement to which this article applies.

(3) Accordingly, no such enactment or rule of law shall apply in relation to the rights and obligations of the parties to any lease granted by or under any such agreement so as to—

- (a) exclude or in any respect modify any of the rights and obligations of those parties under the terms of the lease, whether with respect to the termination of the tenancy or any other matter;
- (b) confer or impose on any such party any right or obligation arising out of or connected with anything done or omitted on or in relation to land which is the subject of the lease, in addition to any such right or obligation provided for by the terms of the lease; or

- (c) restrict the enforcement (whether by action for damages or otherwise) by any party to the lease of any obligation of any other party under the lease.

Deemed consent under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009

35. A marine licence shall be deemed to have been issued to the undertaker under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009^(a) to carry out the activities described in Schedule 7 (deemed consent under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009), subject to the requirements set out in that Schedule.

Operational land for purposes of the 1990 Act

36. Development consent granted by this Order shall be treated as specific planning permission for the purposes of section 264(3)(a) of the 1990 Act (cases in which land is to be treated as not being operational land for the purposes of that Act).

Felling or lopping of trees

37.—(1) The undertaker may fell or lop any tree or shrub near any part of the authorised development, or cut back its roots, if it reasonably believes it to be necessary to do so to prevent the tree or shrub—

- (a) from obstructing or interfering with the construction, maintenance or operation of the authorised development or any apparatus used in connection with the authorised development; or
- (b) from constituting a danger to persons using the authorised development.

(2) In carrying out any activity authorised by paragraph (1), the undertaker shall do no unnecessary damage to any tree or shrub and shall pay compensation to any person for any loss or damage arising from such activity.

(3) Any dispute as to a person's entitlement to compensation under paragraph (2), or as to the amount of compensation, shall be determined under Part 1 of the 1961 Act.

Protective provisions

38. Schedule 8 to this Order has effect.

Certification of plans etc

39.—(1) The undertaker shall, as soon as practicable after the making of this Order, submit to the decision-maker copies of—

- (a) the access and temporary stopping up plan;
- (b) the approved development plans;
- (c) the book of reference;
- (d) the construction worker travel plan;
- (e) the design statement;
- (f) the environmental statement;
- (g) the land plan;
- (h) the landscape and ecological management strategy plan; and
- (i) the works plan,

for certification that they are true copies of the plans or documents referred to in this Order.

(a) 2009 c.23; there are amendments that are not relevant to this Order.

(2) A plan or document so certified shall be admissible in any proceedings as evidence of the contents of the document of which it is a copy.

Service of notices

40.—(1) A notice or other document required or authorised to be served, given or supplied under this Order may be served, given or supplied in any of these ways—

- (a) by delivering it to the person on whom it is to be served or to whom it is to be given or supplied;
- (b) by leaving it at the usual or last known place of abode of that person or, in a case where an address for service has been given by that person, at that address;
- (c) by sending it by post, addressed to that person at that person's usual or last known place of abode or, in a case where an address for service has been given by that person, at that address;
- (d) by sending it in a prepaid registered letter, or by the recorded delivery service, addressed to that person at that person's usual or last known place of abode or, in a case where an address for service has been given by that person, at that address;
- (e) in a case where an address for service using electronic communications has been given by that person, by sending it using electronic communications, in accordance with the condition set out in paragraph (2), to that person at that address;
- (f) in the case of an incorporated company or body—
 - (i) by delivering it to the secretary or clerk of the company or body at their registered or principal office;
 - (ii) by sending it by post, addressed to the secretary or clerk of the company or body at that office; or
 - (iii) by sending it in a prepaid registered letter or, or by the recorded delivery service, addressed to the secretary or clerk of the company or body at that office.

(2) The condition mentioned in paragraph (1)(e) is that the notice or other document must be -

- (a) capable of being accessed by the person mentioned in that provision;
- (b) legible in all material respects; and
- (c) in a form sufficiently permanent to be used for subsequent reference.

(3) For the purposes of paragraph (2), “legible in all material respects” means that the information contained in the notice or document is available to that person to no lesser extent than it would be if served, given or supplied by means of a notice or document in printed form.

Arbitration

41. Any difference under any provision of this Order (other than a difference which falls to be determined by the tribunal) shall, unless otherwise provided for in this Order and unless otherwise agreed between the parties, be referred to and settled by a single arbitrator to be agreed between the parties or, failing agreement, to be appointed on the application of either party (after giving notice in writing to the other) by the President of the Institution of Civil Engineers.

Requirements

42.—(1) Schedule 9 to this Order has effect.

(2) Any requirement listed in Schedule 9 (requirements) to this Order shall be enforceable by the relevant planning authority under Part VII (Enforcement) of the 1990 Act as if that requirement were a condition imposed on the grant of a planning permission under section 72 (conditional grant of planning permission) of the 1990 Act.

Appeals relating to decisions under requirements

43.—(1) Where the relevant planning authority or the highway authority—

- (a) refuses an application for any consent, agreement or approval of that authority required by a requirement listed in Schedule 9 (requirements) to this Order or grants that consent, agreement or approval subject to conditions; or
- (b) does not give notice to the undertaker of its decision on an application for any consent, agreement or approval of that authority required by a requirement listed in Schedule 9 (requirements) of this Order within 8 weeks beginning with the day immediately following that on which the application is received by that authority or within such extended period as may at any time be agreed upon in writing between the undertaker and that authority,

the undertaker may by notice appeal to the Secretary of State.

(2) Any appeal to the Secretary of State under paragraph (1) shall be made under sub-sections 78(1) or (2) of the 1990 Act (right to appeal against planning decisions and failure to take such decisions) as if the requirement in Schedule 9 (requirements) of this Order which is the subject of the appeal were a condition under subsection 78(1)(b) of the 1990 Act.

Signed by authority of the Secretary of State

[Name of Secretary of State]
Department of [●]

[●] [●] 201[●]

SCHEDULES

SCHEDULE 1

Article 2

AUTHORISED DEVELOPMENT

In the Borough of Wyre in the County of Lancashire and in the Irish Sea adjacent to the Borough of Wyre—

A nationally significant infrastructure project as defined in sections 14 and 17 of the 2008 Act comprising—

Work No. 1A— An underground gas storage facility to store gas in, extract gas from and inject gas into, with a total storage capacity of up to 900 million standard cubic metres and working capacity of up to 600 million standard cubic metres, both specified at standard temperatures and pressures, comprising up to 19 operational caverns formed by solution mining of the Preesall halite deposit; all to be constructed to any extent downwards below 220 metres below ground surface and to be confined within the Preesall halite deposit; and

Associated development within the meaning section 115(2) of the 2008 Act comprising—

Work No. 1B— Vertical wells, S-shaped wells, slant wells and extended reach slant wells and internal operational pipeline strings connecting the multiple well-head compounds (Work Nos. 2A to G) to the gas storage caverns (Work No.1A);

Work No. 2A— Wellhead compound area containing multiple wellheads, valve boxes, emergency hydraulic packs, manifold valve boxes, instrument enclosures, close circuit television facilities, intruder detectors, compound lighting, grassed mounds, stock proof fencing, security fencing and hard standing and also below ground gas manifold pipelines, brine feeds and returns and power and communication cables situated beneath the wellhead compound and gated access roads from the wellheads to the gas compressor compound (Work No. 3) and to the booster pump station (Work No. 4).

Work No. 2B— A wellhead compound area containing multiple wellheads, valve boxes, emergency hydraulic packs, manifold valve boxes, instrument enclosures, close circuit television facilities, intruder detectors, compound lighting, grassed mounds, stock proof fencing, security fencing and hard standings, below ground gas manifold pipelines, brine feeds and returns and power and communication cables situated beneath the wellhead compound and gated access roads from the wellheads to the gas compressor compound (Work No. 3) and to the booster pump station (Work No. 4).

Work No. 2C— A wellhead compound area containing multiple wellheads, valve boxes, emergency hydraulic packs, manifold valve boxes, instrument enclosures, close circuit television facilities, intruder detectors, compound lighting, grassed mounds, stock proof fencing, security fencing and hard standings, below ground gas manifold pipelines, brine feeds and returns and power and communication cables situated beneath the wellhead compound and gated access roads from the wellheads to the gas compressor compound (Work No. 3) and to the booster pump station (Work No. 4).

Work No. 2D— A wellhead compound area containing multiple wellheads, valve boxes, emergency hydraulic packs, manifold valve boxes, instrument enclosures, close circuit television facilities, intruder detectors, compound lighting, grassed mounds, stock proof fencing, security fencing and hard standings, below ground gas manifold pipelines, brine feeds and returns and power and communication cables situated beneath the wellhead compound and gated access roads

from the wellheads to the gas compressor compound (Work No. 3) and to the booster pump station (Work No. 4).

Work No. 2E— A wellhead compound area containing multiple wellheads, valve boxes, emergency hydraulic packs, manifold valve boxes, instrument enclosures, close circuit television facilities, intruder detectors, compound lighting, grassed mounds, stock proof fencing, security fencing and hard standings, below ground gas manifold pipelines, brine feeds and returns and power and communication cables situated beneath the wellhead compound and gated access roads from the wellheads to the gas compressor compound (Work No. 3) and to the booster pump station (Work No. 4).

Work No. 2F— A wellhead compound area containing multiple wellheads, valve boxes, emergency hydraulic packs, manifold valve boxes, instrument enclosures, close circuit television facilities, intruder detectors, compound lighting, grassed mounds, stock proof fencing, security fencing and hard standings, below ground gas manifold pipelines, brine feeds and returns and power and communication cables situated beneath the wellhead compound and gated access roads from the wellheads to the gas compressor compound (Work No. 3) and to the booster pump station (Work No. 4).

Work No. 2G— A wellhead compound area containing multiple wellheads, valve boxes, emergency hydraulic packs, manifold valve boxes, instrument enclosures, close circuit television facilities, intruder detectors, compound lighting, grassed mounds, stock proof fencing, security fencing and hard standings, below ground gas manifold pipelines, brine feeds and returns and power and communication cables situated beneath the wellhead compound and gated access roads from the wellheads to the gas compressor compound (Work No. 3) and to the booster pump station (Work No. 4).

Work No. 3— A gas compressor compound containing gas compressor station, electrical utilities building and equipment including pig launchers and receivers, slug catchers, glycol contactors and regeneration system, compressors, compressor knock out separators, compressor aftercoolers, gas filters, and heaters and all storage tanks, sub stations, switch yards and valve pits, a vent stack within the fire water storage pond, drainage and interception facilities, internal and external site access roads linking to the public highway and individual wellhead compounds (Work Nos. 2A to 2G), diversion of overhead electricity cables, stock proof fencing, security fencing, gates, close circuit television, intruder detector system and external and internal lighting; and extensions of those parts of the 132kv electrical circuits, 11kv power cables and electrical control cables and interconnector gas main comprised in Work Nos. 17A, 18, 19 and 20A which link to elements within this Work No. 3.

Work No. 4— A booster pump station, de-brine facility and control centre compound including hardstandings for nitrogen tanks, hydrocyclones, a de-brine pond, other pumping equipment and a transformer compound. Internal vehicular access routes, turning areas, pedestrian areas, walls, fencing, close circuit television, intruder detector security systems and external lighting, a screen wall and grassed mounds situated on the north and west sides and underground and above ground pipework, electrical cables and other utilities; and extensions of those parts of the wash water pipelines, brine discharge pipelines, power and control cables comprised in Work Nos. 10, 11, 12, 13, 14, 18 and 19 which link to elements within this Work No. 4.

Work No. 5— A security and support facility at higher Lickow farm including but not limited to staff facilities, a maintenance workshop, an administration, health and safety and training facility and a security gatehouse, security fencing, power circuits, telecommunications cables and other facilities, close circuit television, intruder sensing security systems and external lighting; and those extensions of the roads comprised in Work Nos. 6 and 7 which link with elements of this Work No. 5.

Work No. 6— A new internal/external site road from the A588 up to and including the security and support facility at Higher Lickow farm (Work No. 5) including drainage and interceptors, lighting, piped culverts/bridge, realigned watercourses, grass mounding and landscape screening.

Work No. 7— A new internal site access road from the security and support facility at Higher Lickow farm (Work No. 5) to the gas compressor compound area (Work No. 3) including drainage and interceptors, lighting, piped culverts, realigned watercourses, grass mounding and landscaping.

Work No. 8— New internal site access roads from the wellhead compounds (Works 2A to 2G) to the booster pump station (Work No. 4) and the gas compressor compound (Work No. 3).

Work No. 9— A gas manifold, distribution pipelines, power, control and telecommunications cables including underground pressure pipelines, pipelines and cables linking the wellhead compounds (Work Nos. 2A to 2G) to the gas compressor compound (Work No. 3); all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable) save where the pipelines, power, control and telecommunications cables rise to interface with the wellhead compounds (Work Nos. 2A to 2G) and the gas compressor compound (Work No. 3).

Work No. 10— A wash water pipeline including underground pressure pipelines linking each wellhead compound (Work Nos. 2A to 2G) to the booster pump station and de-brine facility (Work No. 4); all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable) save where the wash water pipeline rises to interface with the wellhead compounds (Work Nos. 2A to 2G) and the booster pump station (Work No. 4).

Work No. 11— A brine outlet pipeline including underground pressure pipelines linking each wellhead compound (Work Nos. 2A to 2G) to the booster pump station and de-brine facility (Work No. 4); all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable) save where the brine outlet pipeline rises to interface with the wellhead compounds (Work Nos. 2A to 2G) and the booster pump station (Work No. 4).

Work No. 12— Wash water pipelines from the seawater pump station (Work No. 15) to the booster pump station (Work No. 4) including an underground, under river pressure pipeline crossing constructed in trench, laid within existing sleeves (see drawing no. MMD-277663-C-DR-00-XX-0004 for location of pre-placed sleeves) or placed by trenchless methods beneath the river Wyre; all to be constructed not less than 1 metre below ground surface (or not less than 8 metres below the bed of the river Wyre where applicable) and not more than 10 metres below ground surface (or not more than 35 metres below the bed of the river Wyre where applicable) save where the wash water pipeline rises to interface with the seawater pump station (Work No. 15) and the booster pump station (Work No. 4).

Work No. 13— A brine discharge pipeline between the booster pump station, (Work No. 4) and the seawater pump stations (Work No. 15) including an underground, under river pressure pipeline crossing constructed in trench, laid within existing sleeves (see drawing no. MMD-277663-C-DR-00-XX-0004 for location of pre-placed sleeves) or placed by trenchless methods; all to be constructed not less than 1 metre below ground surface (or not less than 8 metres below the bed of the river Wyre where applicable) and not more than 10 metres below ground surface (or not more than 35 metres below the bed of the river Wyre where applicable) save where the brine discharge pipeline rises to interface with the booster pump station (Work No. 4) and the seawater pump station (Work No. 15).

Work No. 14— Twin 11kv power and control cables laid in pre-placed or proposed sleeves from the seawater pump station (Work No. 15) to the booster pump station and debrine facility (Work No. 4), sleeves, service pipes, power and control cables laid underground and under river in trench, laid within existing sleeves (see drawing no. MMD-277663-C-DR-00-XX-0004 for location of pre-placed sleeves) or placed by trenchless methods; all to be constructed not less than 1 metre below ground surface (or not less than 8 metres below the bed of the river Wyre where applicable) and not more than 10 metres below ground surface (or not more than 35 metres below the bed of the river Wyre where applicable) save where the cables and sleeves rise to interface with the booster pump station (Work No. 4) and the seawater pump station (Work No. 15).

Work No. 15— A seawater pump station containing a wet well abstraction facility and multiple pumps connected to the fish dock by an existing culvert, a connection to the brine discharge pipeline and flow meters and monitoring systems for the brine discharge pipeline, extensions of those parts of the wash water pipelines, brine discharge pipelines, power and control cables comprised in Work Nos. 12, 13, 16A and 14 which link to elements of this Work No. 15, a banded transformer compound, a mobile gantry crane and roller shutter doors, internal vehicular access routes, parking areas, pedestrian areas and landscaping, gated security fencing, close circuit television and intruder detection systems, lighting and drainage, temporary and permanent access from Amounderness Way via Dock Avenue and Herring Arm Road.

Work No. 16A— A brine discharge pipeline from seawater pump station (Work No. 15) to United Utilities treatment plant, approximate chainage 3445m to 2690m, including a pressure pipeline laid in trench or within a pre-existing sleeve beneath a newly constructed housing area road; all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable); and temporary works compound and fencing adjacent to Amounderness Way and temporary access from Herring Arm, Road, Amounderness Way and Jameson Road.

Work No. 16B— A brine discharge pipeline from United Utilities treatment plant to Jameson Road approximate chainage 2690m to chainage 1960m, including a pressure pipeline laid in trench; all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable); and temporary access from Jameson Road to a temporary works compound and temporary fencing.

Work No. 16C— A brine discharge pipeline from Jameson Road, approximate chainage 1960m, to the temporary works compound/pipe insertion and reception compound, approximate chainage 1820m, including a pressure pipeline laid in trench; all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable) save where it crosses the former rail line adjacent to Jameson Road on a pipe bridge at ground surface (shown on drawing no. MMD-277663-C-DR-00-XX-0003); and a temporary works compound/pipe insertion, reception compound and fencing adjacent to Jameson Road and a fenced temporary access from Jameson Road.

Work No. 16D— A brine discharge pipeline from the Jameson Road temporary works compound, approximate chainage 1820m, to the temporary works compound/pipe insertion and reception compound, approximate chainage 1580m, including a pressure pipeline and sleeve laid by trenchless methods beneath Fleetwood Road and adjacent land; all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable); and a temporary works compound/pipe insertion and reception compound and fencing, a temporary access road and fencing from the temporary works compound at approximate chainage 1580m to Fleetwood Road and any temporary subsidence monitoring stations within Fleetwood road required by the highway authority.

Work No. 16E— A brine discharge pipeline from the temporary works compound/pipe insertion and reception compound, approximate chainage 1580m, to pipe insertion and reception compound, approximate chainage 1410m, including a pressure pipeline and sleeve laid by trenchless methods beneath Amounderness Way and adjacent land; all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable); and a temporary works compound/pipe insertion and reception compound and fencing, a temporary access road and fencing from the temporary works compound at approximate chainage 1410m to Rossall Lane and any temporary subsidence monitoring stations within Amounderness Way required by the highway authority.

Work No.16F— A brine discharge pipeline from the temporary works compound/pipe insertion and reception compound, approximate chainage 1410m, to the temporary works compound/pipe

insertion and reception compound, at approximate chainage 890m, including a pressure pipeline laid in trench; all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable); and a temporary works compound/pipe insertion and reception compound and fencing adjacent to the Blackpool Tramway and temporary access and fencing to South Strand.

Work No. 16G— A brine discharge pipeline from the temporary works compound/pipe insertion and reception compound, approximate chainage 890m, to the temporary works compound/pipe insertion and reception compound, approximate chainage 770m, including a pressure pipeline and sleeve laid by trenchless methods beneath the Blackpool Tramway and adjacent land; all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable); and a temporary works compound/pipe insertion and reception compound and fencing, a temporary access road and fencing from the temporary works compound at approximate chainage 770m to South Strand/Broadway and any temporary subsidence monitoring stations within The Blackpool Tramway required by Blackpool Transport Services.

Work No. 16H— A brine discharge pipeline from the temporary works compound/pipe insertion and reception compound, approximate chainage 770m, to the temporary works compound/pipe insertion and reception compound, approximate chainage 610m, including a pressure pipeline and sleeve laid by trenchless methods beneath the junction of Broadway, South Strand, the Strand and adjacent land; all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable); and a temporary works compound/pipe insertion and reception compound and fencing, access from South Strand and any temporary subsidence monitoring stations within Broadway or South Strand required by the highway authority.

Work No. 16I— A brine discharge pipeline from the temporary works compound/pipe insertion and reception compound, approximate chainage 610m, to the temporary works compound Rossall Promenade, approximate chainage 0.00m, including a pressure pipeline laid in trench; all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable); and a temporary works compound and fencing on and adjacent to Rossall Promenade, temporary access and fencing to Fairway, temporary modifications or closures to existing public rights of way, car parking areas and access to the promenade.

Work No. 16J— A brine discharge pipeline within and adjacent to Rossall Promenade including a pressure pipeline laid in trench beneath the promenade; all to be constructed not less than 1 metre below ground surface and not more than 10 metres below ground surface, or affixed to the existing modified sea wall to descend to and beneath the foreshore to a depth of not less than 1 metre below the foreshore and not more than ten metres beneath the foreshore; and pipe protection where appropriate, all permanent or temporary, full or partial, removal of the existing promenade surfacing, access ramps and retaining walls from the landward and seaward sides of the promenade, modifications to and breaking through the sea wall to allow the passage of the pipeline beneath the promenade to the foreshore, modifications to the promenade rear flood wall including the provision of flood gates and the construction of an observation platform/shelter, including new steps, retaining walls and revetments to access the foreshore.

Work No. 16K— A brine discharge pipeline from the Rossall Promenade (sea wall) to approximately the mean low water mark, including a pressure pipeline laid in trench from and beneath the foreshore; all to be constructed not less than 1 metre below the surface of the foreshore and not more than 10 metres below the surface of the foreshore.

Work No. 16L— A brine discharge pipeline from approximately mean low water mark to the pipeline's termination at the single two-port diffuser, including a pressure pipeline laid in a backfilled trench beneath the sea bed from a seagoing vessel; all to be constructed not less than 1 metre below the sea bed and not more than 10 metres below the sea bed; and a single two-port

diffuser fitted to distribute flows into the Irish Sea and all warning measures required to delineate the works area.

Work No. 17A— 132kv cables from the electric substation at the gas compressor compound (Work No. 3) to the south river crossing and splice pits laid in trench beneath Agglesby Road, Corcas Lane, the public highway linking High Gate Lane with Burrows Lane named as being part of High Gate Lane and Burrows Lane; all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable); and splice pits situated in the vicinity of the river exit point, adjacent to Burrows Lane, Highgate Lane and Agglebys Road.

Work No. 17B— Twin sleeves and 132kv electricity cables from the south river temporary exit compound to the south river temporary entry compound; all to be constructed by trenchless methods not less than 8 metres below the bed of the river Wyre and not more than 35 metres below the bed of the river Wyre save where the electricity cables rise to enter the drive and reception pits at the limits of Work No. 17B; and temporary works sites at the under river entry and exit points containing drive and reception pits, temporary fencing and temporary access track from Burrows Lane.

Work No. 17C— Twin sleeves and 132kv electricity cables from the south river temporary entry compound to National Grid substation and switchyard at Stanah; all to be constructed by trenchless methods not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable) save where the electricity cables rise to enter the drive and reception pits situated at the limits of Work No. 17C; and sleeves and cables to be laid beneath the existing Flints caravan park and Hillilaid Pool, temporary works sites at the river exit points and within the Stanah Substation Switchyard, temporary access from River Road to the temporary compound, temporary fencing and connection to National Grid electricity infrastructure at the Stanah substation.

Work No. 18— 11kv electrical circuits from the electrical substation/switchyard at the gas compressor compound (Work No. 3) to the booster pump station (Work No. 4), including twin 11kv electric cables laid in trench crossing Footpaths 45, 61 and 42 and an unnamed watercourse designated as main river; all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable) save where the circuits rise to interface with the electrical substation/switchyard at the gas compressor compound (Work No. 3) and the booster pump station (Work No. 4).

Work No. 19— Electrical control cables extending from the proposed electrical substation /switchyard at the gas compressor compound (Work No. 3) to the booster pump station (Work No. 4), including electrical control cables laid in trench and sleeves, crossing Footpaths 45, 61 and 42 and an unnamed watercourse designated as main river; all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable) save where the circuits rise to interface with the electrical substation/switchyard at the gas compressor compound (Work No. 3) and the booster pump station (Work No. 4).

Work No. 20A— An interconnector gas pipeline from the gas compressor compound (Work No. 3) to the A588 Hall Gate Lane including a gas, pressure pipeline laid in trench or by trenchless methods crossing Monks Lane, Back Lane, Hall Gate Lane and watercourses/drains; all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable) save where the pipeline rises to interface with the gas compressor compound (Work No. 3); and temporary fencing, stock proof fencing, temporary access, temporary access roads and any temporary subsidence monitoring stations required by the highway authority.

Work No. 20B— An interconnector gas pipeline from the A588/Hall Gate Lane to Lancaster Road C308 including a gas, pressure pipeline laid in trench or by trenchless methods crossing Footpath 31, Bridle Way No. 29, White Lane, Shaws Lane, Footpath 34, Longwood Lane (New

Lane), Lancaster Road C308 and watercourses/drains; all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable); and temporary fencing, stock proof fencing, temporary access, temporary access roads and any temporary subsidence monitoring stations required by the highway authority.

Work No. 20C— An interconnector gas pipeline from Lancaster road C308 to Bradshaw Lane C414 including a gas, pressure pipeline laid in trench or by trenchless methods crossing Bradshaw Road C414, Ridgy Pool and other watercourses/drains; all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable); and temporary fencing, stock proof fencing, temporary access, temporary access roads and any temporary subsidence monitoring stations required by the highway authority.

Work No. 20D— An interconnector gas pipeline from Bradshaw Lane C414 to Bone Hill Lane including a gas, pressure pipeline laid in trench or by trenchless methods crossing Footpath 39 and Bone Hill Lane; all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable); and temporary fencing, stock proof fencing, temporary access, temporary access roads and any temporary subsidence monitoring stations required by the highway authority.

Work No. 20E— Interconnector gas pipeline from Bone Hill Lane to Black Lane C436 including a gas, pressure pipeline laid in trench or by trenchless methods crossing Black Lane; all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable); and temporary fencing, stock proof fencing, temporary access, temporary access roads and any temporary subsidence monitoring stations required by the highway authority.

Work No. 20F— An interconnector gas pipeline from Black Lane C436 connecting to metering station including a gas, pressure pipeline laid in trench or by trenchless methods, crossings of other ordinary watercourses/drains, temporary fencing, stock proof fencing; all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable) save where the pipeline rises to interface with metering station (Work. No. 21); and temporary access, temporary access roads and any temporary subsidence monitoring stations required by the highway authority.

Work No. 20G— An interconnector gas pipeline connecting from metering station (Work No. 21) National Grid feeder main No. 21 to Station Lane including a gas, pressure pipeline laid in trench or by trenchless methods crossing Station Lane and watercourses/drains; all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable) save where the pipeline rises to interface with metering station (Work. No. 21); and temporary fencing, stock proof fencing, temporary access and temporary access roads.

Work No. 20H— An interconnector gas pipeline from Station Lane connecting to National Grid feeder main No. 15 including a gas, pressure pipeline laid in trench or by trenchless methods crossing Station Lane, Footpath No. 4 and Footpath No. 2 and watercourses/drains; all to be constructed not less than 1 metre below ground surface (or below bed of watercourse where applicable) and not more than 10 metres below ground surface (or below bed of watercourse where applicable); and temporary fencing, stock proof fencing, temporary access and temporary access roads.

Work No. 21— An interconnector gas pipeline metering station including a gas metering station containing underground pipework, a metering station instrument building, above ground valves and pipework, a pipe pig reception/insertion area, an area reserved for extension of the facility, extensions of those parts of the interconnector gas pipeline comprised in Work Nos. 20F and 20G which link to elements of this Work No. 21, temporary access tracks and turning areas adjacent to

the NTS Feeder 21 control valve station and an access track to Station Lane and security fencing and landscaping.

In connection with the above Work Nos. further associated development within the order limits consisting of:

- (a) mechanical, electrical and telecommunications equipment and the provision of utilities services;
- (b) ramps, means of access, footpaths and bridleways;
- (c) embankments, shafts, foundations, retaining walls, drainage, fencing and culverts;
- (d) works to alter the course of, or otherwise interfere with a watercourse other than a navigable watercourse;
- (e) works to remove or alter the position of apparatus including mains, sewers, drains and cables;
- (f) landscaping, ecological mitigation works and other works to mitigate any adverse effects of the construction, maintenance or operation of the authorised development;
- (g) works for the benefit or protection of land affected by the authorised development;
- (h) works required for the strengthening, improvement, maintenance or reconstruction of any streets;
- (i) works to install subsidence monitoring systems and equipment where any subsidence to existing brine caverns may affect any part of the authorised development; and
- (j) such other works, including working sites and works of demolition as may be necessary to expedite for the purposes of or in connection with the construction of the authorised development and which fall within the scope of the environmental impact assessment.

SCHEDULE 2

Article 9

STREETS SUBJECT TO STREET WORKS

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Subject to street works</i>
County of Lancashire, Borough Of Wyre	For the purposes of Work Nos. 1A and 1B, Work Nos. 2 to 5 inclusive and Work Nos. 8 to 11 inclusive— Footpath 42 Footpath 43 Footpath 45 Footpath 46 Footpath 61 Footpath 53 Monks Lane (Unadopted) (drawing nos. MMD-277663-C-DR-00-XX-0005, 0006, 0007 and 0015) Where crossed by the authorised development within the Order limits.
County of Lancashire, Borough Of Wyre	For the purposes of Work No. 6— A588 Hall Gate Lane (Adopted Classified Road) Back Lane (Adopted unclassified Road) (drawing nos. MMD-277663-C-DR-00-XX-0010 and 0016). Where crossed by the authorised development within the Order limits.
County of Lancashire, Borough Of Wyre	For the purposes of Work No. 7— Monks Lane (Unadopted) (drawing no. MMD-277663-C-DR-00-XX-0010). Where crossed by the authorised development within the Order limits.
County of Lancashire, Borough Of Wyre	For the purposes of Work No. 13— Unnamed track adjacent to Fleetwood Fish Dock. (drawing no. MMD-277663-C-DR-00-XX-0004). Where crossed by the authorised development within the Order limits.
County of Lancashire, Borough Of Wyre	For the purposes of Work No. 15— Herring Arm Road (drawing no. MMD-277663-C-DR-00-XX-0004). Where crossed by the authorised development within the Order limits.
County of Lancashire, Borough Of Wyre	For the purposes of Work Nos. 16A to 16L inclusive— Jameson Road (Adopted Unclassified) Rossall Lane B5409, Wyre Way (Adopted classified) South Strand (Adopted Unclassified) Broadway A587 (Adopted classified) Broadway Playing Field Entrance (Adopted unclassified) Fairway/Westway (Adopted Unclassified) Rossall Promenade

(1) Area	(2) <i>Subject to street works</i>
	(drawing nos. MMD-277663-C-DR-00-XX-0002 and 003). Where crossed by the authorised development within the Order limits.
County of Lancashire, Borough Of Wyre	For the purposes of Work Nos. 17A, 17B and 17C— Agglesbys Road Corcas Lane Bridleway No.2 High Gate Lane, linking High Gate Lane with Burrows Lane (Adopted unclassified) Burrows Lane (Adopted unclassified) Footpath 13 River Road (Adopted unclassified) (drawing nos. MMD-277663-C-DR-00-XX-0010, 0012 0013 and 0015). Where crossed by the authorised development within the Order limits.
County of Lancashire, Borough Of Wyre	For the purposes of Work No. 18— Footpath 42 Footpath 45 Footpath 61 (drawing nos. MMD-277663-C-DR-00-XX-0005 and 0007) Where crossed by the authorised development within the Order limits.
County of Lancashire, Borough Of Wyre	For the purposes of Work No. 19— Footpath 42 Footpath 43 Footpath 45 Footpath 61 Footpath 53 Monks Lane (Unadopted) (drawing nos. MMD-277663-C-DR-00-XX-0005 and 0007) Where crossed by the authorised development within the Order limits.
County of Lancashire, Borough Of Wyre	For the purposes of Work Nos. 20A to 20H inclusive— A 588 Hall Gate Lane (Adopted classified) Footpath 31 Bridleway 29 White Lane (Unadopted) Shaws Lane, Footpath 34 (Unadopted) Longwood lane (New Lane) Lancaster Road C305 (Adopted classified) Bradshaw Lane C414 (Adopted classified) Footpath 39 Bonehill Lane (Adopted unclassified) Black Lane C436 (Adopted classified) Bridleway No. 1 Station Lane (Adopted unclassified)

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Subject to street works</i>
	Footpath 4 (drawing nos. MMD-277663-C-DR-00-XX-0016, 0017, 0018, 0019, 0020, 0021 and 0022) Where crossed by the authorised development within the Order limits.

SCHEDULE 3

Article 10

STREETS SUBJECT TO ALTERATION OF LAYOUT

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street subject to alteration of layout</i>	<i>(3)</i> <i>Description of alteration</i>
County of Lancashire, Borough Of Wyre	The A588 Hall Gate Lane in Preesall Lancashire	Widening of the existing adopted highway (classified road), and the creation of a left turn lane for northbound traffic wishing to enter the new private access road (Schedule 1, Work No. 6 and Work No. 7), between points AA and BB on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0216)
County of Lancashire, Borough Of Wyre	Back Lane Preesall, Lancashire	Formation of two junctions with Back Lane to carry the private access road across the existing adopted highway to the Gas Compressor Compound (Schedule 1, Work No. 6 and Work No. 7), between points M and N on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0010)

SCHEDULE 4

Article 12

STREETS AND RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP

<i>(1)</i> Area	<i>(2)</i> Street to be temporarily stopped up	<i>(3)</i> Extent of temporary stopping up
County of Lancashire, Borough Of Wyre		For the purposes of Work Nos. 1A and 1B, Work Nos. 2 to 5 inclusive, Work Nos. 8 to 11 inclusive and Work nos. 18 and 19—
	Footpath 42	For a distance of 70m measured along the length of the footpath between points A and B on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0205)
	Footpath 45 and Footpath 43	For a distance of 40m measured along the length of the footpath between points C and D and I and J on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0207)
	Footpath 61	For a distance of 20m measured along the length of the footpath between points E and F and G and H on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0207)
County of Lancashire, Borough Of Wyre	Back Lane	For the purposes of Work No. 6 and Work No. 20A— Between points M and N on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0210)
County of Lancashire, Borough Of Wyre	Monks Lane	For the purposes of Work No. 7 and Work No. 17A— Between its junction with Back Lane to the Westerly limit of the gas compressor compound between points Q1 to R1 on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0210)
County of Lancashire, Borough Of Wyre	Unnamed track adjacent to Fleetwood Fish Dock (Private access)	For the purposes of Work No. 13— Between the sea water pumping station and the dock edge between points Q2 and R2 on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0204)
County of Lancashire, Borough Of Wyre		For the purposes of Work No. 16A to 16L inclusive—
	Rossall Promenade (Footpath 12)	From the access point from Fairway to the Order limits between points S1, T1 and U1 on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0202)

<i>(1)</i> Area	<i>(2)</i> Street to be temporarily stopped up	<i>(3)</i> Extent of temporary stopping up
	Wyre Way Adjacent to B5049	For the width of the proposed temporary access track between points V1 and W1 on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0203)
County of Lancashire, Borough Of Wyre		For the purposes of Work Nos. 17A to 17C inclusive—
	Agglebys Road	Between points K and L on the works plan (drawing no. MMD-277663-C-DR-00-XX-0010)
	Bridleway No. 2/Corcas Lane	Between points Q and P on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0210)
	High Gate Lane linking High Gate Lane with Burrows Lane (Adopted unclassified)	Between points T and T2 on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0213)
	Burrows Lane (Adopted unclassified)	Between points R and S on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0213)
County of Lancashire, Borough Of Wyre		For the purposes of Work No. 19—
	Footpath 42	Between points A and B on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0205).
	Footpath 45	Between points C and D on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0207)
	Footpath 61	Between points E and F on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0207)
County of Lancashire, Borough of Wyre		For the purposes of Work Nos. 20A to 20H inclusive—
	Footpath 31	Between points U and V on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0216)
	Bridleway No. 29	Between points W and X on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0217)
	White Lane	Between points Y and Z on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0217)
	Shaws Lane (Footpath 34)	Between points A1 and B1 on the works plan (drawing no. MMD-277663-C-DR-00-XX-0217)

<i>(1) Area</i>	<i>(2) Street to be temporarily stopped up</i>	<i>(3) Extent of temporary stopping up</i>
	Longwood Lane (New Lane)	Between points C1 and D1 on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0218)
	Lancaster Road	Between points C2 and D2 on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0218)
	Bradshaw Lane	Between points E1 and F1 on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0219)
	Footpath 39	Between points E2 and F2 on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0220)
	Bone Hill Lane	Between points G1 and H1 on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0220)
	Black Lane	Between points I1 and J1 on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0221)
	Station Lane	Between points K1 and L1 on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0222)
	Footpath No. 4	Between points M1 and N1 on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0222)
	Bridleway No. 1	Between points K2 and K1 on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0222)
	Footpath No. 2	Between points O1 and P1 on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0223)

SCHEDULE 5

Article 13

ACCESS TO WORKS

(1) Area	(2) Description of access
<p>County of Lancashire, Borough Of Wyre</p>	<p>Permanent Access to Works</p> <p>Preesall, main access private road to A588 formed within Work No. 6 Access from the A588 Hall Gate Lane opposite Moss House Lane as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0216)</p> <p>Preesall, secondary access/road crossing formed within Work No. 6 Access from Back Lane approximately 95m south of Monks Lane as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0210)</p> <p>Preesall, emergency access to works area from Acres Road Access from Acres Road approximately 90m west of Acre House as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0208)</p> <p>Fleetwood Fish Dock Access to seawater pump station, connection to Herring Arm Road and Dock Avenue within the Fleetwood Fish Dock as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0204)</p>
<p>County of Lancashire, Borough Of Wyre</p>	<p>Temporary Access to Works</p> <p>Preesall, access to works area from A588 formed within Work No. 6 Access from the A588 Hall Gate Lane opposite Moss House Lane as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0216)</p> <p>Preesall, secondary access/road crossing formed within Work No. 6 Access from Back Lane approximately 95m south of Monks Lane as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0210)</p> <p>Fleetwood Fish Dock Access to seawater pump station, connection to Herring Arm Road within the Fleetwood Fish Dock as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0204)</p> <p>Fleetwood Fish Dock to Work No. 16A Access from Herring Arm Road within the Fleetwood Fish Dock as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0204)</p>

(1) Area	(2) Description of access
	<p>MMD-277663-C-DR-00-XX-0204)</p> <p>Fleetwood, Jameson Road two access points to Work Nos. 16B, 16C and 16D Access from Jameson Road to the temporary works compound close to the disused railway, as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0203)</p> <p>Access from Jameson Road to the temporary works compound sited approximately 90m west of the disused railway, as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX -0203)</p> <p>Fleetwood, Fleetwood Road to Work Nos. 16D and 16E Access from Fleetwood Road to the temporary work compound and works. The access is situated approximately 100m south east of its junction (roundabout) with Amounderness Way, as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0203)</p> <p>Fleetwood, Rossall Lane to Work Nos. 16E and 16F Access from Rossall Lane to the temporary works compound north of Rossall Lane. The access is situated approximately 25m west of the junction with Amounderness Way, as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX -0203)</p> <p>Fleetwood, South Strand to Work No. 16F Access from South Strand access to field area. The access is situated approximately 230m south west of its junction with Broadway, as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0202)</p> <p>Fleetwood, South Strand to Work Nos. 16G and 16H Access from South Strand to the works compound situated adjacent to South Strand/Broadway. The access is situated at the junction of South Strand with Broadway, as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0202)</p> <p>Rossall Promenade, Fairway/Westway to Work Nos. 16I, J, K and L. Access from Fairway/ Westway at the point of the existing access to the promenade/car parking areas, as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0202)</p> <p>Preesall, Agglebys Road to Work No. 17A Access from Agglebys Road at a point approximately 20m to the west of its junction with Back Lane as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0210)</p> <p>Preesall, Corcas Lane to Work No. 17A Access to work from Cocas Lane at a point approximately 20m west</p>

(1) Area	(2) Description of access
	<p>of its junction with Back Lane as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0212)</p> <p>Preesall, High Gate Lane linking Burrows Lane to High Gate Lane to Work No. 17A Access to work from High Gate Lane at a point approximately 180m east of its junction with Burrows Lane as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0213)</p> <p>Preesall, Burrows Lane to Work No. 17A Access to work from Burrows Lane at a point approximately 350m south of its junction with High Gate Lane as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0213)</p> <p>Preesall, Burrows Lane to Work Nos. 17A and 17B, temporary works compound Access to work from Burrows Lane at a point approximately 1040m south of its junction with High Gate Lane as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0014)</p> <p>Preesall, Burrows Lane to Work Nos. 17A and 17B, temporary works compound Access to work from Burrows Lane at a point approximately 300m north west of its junction with Staynall Lane as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0214)</p> <p>Fleetwood Stanah, River Road to Work No. 17C. Access from River road via two existing access roads serving a caravan park and the Stanah Substation as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0215)</p> <p>Preesall, Access from A588 Hall Gate Lane to Work No. 20B Interconnector Gas Main Access from the A588, High Gate Lane approximately 40m north of Moss House Lane as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0216)</p> <p>Lancaster Road, Pilling Moss to Work No. 20B and Work No. 20C Access from Lancaster Road approximately 125m north of Bankfield as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0218)</p> <p>Bradshaw Lane Pilling Moss to Work No. 20C and 20D Access from Bradshaw Lane approximately 110m east of Ridgy Pool as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0219)</p>

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Description of access</i>
	<p>Bone Hill Lane, Pilling Moss to Work No. 20D and 20E Access from Bone Hill Lane approximately 200m south east of Bone Hill Farm as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0220)</p> <p>Black Lane Nateby Moss to Work Nos. 20E, 20F and 21. Access to work from Black Lane at a point approximately 100m north west of its junction with Footpath No. 6 as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0221)</p> <p>Station Lane Nateby To Work No. 20H and 20G. Access from Station Lane via existing access roads serving the National Grid gas compound at Black Wood approximately 175m south of the Orchard as shown on the access and temporary stopping up plan (drawing no. MMD-277663-C-DR-00-XX-0222)</p>

SCHEDULE 6

Article 23

LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

<i>(1)</i> Area	<i>(2)</i> Number of land shown on land plan	<i>(3)</i> Purpose for which temporary possession may be taken	<i>(4)</i> Relevant part of the authorised development
Lancashire County Council Wyre Borough Council	1, 2, 3, 4, 5, 6, 7, 8, 10, 11, 12, 15, 16, 17, 18, 19, 20, 21, 22, 26, 27, 28, 29, 31, 32, 33, 35, 37, 38, 39, 40, 45, 46, 47, 48, 51, 52, 53, 56, 61, 62, 63, 64, 65, 66, 67, 70, 71, 73, 74, 75, 77, 79, 80, 80a, 80b, 81, 82, 83, 85, 86, 87, 88, 89, 90, 91, 93, 94, 95, 96, 97, 98, 99, 101, 102, 104, 105, 108, 110, 111, 114, 115, 117, 118, 119, 123, 124, 125, 127, 129, 130, 131, 132, 133, 134, 135, 136, 137, 142, 143, 144, 147, 148, 149, 150, 151, 152, 153, 154, 155, 157, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 184, 185, 186, 188, 189, 190, 191, 192, 193, 194, 195, 196, 198, 199, 200, 202, 203, 204, 206, 207, 208, 209, 210, 211, 214 and 215	Construction and carrying out of the authorised development; worksite for construction and carrying out of the authorised development	Work Nos. 1A, 1B, 2A, 2B, 2C, 2D, 2E, 2F, 2G, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16A, 16B, 16C, 16D, 16E, 16F, 16G, 16H, 16I, 16J, 16K, 16L, 17A, 17B, 17C, 18, 19, 20A, 20B, 20C, 20D, 20E, 20F, 20G, 20H and 21
Lancashire County Council Wyre Borough Council	14, 23, 24, 25, 30, 34, 36, 41, 42, 43, 44, 49, 50, 54, 55, 109, 112, 113, 116, 120, 121, 122, 126, 128, 158, 159, 160, 161, 183, 187, 197, 201 and 212	Construction and carrying out of the authorised development; worksite and access for construction of the authorised development	Works Nos. 6, 16A, 16B, 16C, 16D, 16E, 16F, 16H, 16I, 17A, 17B, 17C, 20A, 20B, 20C, 20D, 20E, 20F, 20G and 20H

SCHEDULE 7

Article 35

DEEMED CONSENT UNDER PART 4 (MARINE LICENSING) OF THE MARINE AND COASTAL ACCESS ACT 2009

Licence Number:

This is a marine licence deemed to have been issued under Part 4 of the Marine and Coastal Access Act 2009 (marine licensing), as provided in section 35 of this Order (deemed consent under Part 4 (marine licensing) of the Marine and Coastal Access Act 2009) further to section 149A (deemed consent under a marine licence) of the Planning Act 2008, to the licence holder named below to carry out activities for which a licence is required under Part 4 of the Marine and Coastal Access Act 2009.

This Licence is for licensable activities carried out as part of the project specified in Section 2 of this Licence and is subject to the terms and conditions set out in this Licence.

Licence Holder: the “undertaker” as defined in Article 2 (interpretation) of this Order

Name:

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

Licence Date:

Valid From:

Valid to:

Date of issue:

Part 1: General

1.1 Interpretation

In this Licence:-

- (a) "the Act" means the Marine and Coastal Access Act 2009.
- (b) "Licensable Activity" means any activity listed in s.66(1) of the Act and section 2.2 of this Licence.
- (c) "MMO" means the Marine Management Organisation.
- (d) "Sea" means any area submerged at mean high water spring tide and the waters of every estuary, river or channel, so far as the tide flows at mean high water spring tide.
- (e) "Sea Bed" means the solid surface of the Earth which lies under the Sea.
- (f) "Dredging" means using any device to move material (whether or not suspended in water) from one part of the sea or sea bed to another part.
- (g) "Licensing Authority" means the Secretary of State.

- (h) "Vessel" means hovercraft, and any other craft capable of travelling on, in or under water, whether or not self-propelled.
- (i) "Location" and "Disposal Site" and "Disposal Sites" means those locations listed in section 2.4 of this Licence.
- (j) "Licence Holder" means the "undertaker" as defined in Article 2 (interpretation) of this Order to whom this Licence is issued.
- (k) All times shall be taken to be Greenwich Mean Time (GMT).
- (l) All geographical co-ordinates contained within this Licence are in WGS84 format (latitude and longitude degrees and minutes to three decimal places) unless stated otherwise.

1.2 Contacts

Except where otherwise indicated, the main point of contact with the MMO and the address for email and postal returns and correspondence shall be:-

Marine Management Organisation
Marine Consents Team
PO Box 1275
Newcastle upon Tyne
NE99 5BN
Tel: 0300 123 1032
Fax: 0191 376 2681
Email: marine.consents@marinemanagement.org.uk

Any references to the local District Marine Officer shall mean the relevant District Marine Officer in the area(s) located at:-

Marine Management Organisation
9 Calder Court
Shorebury Point
Amy Johnson Way
Blackpool
Lancashire
FY4 2RH
Tel: 01253 362130
Fax: 01253 362139
Email: blackpool@marinemanagement.org.uk

1.3 Returns to be made to the MMO by the Licence Holder

Table 1, below, sets out the returns that the Licence Holder must make and the corresponding dates by which they must reach the MMO.

IMPORTANT: No operations licensed herein may start until the Licence Holder has notified the MMO in writing that it accepts the terms and conditions of this Licence. The notification may be sent to the MMO by post or email, using the contact details set out above in section 1.2.

Table 1

<i>Return No.</i>	<i>Return Description</i>	<i>Return Deadline</i>
1	Licence Holder to accept terms and conditions of Licence.	Within 10 working days from Licence Date of Issue.
2	Licence Holder to notify Local District Marine Officer of proposed start of works date.	No less than 10 working days before work is due to start.
3	The Licence Holder must submit a full Method Statement to the MMO at least 6 months prior to the commencement of the works. The scope of the Methods Statement should be agreed in writing. Written approval/agreement of the Methods Statement by the MMO is required prior to works commencing.	Six months prior to works commencing
4	The Licence Holder must conduct a Marine Benthic Ecology and Habitats Survey prior to works commencing. The scope of the Marine Benthic Ecology and Habitats Survey must be agreed with the MMO in writing before it commences. The final report and any further monitoring requirements must be agreed in writing with the MMO prior to construction works commencing.	Prior to works commencing and prior to survey commencing.
5	The Licence Holder must agree in writing with the MMO a Vessel Movement Plan prior to construction works commencing.	Prior to works commencing
6	The Licence Holder must agree a Construction Monitoring Plan in writing with the MMO prior to works commencing. This should include, but may not be limited to, a pre, during and post-construction monitoring plan for the laying of the pipeline, consisting of trawl surveys within the transshipment area and barge approach routes for delivery of rock armouring, and surveys of the pipeline corridor to ensure the pipeline does not become exposed.	Prior to works commencing
7	The Licence Holder must ensure that a full method statement and location of the transshipment area and barge approach routes for delivery of rock armouring is submitted to the MMO at least 6 weeks prior to the commencement of the works. Written approval/agreement by the MMO is required prior to works commencing.	A minimum of six weeks prior to transshipment of rock armouring.

1.4 Inspection of records etc.

The Licence Holder shall-

- (a) Permit any person who is appointed by the MMO for the purpose to inspect, and make notes from, all books, papers, maps and other records of any kind kept by the Licence Holder in pursuance of this Licence or in connection with activities associated with this Licence.
- (b) Furnish that person at reasonable times with such information and provide him at reasonable times with such reasonable assistance as he may request in connection with or arising out of an inspection in pursuance of this clause.

1.5 Rights of access

Any person or persons authorised by the MMO shall be entitled at all reasonable times to enter into and upon any of the Licence Holders installations, vessels or equipment used or to be used in connection with the activities authorised by this Licence in accordance with Chapter 2, Part 8 of the Act.

1.6 Variation, suspension, revocation and transfer

- (1) A licensing authority may by notice vary, suspend or revoke a licence granted by it if it appears to the authority that there has been a breach of any of its provisions.
- (2) A licensing authority may by notice vary, suspend or revoke a licence granted by it if it appears to the authority that:
 - (a) in the course of the application for the licence, any person either supplied information to the authority that was false or misleading or failed to supply information, and
 - (b) if the correct information had been supplied the authority would have, or it is likely that the authority would have, refused the application or granted the licence in different terms.
- (3) A licensing authority may by notice vary, suspend or revoke a licence granted by it if it appears to the authority that the licence ought to be varied, suspended or revoked:
 - (a) because of a change in circumstances relating to the environment or human health;
 - (b) because of increased scientific knowledge relating to either of those matters;
 - (c) in the interests of safety of navigation; and
 - (d) for any other reason that appears to the authority to be relevant.

1.7 Force Majeure

If by reason of force majeure any substances or articles are deposited otherwise than at the Disposal Sites specified in section 5 of this Licence, below, then the full details of the circumstances must be notified to the MMO within 48 hours of the incident occurring. Force majeure may be deemed to apply when, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit the substances or articles otherwise than at the specified Disposal Sites because the safety of human life or the vessel is threatened.

1.8 Licence Conditions Binding Other Parties

All conditions attached to this Licence apply to any person who for the time being owns, occupies or enjoys any use of the works for which this Licence has been granted in relation to those marine activities authorised under item 7 in section 66(1) of the Act.

Part 2: Project Details

2.1 Licence Categories

The category of works hereby licensed is:

2.2 Description of project

Project Title

Preesall Underground Gas Storage Facility

Project Background

The proposed project is to create underground caverns in the salt body at Preesall, Lancashire. When created, the caverns would be used for the storage of natural gas which can be supplied to the Gas National Transmission System (NTS) to meet demand. The Halite proposal seeks permission for up to 19 caverns with a working capacity of up to 600 million cubic metres. The caverns are created by dissolving the salt and extracting the brine to create voids in which gas can be stored. A significant amount of water is required to dissolve the salt and this would be supplied from the seawater pump station at the Fleetwood Fish Dock. A pipeline would be laid under the River Wyre from the Seawater Pump Station to a Booster Pump Station on the Preesall site. From here water would be supplied to the wellheads and used to wash the salt caverns. The saturated brine would be returned by pipeline to the Irish Sea where it would be disposed at a point some 2.3km from the sea shore.

This license relates to the marine aspects of the Project which are:

- Construction of the offshore elements of the brine discharge pipeline, due west of the sea wall at West Way to a two port single diffuser approximately 2.3 km in the Irish Sea
- Construction of a new observation platform including a crossing for the pipeline to pass through the sea wall

2.3 Works Methodology

This section describes the construction work specific to the marine environment.

The areas of construction specific to the marine environment are:

- Brine pipeline and outfall
- Sea wall crossing and observation platform construction

The following sections describe the construction of these elements.

Brine Pipeline and Outfall

It is considered likely that the construction would be between April and July.

Between the Mean Low Water (MLW) mark and the Sea Wall, the pipeline would be laid in a trench excavated by an excavator which would access the beach from the existing ramp from the Sea Wall. An area either side of the pipeline would be reserved for construction compounds and the storage of spoil.

The HDPE pipe between the diffuser and the MLW mark at the beach would be laid in a trench excavated by barge. The pipe would be weighted by concrete collars and anchored to the seabed before the trench is backfilled. The two port single diffuser would be attached to the seaward end of the pipe on the sea bed. Backfill material will comprise selected excavated material (if appropriate) and imported granular material and rock.

Sea Wall Crossing

The pipeline will be placed in a trench up to the sea wall as described previously. At the sea wall the pipe will rise vertically up the face of the wall and then be trenched through the wall. As part of the crossing the Existing ramp from the promenade to the beach will be removed and replaced with an observation platform constructed from reinforced concrete. The platform will include concrete steps either side and will have stepped concrete erosion protection seaward of the new structure.

Works to the sea wall on the seaward side, including the new observation platform will be constructed within a steel sheet pile cofferdam. The works will be constructed without detrimental effect on the efficiency of the flood defence.

2.4 Location

The Licence Holder, and any third parties specified in section 2.5 of this Licence, may engage in the Licensed Activity at the following locations:

There is one distinct area relevant to the marine areas bounded by the following coordinates:

Brine Pipeline and Outfall

- SD 328828,445722
- SD 331223,445699
- SD 331269,445260
- SD 318842,445302

2.5 Agents/contractors/sub-contractors

The third parties permitted to engage in the Licensed Activity are:

<i>Name of Agent, Contractor or sub-contractor</i>	<i>Function</i>
Contractor unknown at this stage	

2.6 Persons Responsible for the Deposit of the Substances or Articles

The operators, vessels and vehicles permitted to engage in the Licensed Activity are:

<i>Name of Vessel or Vehicle Registration</i>	<i>Operator</i>	<i>Type(s)</i>
Contractor unknown at this stage		

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The Master or the Officer of the Watch of each of these vessels and vehicles undertaking the Licensed Activity must maintain a written log of operations recording, in the English Language, the following information:

- (a) The name of the vessel.
- (b) The quantity and type of each substance or article loaded for deposit.
- (c) The date and time of departure from the port or site at which the substances or articles are loaded for deposit in the sea and time of arrival (and date if different) at the Disposal Sites on each occasion that it proceeds to and from such area.
- (d) Latitude and Longitude position (in degrees and minutes and decimal of a minute to at least one decimal place) of the vessel at intervals of not more than 20 minutes throughout the course of any disposal element of the Licensed Activity being undertaken, which for the purpose of this Licence shall be the commencement of loading each consignment of material for deposit in the Sea to the completion placement of that material at the Disposal Sites.
- (e) The time taken to complete the disposal Licensed Activity operation and a statement of the reasons for any delays.
- (f) Courses and speeds together with any alterations throughout each consignment disposal (multiple changes may be recorded as "various").
- (g) The rate of deposit, together with any variations, throughout the disposal Licensed Activity.
- (h) Weather, Sea-state, wind and tidal set, and rate throughout the disposal Licensed Activity.
- (i) The signature of the Master at the foot of each log sheet or page of the record. All deposit vessels are required to carry an Admiralty Chart of appropriate scale to be used in navigation on which the coordinates of the licensed Disposal Sites should be marked.

2.7 Distribution of copies

The Licence Holder must ensure that a copy of this Licence and any subsequent revisions or amendments is given to all third parties listed in section 2.5, above, and the Masters of all vessels and transport managers responsible for the vehicles listed in section 2.6.

The Licence Holder must also keep a copy of this Licence at:

Halite Energy Group Limited
Unit 5, St Georges Court
St Georges Park
Kirkham
Lancashire
PR4 2EF

Part 3: Licence Conditions

3.1 Prior to the Commencement of the Works

The Licence Holder must submit the pre-works returns specified in Table 1 of section 1.3, above.

3.1.1 The Licence Holder must submit a full Method Statement to the MMO at least 6 months prior to the commencement of the works. The scope of the Method Statement should be agreed in writing. Written approval/agreement of the Method Statement by the MMO is required prior to works commencing.

Reason: To ensure the MMO are aware and satisfied with the chosen methods. So, where necessary, mitigation can be included, such as the addition of licence conditions.

3.1.2 The Licence Holder must conduct a Marine Benthic Ecology and Habitats Survey prior to works commencing. The scope of the Marine Benthic Ecology and Habitats Survey must be agreed with the MMO in writing before it commences. The final report and any further monitoring requirements must be agreed in writing with the MMO prior to construction works commencing.

Reason: To ensure an up to date assessment of the marine benthic environment and ecology is undertaken.

3.1.3 The Licence Holder must agree in writing with the MMO a Vessel Movement Plan prior to construction works commencing.

Reason: To ensure movements of vessels will not adversely affect sensitive species, including the Common Scoter and red Throated Diver.

3.1.4 The Licence Holder must agree a Construction Monitoring Plan in writing with the MMO prior to works commencing. This should include, but may not be limited to, a pre, during and post-construction monitoring plan for the laying of the pipeline, consisting of trawl surveys within the transshipment area and barge approach routes for delivery of rock armouring, and surveys of the pipeline corridor to ensure the pipeline does not become exposed.

Reason: To satisfy the MMO that no rock has been lost during the transshipment operation that would pose an obstruction/hazard to other sea/sea-bed users and to monitor the pipeline to ensure that it does not become exposed.

3.1.5 The Licence Holder must ensure that a full method statement and location of the transshipment area and barge approach routes for delivery of rock armouring is submitted to the MMO at least 6 weeks prior to the commencement of the works. Written approval/agreement by the MMO is required prior to works commencing.

Reason: To manage the associated safety/ navigation issues associated with rock transshipment and the potential loss of material that could cause an obstruction/hazard to other sea/sea-bed users.

3.1.6 The Licence Holder must ensure that lighting and marking of the works are agreed with the MMO prior to commencement of the works. This should be detailed in the Methods Statement, referred to at 3.1.1.

Reason: To mark and light any potential dangers to navigation.

3.1.7 The District Marine Office must be notified of the timetable of works/operations at least 10 days prior to any activities commencing. Contact: blackpool@marinemanagement.org.uk or 01253 362 130.

Reason: To ensure that the MMO is aware of works occurring within its jurisdiction.

3.1.8 The Licence Holder must ensure the local mariner's and fishermen's organisations are notified through a Notice to Mariners prior to commencement of works.

Reason: To ensure other vessels in the vicinity can safely plan and conduct their passage.

3.2 During the Works

3.2.1 The Licence Holder must minimise the re-suspension of sediment during the construction operations. Specific details of how this will be achieved must be included in the Methods Statement detailed at 3.1.1.

Reason: To prevent smothering of sensitive receptors in the marine environment.

3.2.2 The Licence Holder must ensure appropriate steps are taken to minimise damage to the foreshore. Specific details of how this will be achieved must be included in the Methods Statement detailed at 3.1.1.

Reason: To minimise environmental damage and minimise any safety and navigational issues associated with damage to the foreshore.

3.2.3 The Licence Holder must ensure that the pipeline, anchoring and rock armouring are fully covered and do not protrude above the seabed. Specific details of how this will be achieved must be included in the Methods Statement detailed at 3.1.1.

Reason: To ensure that during operation, the pipeline does not negatively affect the seabed or coastal processes.

3.2.4 The Licence Holder must ensure that any jack up barges/vessels utilised during the works, when jacked up, should exhibit signals in accordance with the UK Standard Marking Schedule for offshore Installations.

Reason: To ensure the barges/vessels are visible to other vessels in the vicinity.

3.2.5 The Licence Holder must only work and access the site within a defined and marked out area thereby limiting personnel and plant access to the site. The work area and access routes must be defined in the Methods Statement detailed at 3.1.1.

Reason: To minimise damage and disturbance to sensitive habitat or species from construction plant and personnel.

3.2.6 The Licence Holder must fit diffusers to the discharge end of the pipeline to maximise dispersion.

Reason: To ensure that dispersion is maximised.

3.2.7 The Licence Holder must ensure that all chemicals utilised are selected from the list of notified chemicals assessed for use by the offshore oil and gas industry under the Offshore Chemicals Regulations 2002 (this list can be sourced on www.cefas.co.uk) or has gone through a similar level of ecotoxicological hazard/risk assessment. Should any system other than a water-based mud be considered for use in the drilling operation written approval and guidance of disposal of any arisings will be required from the Licensing Authority.

Reason: Required for large scale marine works where chemicals are needed for drilling sockets etc. Use of chemicals from the list in this context is only intended to be indicative of the environmental effects (OCNS registration involves testing for toxicity, bioaccumulation and

persistence) because the criteria in classification are specific to oil and gas. Registration or equivalent testing is to ensure that hazardous chemicals that may be toxic, persistent or bioaccumulative are not released into the marine environment and used appropriately.

3.2.8 The Licence Holder must ensure that any coatings/treatments are suitable for the use in the marine environment and are used in accordance with best environmental practice (e.g. approved by HSE, EA Pollution Prevention Control Guidelines).

Reason: To ensure that hazardous chemicals that may be toxic, persistent or bioaccumulative are not released into the marine environment and used appropriately.

3.2.9 The Licence Holder must ensure that soft-start procedures are used to ensure incremental increase in pile power over a set time period until full operational power is achieved. The soft-start duration should be a period of not less than 20 minutes. Should piling cease for a period greater than 10 minutes, then the soft start procedure must be repeated.

Reason: To allow mobile sensitive receptors to move away from the noise source, and reduce likelihood of exposing the animal to sounds which can cause injury.

3.2.10 The Licence Holder must install bunding and/or storage facilities to contain and prevent the release of fuel, oils, and chemicals associated with plant, refuelling and construction equipment, into the marine environment i.e. secondary containment should be used with a capacity of not less than 100% of the containers storage capacity.

Reason: To prevent marine pollution incidents by adopting best practice techniques.

3.2.11 The Licence Holder must ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO, Marine Pollution Response Team. Contact: dispersants@marinemanagement.org.uk or 0870 785 1050 / 07770 977 825

Reason: To ensure that any spills are appropriately recorded and managed to minimise the impact to sensitive receptors and the general marine environment.

3.2.12 The Licence Holder must ensure that during the works all wastes are stored in designated areas that are isolated from surface water drains, open water and bunded to contain any spillages.

Reason: To prevent material being washed away by unfavourable weather conditions and tides, and increasing the risk of environmental damage.

3.2.13 The Licence Holder must ensure that no waste concrete slurry or wash water from concrete or cement works are discharged into the marine environment. Concrete and cement mixing should be contained and sited at least 10 metres from any watercourse or surface water drain to minimise the risk of run off entering a watercourse.

Reason: To avoid damage to the marine environment by contamination of concrete wash water which are highly alkaline and contain high levels of suspended sediment.

3.2.14 The Licence Holder must ensure that any vessels used for rock transshipment or delivery operations are suitably constructed and loaded to prevent rock falling over the side by accident. Suitable screening should be used to prevent rock/shingle loss through drainage holes.

Reason: To reduce the risk and potential loss of material that could cause an obstruction/hazard to other sea/sea-bed users.

3.2.15 The Licence Holder must ensure that any rock misplaced/lost below Mean High Water

Springs are reported to the District Marine Office within 48 hours, and located and recovered. Contact: blackpool@marinemanagement.org.uk or 01253 362 130.

Reason: To manage the associated safety/ navigation issues associated with rock transshipment and the potential loss of material that could cause an obstruction/hazard to other sea/sea-bed users.

3.3 Conditions upon completion of the works

3.3.1 The Licence Holder must ensure that backfill operations return the intertidal area to its original profile.

Reason: To ensure the seabed is returned to a similar state as soon as possible after works to promote recovery.

3.3.2 The Licence Holder must ensure that any equipment, temporary structures, waste and/or debris associated with the works are removed within 6 weeks of completion of the works.

Reason: To prevent the accumulation of unlicensed material/debris and the potential environmental damage, safety and navigational issues associated with such materials/debris.

3.3.3 The Licence Holder should notify the UK Hydrographic Office to permit the promulgation of Maritime Safety Information and updating of nautical charts and publications.

Reason: To ensure other vessels in the vicinity can safely plan and conduct their passage.

Part 4: Changes to this Licence

Should the Licence Holder become aware that any of the information on which the granting of this Licence was based has changed or is likely to change, they shall notify the MMO at the earliest opportunity.

Should the Licence Holder wish to undertake the Licensed Activity in a manner that is contrary to the terms and conditions of this Licence they shall inform the MMO at the earliest opportunity and in any event shall not carry out the Licensed Activity in manner contrary to the terms and conditions of this Licence unless and until permission has been given by MMO.

PROTECTIVE PROVISIONS

PART 1

FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE
UNDERTAKERS*Application*

1. For the protection of the undertakers referred to in this part of this Schedule the following provisions shall, unless otherwise agreed in writing between the promoter and the undertaker concerned, have effect.

Interpretation

2. In this Schedule—

“alternative apparatus” means alternative apparatus adequate to enable the undertaker in question to fulfil its statutory functions in a manner not less efficient than previously;

“apparatus” means—

- (a) in the case of an electricity undertaker, electric lines or electrical plant (as defined in the Electricity Act 1989(a)), belonging to or maintained by that undertaker;
- (b) in the case of a gas undertaker, any mains, pipes or other apparatus belonging to or maintained by a gas transporter for the purposes of gas supply;
- (c) in the case of a water undertaker, mains, pipes or other apparatus belonging to or maintained by that undertaker for the purposes of water supply; and
- (d) in the case of a sewerage undertaker—
 - (i) any drain or works vested in the undertaker under the Water Industry Act 1991(b) and Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011; and
 - (ii) any sewer which is so vested or is the subject of a notice of intention to adopt given under section 102(4) of that Act or an agreement to adopt made under section 104 of that Act, and includes a sludge main, disposal main (within the meaning of section 219 of that Act) or sewer outfall and any manholes, ventilating shafts, pumps or other accessories forming part of any such sewer, drain or works, and includes any structure in which apparatus is or is to be lodged or which gives or will give access to apparatus;

“functions” includes powers and duties;

“in” in a context referring to apparatus or alternative apparatus in land includes a reference to apparatus or alternative apparatus under, over, across, along or upon land;

“plan” includes a section and description of the works to be executed;

“promoter” means the undertaker as defined in article 2 of this Order;

“undertaker” means—

- (e) any licence holder within the meaning of Part 1 of the Electricity Act 1989;
- (f) a gas transporter within the meaning of Part 1 of the Gas Act 1986(c);
- (g) a water undertaker within the meaning of the Water Industry Act 1991; and

(a) 1989 c. 29.

(b) 1991 c. 56.

(c) 1986 c. 44.

(h) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991,

3. This part of this Schedule does not apply to apparatus in respect of which the relations between the promoter and the undertaker are regulated by the provisions of Part 3 of the 1991 Act.

Temporarily stopped up streets

4. Notwithstanding the temporary stopping up or diversion of any highway under the powers of article 12 (temporary stopping up of streets and rights of way), an undertaker shall be at liberty at all times to execute and do all such works and things in, upon or under any such highway as may be reasonably necessary or desirable to enable it to maintain, renew or use any apparatus which at the time of the stopping up or diversion was in that highway.

Protective works to buildings

5.—(1) The promoter, in the case of the powers conferred by article 16 (protective work to buildings), shall, so far as is reasonably practicable, so exercise those powers as not to obstruct or render less convenient the access to any apparatus and, if by reason of the exercise of those powers any damage to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal or abandonment) or property of any undertaker or any interruption in the supply of electricity, gas or water, as the case may be, by the undertaker is caused, the promoter shall bear and pay the cost reasonably incurred by that undertaker in making good such damage or restoring the supply; and, subject to sub-paragraph (2), shall—

- (a) make reasonable compensation to the undertaker for any loss sustained by it; and
- (b) indemnify the undertaker against all claims, demands, proceedings, costs, damages and expenses which may be made or taken against or recovered from or incurred by that undertaker, by reason of any such damage or interruption.

(2) Nothing in this paragraph shall impose any liability on the promoter with respect to any damage or interruption to the extent that such damage or interruption is attributable to the act, neglect or default of an undertaker or its contractors or workmen; and the undertaker shall give to the promoter reasonable notice of any claim or demand as aforesaid and no settlement or compromise thereof shall be made without the prior consent of the promoter.

Acquisition of land

6. Regardless of any provision in this Order or anything shown on the land plan, the promoter shall not acquire any apparatus otherwise than by agreement.

Removal of apparatus

7.—(1) If, in the exercise of the powers conferred by this Order, the promoter acquires any interest in any land in which any apparatus is placed, that apparatus shall not be removed under this part of this Schedule and any right of an undertaker to maintain that apparatus in that land shall not be extinguished until alternative apparatus has been constructed and is in operation to the reasonable satisfaction of the undertaker in question.

(2) If, for the purpose of executing any works in, on or under any land purchased, held, appropriated or used under this Order, the promoter requires the removal of any apparatus placed in that land, it shall give to the undertaker in question written notice of that requirement, together with a plan of the work proposed, and of the proposed position of the alternative apparatus to be provided or constructed and in that case (or if in consequence of the exercise of any of the powers conferred by this Order an undertaker reasonably needs to remove any of its apparatus) the promoter shall, subject to sub-paragraph (3), afford to the undertaker the necessary

- (a) facilities and rights for the construction of alternative apparatus in other land of the promoter; and
- (b) subsequently for the maintenance of that apparatus.

(3) If alternative apparatus or any part of such apparatus is to be constructed elsewhere than in other land of the promoter, or the promoter is unable to afford such facilities and rights as are mentioned in sub-paragraph (2), in the land in which the alternative apparatus or part of such apparatus is to be constructed, the undertaker in question shall, on receipt of a written notice to

that effect from the promoter, as soon as reasonably possible use its best endeavours to obtain the necessary facilities and rights in the land in which the alternative apparatus is to be constructed.

(4) Any alternative apparatus to be constructed in land of the promoter under this part of this Schedule shall be constructed in such manner and in such line or situation as may be agreed between the undertaker in question and the promoter or in default of agreement settled by arbitration in accordance with article 41 (arbitration).

(5) The undertaker in question shall, after the alternative apparatus to be provided or constructed has been agreed or settled by arbitration in accordance with article 41 (arbitration), and after the grant to the undertaker of any such facilities and rights as are referred to in sub-paragraph (2) or (3), proceed without unnecessary delay to construct and bring into operation the alternative apparatus and subsequently to remove any apparatus required by the promoter to be removed under the provisions of this part of this Schedule.

(6) Regardless of anything in sub-paragraph (5), if the promoter gives notice in writing to the undertaker in question that it desires itself to execute any work, or part of any work in connection with the construction or removal of apparatus in any land of the promoter, that work, instead of being executed by the undertaker, shall be executed by the promoter without unnecessary delay under the superintendence, if given, and to the reasonable satisfaction of the undertaker.

(7) Nothing in sub-paragraph (6) shall authorise the promoter to execute the placing, installation, bedding, packing, removal, connection or disconnection of any apparatus, or execute any filling around the apparatus (where the apparatus is laid in a trench) within 300 millimetres of the apparatus.

Facilities and rights for alternative apparatus

8.—(1) Where, in accordance with the provisions of this part of this Schedule, the promoter affords to an undertaker facilities and rights for the construction, use, maintenance, renewal and inspection in land of the promoter of alternative apparatus in substitution for apparatus to be removed, those facilities and rights shall be granted upon such terms and conditions as may be agreed between the promoter and the undertaker in question or in default of agreement settled by arbitration in accordance with article 41 (arbitration).

(2) In settling the terms and conditions mentioned in respect of alternative apparatus to be constructed in the authorised development, the arbitrator shall—

- (a) give effect to all reasonable requirements of the promoter for ensuring the safety and efficient operation of the authorised development and for securing any subsequent alterations or adaptations of the alternative apparatus which may be required to prevent interference with the authorised development, its safety or its efficient operation; and
- (b) so far as it may be reasonable and practicable to do so in the circumstances of the particular case, give effect to the terms and conditions (if any) applicable to the apparatus constructed in the authorised development for which the alternative apparatus is to be substituted.

(3) If the facilities and rights to be afforded by the promoter in respect of any alternative apparatus, and the terms and conditions subject to which those facilities and rights are to be granted, are in the opinion of the arbitrator more or less favourable on the whole to the undertaker in question than the facilities and rights enjoyed by it in respect of the apparatus to be removed and the terms and conditions to which those facilities and rights are subject, the arbitrator shall make such provision for the payment of compensation to or by the promoter by or to that undertaker as appears to the arbitrator to be reasonable having regard to all the circumstances of the particular case.

Retained apparatus: protection

9.—(1) Not less than 28 days before starting the execution of any works of the type referred to in paragraph 7(2) that are near to, or will or may affect, any apparatus the removal of which has not been required by the promoter under paragraph 7(2), the promoter shall submit to the undertaker in question a plan.

(2) In relation to works which will or may be situated over or within 15 metres measured in any direction of, or (wherever situated) impose any load directly upon any sewer, the plan to be submitted to the undertaker under sub-paragraph (1) shall be detailed describing—

- (a) the exact position of the works;
- (b) the level at which these are proposed to be constructed or renewed;
- (c) the manner of their construction or renewal;
- (d) the position of all sewers within 15 metres of the works or upon which the works will impose a load; and
- (e) by way of detailed drawings, every alteration proposed to be made to any such sewer.

(3) The promoter shall not commence the construction or renewal of any works to which sub-paragraph (2) applies until the undertaker has given written approval of the plan so submitted.

(4) Any approval of the undertaker required under sub-paragraph (2)—

- (a) may be given subject to reasonable conditions for any purpose mentioned in sub-paragraph (5);
- (b) shall not be unreasonably withheld; and
- (c) shall be deemed to have been given if it is neither given nor refused within 56 days of the submission of plans for approval.

(5) In relation to a work to which sub-paragraph (2) applies, the specified undertaker may require such modifications to be made to the plans as may be reasonably necessary for the purpose of securing its sewerage system against interference or risk of damage or for the purpose of providing or securing proper and convenient means of access to any sewer.

(6) Works of the type referred to in paragraph 7(2) shall be executed only in accordance with the plan, submitted under sub-paragraph (1) (and in the case of a plan relating to sewers, in accordance with the plan approved or deemed to have been approved under sub-paragraph (4) or settled by arbitration in accordance with article 41 (arbitration), as amended from time to time by agreement between the promoter and the undertaker) and in accordance with such reasonable requirements as may be made in accordance with sub-paragraph (7) by the undertaker for the alteration or otherwise for the protection of the apparatus, or for securing access to it, and the undertaker shall be entitled to watch and inspect the execution of those works.

(7) Any requirements made by an undertaker under sub-paragraph (6) shall be made within a period of 21 days beginning with the date on which a plan under sub-paragraph (1) is submitted to it.

(8) If an undertaker in accordance with sub-paragraph (7) and in consequence of the works proposed by the promoter, reasonably requires the removal of any apparatus and gives written notice to the promoter of that requirement, paragraphs 1 to 3 and 5 to 8 shall apply as if the removal of the apparatus had been required by the promoter under paragraph 7(2).

(9) Nothing in this paragraph shall preclude the promoter from submitting at any time or from time to time, but in no case less than 28 days before commencing the execution of any works, a new plan, instead of the plan previously submitted, and having done so the provisions of this paragraph shall apply to and in respect of the new plan.

(10) The promoter shall not be required to comply with sub-paragraph (1) in a case of emergency but in that case it shall give to the undertaker in question notice as soon as is reasonably practicable and a plan of those works as soon as reasonably practicable thereafter and shall comply with sub-paragraph (6) insofar as is reasonably practicable in the circumstances.

Expenses

10.—(1) Subject to the following provisions of this paragraph, the promoter shall repay to an undertaker the reasonable expenses incurred by that undertaker in, or in connection with, the inspection, removal, alteration or protection of any apparatus or the construction of any new apparatus which may be required in consequence of the execution of any such works as are referred to in paragraph 7(2).

(2) There shall be deducted from any sum payable under sub-paragraph (1) the value of any apparatus removed under the provisions of this Schedule, that value being calculated after removal.

(3) If in accordance with the provisions of this part of this Schedule—

- (a) apparatus of better type, of greater capacity or of greater dimensions is placed in substitution for existing apparatus of worse type, of smaller capacity or of smaller dimensions; or
- (b) apparatus (whether existing apparatus or apparatus substituted for existing apparatus) is placed at a depth greater than the depth at which the existing apparatus was situated,

and the placing of apparatus of that type or capacity or of those dimensions or the placing of apparatus at that depth, as the case may be, is not agreed by the promoter or, in default of agreement, is not determined by arbitration in accordance with article 41 (arbitration) to be necessary, then, if such placing involves cost in the construction of works under this part of this Schedule exceeding that which would have been involved if the apparatus placed had been of the existing type, capacity or dimensions, or at the existing depth, as the case may be, the amount which apart from this sub-paragraph would be payable to the undertaker in question by virtue of sub-paragraph (1) shall be reduced by the amount of that excess.

(4) For the purposes of sub-paragraph (3)—

- (a) an extension of apparatus to a length greater than the length of existing apparatus shall not be treated as a placing of apparatus of greater dimensions than those of the existing apparatus; and
- (b) where the provision of a joint in a pipe or cable is agreed, or is determined to be necessary, the consequential provision of a jointing chamber or of a manhole shall be treated as if it also had been agreed or had been so determined.

(5) An amount which apart from this sub-paragraph would be payable to an undertaker in respect of works by virtue of sub-paragraph (1) shall, if the works include the placing of apparatus provided in substitution for apparatus placed more than 7 years and 6 months earlier so as to confer on the undertaker any financial benefit by deferment of the time for renewal of the apparatus in the ordinary course, be reduced by the amount which represents that benefit.

Indemnity

11.—(1) Subject to sub-paragraphs (2) and (3), if by reason or in consequence of the construction of any such works referred to in paragraph 7(2), any damage is caused to any apparatus (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works) or property of an undertaker, or there is any interruption in any service provided, or in the supply of any goods, by any undertaker, the promoter shall—

- (a) bear and pay the cost reasonably incurred by that undertaker in making good such damage or restoring the supply; and
- (b) make reasonable compensation to that undertaker for any other expenses, loss, damages, penalty or costs incurred by the undertaker, by reason or in consequence of any such damage or interruption.

(2) Nothing in sub-paragraph (1) shall impose any liability on the promoter with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an undertaker, its officers, servants, contractors or agents.

(3) An undertaker shall give the promoter reasonable notice of any such claim or demand and no settlement or compromise shall be made without the consent of the promoter which, if it withholds such consent, shall have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

Enactments and agreements

12. Nothing in this part of this Schedule shall affect the provisions of any enactment or agreement regulating the relations between the promoter and an undertaker in respect of any

apparatus laid or erected in land belonging to the promoter on the date on which this Order is made.

Co-operation

13. Where in consequence of the proposed construction of any of the authorised development, the promoter or an undertaker requires the removal of apparatus under paragraph 7(2) or a specified undertaker makes requirements for the protection or alteration of apparatus under paragraph 9(2), the promoter shall use its best endeavours to co-ordinate the execution of the works in the interests of safety and the efficient and economic execution of the authorised development and each specified undertaker shall use its best endeavours to co-operate with the undertaker for that purpose.

Access

14. If in consequence of the exercise of the powers of this Order the access to any apparatus is materially obstructed, the promoter shall provide such alternative means of access to such apparatus as will, so far as reasonably practicable, enable the undertaker to maintain or use the apparatus no less effectively than was possible before such obstruction.

Arbitration

15. Any difference arising between the promoter and an undertaker under this Schedule (other than a difference as to its meaning or construction) shall be determined by arbitration in accordance with article 41 (arbitration).

PART 2

PROTECTION FOR OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

1. For the protection of any operator, the following provisions shall, unless otherwise agreed in writing between the promoter (as defined in Part 1 of this Schedule) and the operator, have effect.

2. In this part of this Schedule—

“the 2003 Act” means the Communications Act 2003(a);

“conduit system” has the same meaning as in the electronic communications code and references to providing a conduit system shall be construed in accordance with paragraph 1(3A) of that code;

“electronic communications apparatus” has the same meaning as in the electronic communications code;

“the electronic communications code” has the same meaning as in Chapter 1 of Part 2 of the 2003 Act(b);

“electronic communications code network” means—

- (a) so much of an electronic communications network or conduit system provided by an electronic communications code operator as is not excluded from the application of the electronic communications code by a direction under section 106 of the 2003 Act; and
- (b) an electronic communications network which the Secretary of State is providing or proposing to provide;

“electronic communications code operator” means a person in whose case the electronic communications code is applied by a direction under section 106 of the 2003 Act; and

“operator” means the operator of an electronic communications code network.

(a) 2003 c. 21.
(b) See section 106.

3. The exercise of the powers of article 29 (statutory undertakers) are subject to paragraph 23 of Schedule 2 to the Telecommunication Act 1984(a).

4.—(1) Subject to sub-paragraphs (2) to (4), if as the result of the authorised development or their construction, or of any subsidence resulting from any of those works—

- (a) any damage is caused to any electronic communications apparatus belonging to an operator (other than apparatus the repair of which is not reasonably necessary in view of its intended removal for the purposes of those works, or other property of an operator); or
- (b) there is any interruption in the supply of the service provided by an operator, the promoter shall bear and pay the cost reasonably incurred by the operator in making good such damage or restoring the supply and shall—
 - (i) make reasonable compensation to an operator for loss sustained by it; and
 - (ii) indemnify an operator against claims, demands, proceedings, costs, damages and expenses which may be made or taken against, or recovered from, or incurred by, an operator by reason, or in consequence of, any such damage or interruption.

(2) Nothing in sub-paragraph (1) shall impose any liability on the promoter with respect to any damage or interruption to the extent that it is attributable to the act, neglect or default of an operator, its officers, servants, contractors or agents.

(3) The operator shall give the promoter reasonable notice of any such claim or demand and no settlement or compromise of the claim or demand shall be made without the consent of the promoter which, if it withholds such consent, shall have the sole conduct of any settlement or compromise or of any proceedings necessary to resist the claim or demand.

(4) This part of this Schedule shall not apply to—

- (a) any apparatus in respect of which the relations between the promoter and an operator are regulated by the provisions of Part 3 of the 1991 Act; or
- (b) any damages, or any interruptions, caused by electro-magnetic interference arising from the construction or use of the authorised development.

(5) Nothing in this part of this Schedule shall affect the provisions of any enactment or agreement regulating the relations between the promoter and an undertaker in respect of any apparatus laid or erected in land belonging to the promoter on the date on which this Order is made.

5. The temporary stopping up or diversion of any highway under article 12 (temporary stopping up of streets and rights of way) shall not affect any right of the operator under paragraph 9 of the electronic communications code to maintain any apparatus which, at the time of the stopping up or diversion, is in that highway.

6. Any difference arising between the promoter and the operator under this Part of this Schedule shall be referred to and settled by arbitration under article 41 (arbitration).

(a) 1984 c. 12.

SCHEDULE 9 REQUIREMENTS

Article 42

Interpretation

1. In this Schedule—

“the 1999 Regulations” means the Control of Major Accident Hazards Regulations 1999;

“132kv electrical circuits” means the works described in Work Nos. 17A to 17C of Schedule 1 of this Order;

“approved development plans” mean the plans submitted with the application, listed below and certified as the approved development plans by the decision-maker for the purposes of this Order:

A-9000-016 Rev.B (application boundary index plan); A-9100-006 Rev.B (application boundary sheet 1 of 9); A-9100-007 Rev.B (application boundary sheet 2 of 9); A-9100-008 Rev.B (application boundary sheet 3 of 9); A-9100-009 Rev.B (application boundary sheet 4 of 9); A-9100-010 Rev.B (application boundary sheet 5 of 9); A-9100-011 Rev.B (application boundary sheet 6 of 9); A-9100-012 Rev.B (application boundary sheet 7 of 9); A-9100-013 Rev.B (application boundary sheet 8 of 9); A-9100-014 Rev.B (application boundary sheet 9 of 9); A-5000-001 Rev.B (seawater pump station site location plan); A-5000-002 Rev.B (seawater pump station site plan); A-5000-003 Rev.B (seawater pump station ground floor plan); A-5000-004 Rev.B (seawater pump station elevations, cross section); A-6000-001 Rev.B (booster pump station and control centre location plan); A-6000-002 Rev.B (booster pump station site and location plan); A-6000-003 Rev.B (booster pump station ground floor plan and section); A-6000-004 Rev.B (booster pump station elevations); A-7000-001 Rev.B (entrance facilities site and location plans); A-7000-002 Rev.B (entrance facilities proposed barn rebuild); A-7000-003 Rev.B (entrance facilities gatehouse and farmhouse); A-2000-001 Rev.B (compressor station & electrical sub-station locations); A-2000-002 Rev.B (gas compressor compound site plan); A-2000-003 Rev.B (compressor compound floor plans); A-2000-004 Rev.B (gas compressor compound sectional elevations); A-2000-005 Rev.B (gas compressor compound equipment elevations); A-2000-006 Rev.B (gas compressor compound indicative planting); A-1000-001 Rev.B (wellhead compounds location plan); A-1000-030 Rev.B (cavern development); A-9100-015 Rev.B (temporary construction compounds index plan); A-9100-016 Rev.B (temporary construction compounds - sheet 1 of 5); A-9100-017 Rev.B (temporary construction compounds - sheet 2 of 5); A-9100-018 Rev.B (temporary construction compounds - sheet 3 of 5); A-9100-019 Rev.B (temporary construction compounds - sheet 4 of 5); A-9100-020 Rev.B (temporary construction compounds - sheet 5 of 5); MMD-277-0100-p8 (proposed access road - sheet 1 of 3); MMD-277-0101-p7 (proposed access road - sheet 2 of 3); MMD-277-0103-p5 (proposed access road - sheet 3 of 3); C.01117.X03 (location of outfall on map); C.01121.X03 (concrete diffuser); A-9000-032 Rev.B (seawall crossing site location plan); 4726/05 (proposed sea wall crossing of brine outfall pipe); A-9000-001 Rev.B (master plan overall); A-9000-002 Rev.B (fleetwood master plan); A-9000-003 (presall master plan); A-9000-005 Rev.B (master plan/metering station); A9000-014 Rev.B (master site location plan-reference drawing); A-9000-033 Rev.B (nts master plan); A-3000-010 Rev.B (metering station location plan); A-3000-001 Rev.B (plan and elevation metering station); and 14.10-WX40004-01 (landscape and ecological management strategy plan);

“brine discharge pipeline” means the works described in Work Nos. 16A to 16L of Schedule 1 of this Order;

“cavern” means any one of the 19 operational caverns forming part of Work No. 1A described more particularly in Schedule 1 (authorised development) to this Order and “caverns” shall be construed accordingly;

“competent authority” means the Health and Safety Executive and Environment Agency acting jointly;

“the construction worker travel plan” means the construction worker travel plan certified by the decision-maker as the construction worker travel plan for the purposes of this Order;

“commence” means beginning to carry out any material operation (as defined in Section 155 of the 2008 Act) other than operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground and geological conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and “commencement” and “commenced” shall be construed accordingly;

“design statement” means the document entitled the design and access statement submitted with the application for the Order and certified as the design statement by the decision maker for the purposes of this Order;

“European protected species” has the same meaning as in regulations 38 and 42 of the Conservation (Natural Habitats, &c.) Regulations 1994 as amended by the Conservation of Habitats and Species Regulations 2010;

“environmental statement” means the document certified as the environmental statement by the decision-maker for the purposes of this Order;

“the landscape and ecological management strategy plan” means the document entitled the landscape and ecological management strategy plan submitted with the application for the Order and certified as the landscape and ecological management strategy plan by the decision maker for the purposes of this Order;

“NTS interconnector pipeline” means the works describe in Work Nos. 20A to 20H of Schedule 1 of this Order;

“Preesall site” means that part of the authorised development situated to the east of the River Wyre and shown shaded green on the drawing with reference D-9000-032;

"stage" means a defined section or part of the authorised development, the extent of which is shown in a scheme submitted to and approved by the relevant planning authority pursuant to requirement 3 (stages of authorised development).

Time limits

2. The authorised development must be begun within five years of the date of this Order.

Stages of authorised development

3. No authorised development shall commence until a written scheme setting out all the stages of the authorised development has, after consultation with the highway authority, been submitted to and approved by the relevant planning authority.

Detailed design approval

- 4.—(1) Unless otherwise agreed in writing with the relevant planning authority the authorised development must be carried out in accordance with the approved development plans.

(2) Notwithstanding sub-paragraph (1), no works to the sea wall crossing and observation platform comprised in Work No. 16J of Schedule 1 (authorised development) shall commence until details of the layout, scale, external appearance and means of access of these have been submitted to and approved by the relevant planning authority. Works to the sea wall crossing and observation platform must be carried out in accordance with the approved details, unless otherwise agreed in writing with the relevant planning authority.

External materials approval

5. No stage of the authorised development shall commence until details of the external materials for any building within that stage have been submitted to and approved by the relevant planning authority.

Details of cavern layout and design

6.—(1) No more than 19 caverns, with an aggregate maximum working capacity of 600 million standard cubic metres, shall be constructed within the “area for cavern development” shown on the approved development plan with reference A-1000-030 Rev B.

(2) Unless the safety reports (to be submitted pursuant to Regulations 7(1), 7(5) and 8 of the 1999 Regulations), following communication of the competent authority’s conclusions of its examination of those reports pursuant to Regulation 17 of the 1999 Regulations (and directions if any), allow otherwise:-

- (a) the maximum cavern radius shall be approximately 50 metres;
- (b) the thickness of the remaining salt between the cavern roof and the mudstone formation above the salt shall be not less than the maximum radius of each cavern;
- (c) a minimum thickness of 20% of the maximum radius of the cavern shall be maintained between the deepest point of the cavern and the mudstone formation below the salt layer.
- (d) wall to wall cavern spacing shall be equal to, but no less than three times the maximum radius of the caverns if they are of equal radius or it shall be equal to, but no less than the sum of one and a half times the maximum radius of the smaller cavern plus one and a half times the maximum radius of the larger cavern.

European protected species

7.—(1) No stage of the authorised development shall commence until further survey work (if required by Natural England) has been carried out to establish whether a European protected species is present on—

- (a) any of the land affected, or likely to be affected, by that stage of the authorised development; or
- (b) in any of the trees to be lopped or felled or in buildings to be demolished during that stage of the authorised development.

(2) Where a European protected species is shown to be present by such further survey work, that stage of the authorised development shall not commence until a scheme of protection and mitigation measures has been submitted to the relevant planning authority and, after consultation with Natural England and the Secretary of State for the Environment, Food and Rural Affairs, has been approved by the relevant planning authority. That stage of the authorised development shall be carried out in accordance with the approved scheme.

Ecological management scheme

8.—(1) No stage of the authorised development shall commence until an ecological management scheme for that stage, reflecting the survey results and ecological mitigation and enhancement measures included in the environmental statement, and including details of working methods, means of mitigation and restoration, has been submitted to and approved by the relevant planning authority.

(2) The ecological management scheme shall include an implementation timetable and have regard to the landscape and ecological management strategy plan; and must be carried out as approved.

Landscape scheme

9. No stage of the authorised development shall commence until a landscape scheme and programme for that stage has been submitted to and approved by the relevant planning authority. The scheme shall have regard to the landscape and ecological management strategy plan and set out the long term design objectives, management responsibilities and maintenance schedules for all relevant landscape areas together with details of all proposed hard and soft landscaping works, including:-

- (a) location, number, species, size and planting density of any proposed planting;
- (b) cultivation, importing of materials and other operations to ensure plant establishment;
- (c) proposed finished ground levels;

- (d) hard surfacing materials;
- (e) vehicular and pedestrian access, parking and circulation areas;
- (f) minor structures, such as furniture, refuse or other storage units, signs and lighting;
- (g) proposed and existing functional services above and below ground, including drainage, power and communications cables and pipelines, manholes and supports;
- (h) details of existing trees to be retained, with measures for their protection during the construction period; and
- (i) implementation timetables for all landscaping works.

Implementation and maintenance of landscaping

10.—(1) All landscaping works must be carried out in accordance with any relevant landscape scheme approved under requirement 9 (landscape scheme) and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised codes of good practice.

(2) The landscaping works must be carried out in accordance with implementation timetables approved under requirement 9 (landscape scheme).

(3) Any tree or shrub planted as part of an approved landscape scheme that, within a period of five years after planting, is removed, dies or becomes, in the opinion of the relevant planning authority, seriously damaged or diseased, must be replaced in the first available planting season with a specimen of the same species and size as that originally planted, unless otherwise approved by the relevant planning authority.

Highway accesses

11.—(1) No stage of the authorised development shall commence until for that stage, written details of the siting, design and layout of any new permanent or temporary means of access to a highway to be used vehicular traffic, or any alteration to an existing means of access to a highway used by vehicular traffic, has, after consultation with the highway authority, been submitted to and approved by the relevant planning authority.

(2) The highway accesses must be constructed in accordance with the approved details.

(3) No stage of the authorised development shall be begun until for that stage, a written access management scheme has, after consultation with the highway authority, been submitted to and approved by the relevant planning authority.

(4) The access management scheme must be carried out in accordance with the approved details.

Construction traffic

12.—(1) At the highway access comprised in Work No. 6 in Schedule 1 notices shall be erected and maintained throughout the period of construction of the authorised development, indicating to drivers the preferred route for traffic entering and leaving the site during the period of construction as shown on the routing plan contained in the environmental statement, unless otherwise agreed in writing by the relevant planning authority.

(2) Use of no highway access, other than that comprised in Work No. 6 in Schedule 1, shall commence until written details of the preferred route to be used by construction traffic using that access has, after consultation with the highway authority, been submitted to and approved by the relevant planning authority. Notices shall be erected and maintained throughout the period of construction at every relevant construction site exit, indicating to drivers the route agreed by the relevant planning authority under this sub-paragraph (2) for traffic entering and leaving the site.

Limits on heavy goods vehicle movements

13.—(1) The maximum number of heavy goods vehicle movements to and from the Preesall site shall not, unless otherwise agreed in writing with the relevant planning authority, exceed 62 per day (31 in and 31 out).

(2) The number of heavy goods vehicles which enter the Preesall site shall be recorded by the site operator. These records shall be available for inspection at the site office and a copy of these

records shall be submitted to the relevant planning authority every six months, or within five working days of such records being requested by the relevant planning authority.

Covered heavy goods vehicles

14. During the construction, operational and decommissioning phases of the authorised development the loads of all heavy commercial vehicles carrying friable bulk materials or waste shall be covered on route to and from the Order limits unless the load is otherwise enclosed or an incoming load is being uncovered for the purposes of inspection.

Wheel cleaning facilities

15.—(1) Following construction of the access from the A588 comprised in Work No. 6 of Schedule 1 (authorised development) to base course level, wheel-cleaning facilities shall be provided at a location to be agreed with the relevant planning authority in writing.

(2) Unless otherwise agreed with the relevant planning authority in writing, the wheel-cleaning facilities installed shall remain available for use, and shall be maintained in full working order, at all times for the duration of the construction of the authorised development, so as to ensure that no debris from any work site is deposited by vehicle wheels upon the public highway.

Internal roads

16. The access road between the wheel-cleaning facilities referred to in requirement 15 (wheel cleaning facilities) and the boundary of the Preesall site shall, throughout construction of the authorised development, be metalled and drained and kept clear of debris along its entire length at all times.

Temporary access routes

17.—(1) Upon completion of construction of the authorised development, all temporary access routes onto the public highway are to be closed, except for those to the gas compressor compound forming part of Work No. 3 in Schedule 1 (authorised development), to the booster pump station forming part of Work No. 4 in Schedule 1 (authorised development) and to the well head compound areas forming part of Work Nos. 2A to 2G in Schedule 1 (authorised development).

(2) All verges and field boundaries that will be affected by temporary access routes shall be restored in accordance with details to be first agreed in writing by the relevant planning authority and thereafter shall be maintained for a period of five years in accordance with the Lancashire County Council Environment Directorate specification entitled "Tree and Shrub Planting with Grass Seeding and Protective Fencing".

Fencing and other means of enclosure

18. —(1) No stage of the authorised development shall commence until written details of all temporary fences or other means of enclosure for the construction of that stage have been submitted to and approved by the relevant planning authority.

(2) Any construction sites required for a stage of the authorised development must remain securely fenced at all times during the construction period of that stage.

(3) Any temporary fencing must be removed on completion of the authorised development.

(4) Any approved permanent fencing around works comprised in a stage of the authorised development must be completed before those works are brought into use.

Ground/ surface water and pollution prevention

19. —(1) No stage of the authorised development shall commence until for that stage, written details of the surface and foul water drainage system (including means of pollution control) have, after consultation with the sewerage and drainage authority, been submitted to and approved by the relevant planning authority. The surface and foul water drainage system must be constructed in accordance with the details approved under this sub-paragraph.

(2) No stage of the authorised development involving the diversion of any stream or watercourse shall commence until a scheme and programme (including a timescale) for its diversion has been submitted to and, after consultation with the Environment Agency, approved in writing by the

relevant planning authority. The stream or watercourse must be diverted in accordance with the approved scheme and programme.

(3) Unless otherwise permitted under sub-paragraphs (1) and (2) above, throughout the period of construction, operation, restoration and aftercare of the authorised development, all ditches, watercourses, field drainage systems and culverts shall be maintained such that the flow of water is not impaired or the drainage onto and from adjoining land rendered less effective.

(4) All oil, diesel oil and lubricants stored within the authorised development for any purpose shall be stored on a base impervious to both oil and water and surrounded by an impermeable bund wall. The bunded area shall be capable of containing 110% of the largest tank's capacity and all drain pipes, fill pipes and sight gauges shall be enclosed within its curtilage.

(5) All drilling mud shall be stored in a bunded area with an impermeable liner within the drilling compound.

(6) All drilling fluid and cuttings shall be removed from each drilling compound for disposal as set out in the environmental statement.

Archaeology

20.—(1) No stage of the authorised development shall commence until for that stage, a written scheme for the investigation of areas of archaeological interest as identified in the environmental statement has been submitted to and approved by the relevant planning authority.

(2) The written scheme of investigation shall identify areas where a programme of archaeological investigation is required, and the measures to be taken to protect, record or preserve any significant archaeological remains that may be found.

(3) Any archaeological works or watching brief carried out under the archaeological scheme must be by a suitably qualified person or body approved by the relevant planning authority.

(4) Any archaeological works or watching brief must be carried out in accordance with the approved archaeological scheme.

External lighting

21. No stage of the authorised development shall commence until written details of any external lighting to be installed at any of the construction sites within that stage, including measures to prevent light spillage, have, after consultation with the highway authority, been submitted to and approved by the relevant planning authority; and any approved means of lighting must subsequently be installed and retained for the duration of the construction period.

Construction hours

22.—(1) Unless otherwise agreed in writing by the relevant planning authority or in the event of an emergency, construction work (other than drilling and cavern washing activities) shall not take place other than between the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays (excluding public holidays).

(2) Nothing in sub-paragraph (1) precludes a start up period for 07:30 to 08:00 and a shut down period from 18:00 to 18:30.

(3) Unless otherwise agreed in writing by the relevant planning authority, no heavy goods vehicles (other than those associated with drilling and cavern washing activities) shall, in the course of construction of the authorised development, enter or leave the Preesall site other than between the hours of 08:00 and 18:00 hours Monday to Friday and 08:00 and 13:00 hours on Saturdays (excluding public holidays).

Code of construction practice

23.—(1) No stage of the authorised development shall commence until a code of construction practice has been submitted to and approved by the relevant planning authority.

(2) All construction works shall be undertaken in accordance with the approved code, unless otherwise agreed by the relevant planning authority.

Construction worker travel plan

24. The construction worker travel plan shall be implemented during the construction of the authorised development unless otherwise agreed with the relevant planning authority.

Wellhead compounds

25.—(1) No construction of a wellhead compound shown on the approved development plans shall be created until the following details for that compound have been submitted to and approved by the relevant planning authority—

- (a) details of the siting and size of each compound;
- (b) details of the design and external appearance of any buildings, structures or equipment to be provided;
- (c) means of access and details of the construction of each access;
- (d) details of the construction of the surface of each compound including the stripping and stockpiling of soils, the location and the storage of such, and the materials to be used in the construction of each compound;
- (e) details of any fencing to be erected;
- (f) details of any floodlighting to illuminate the compound including the number, height and location of any stanchions to be erected or mobile floodlighting units to be used, the number of floodlights, their lux levels, angles of luminance and extent of light distribution;
- (g) details of the proposed reinstatement of the compound for the purposes of decommissioning.

(2) Each temporary compound shall be constructed in accordance with the approved details for that compound unless otherwise agreed in writing by the relevant planning authority.

Disposal of filtered material

26. All filtered material resulting from the brine discharge process comprised in the authorised development shall be disposed of on-site unless otherwise agreed in writing with the relevant planning authority.

Disposal of slurry

27. All drilling mud and slurry arising from the authorised development shall be disposed of as set out in the environmental statement unless otherwise agreed in writing with the relevant planning authority.

Control of noise during construction and maintenance

28. —(1) No stage of the authorised development shall commence until a written scheme for noise management during construction and maintenance of that stage has been submitted to and approved by the relevant planning authority.

(2) The scheme shall set out the particulars of-

- (a) the works, and the method by which they are to be carried out;
- (b) the noise attenuation measures to be taken to minimise noise resulting from the works, including any noise limits; and
- (c) a scheme for monitoring the noise during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures.

(3) The approved noise management scheme must be implemented before and maintained during construction and maintenance of the relevant stage of the authorised development.

(4) The construction and maintenance works must be undertaken in accordance with the approved noise management scheme.

(5) All plant, equipment and machinery used in the construction, operation and maintenance of the authorised development shall be equipped with effective silencing equipment or sound proofing equipment to the standard of design set out in the manufacturer's specification and shall be maintained in accordance with that specification at all times during the construction, operation and maintenance of the authorised development.

Control of noise during operational phase

29.—(1) No authorised development shall commence operation until a written scheme for noise management including monitoring and attenuation for the use of the authorised project has been submitted to and approved by the relevant planning authority.

(2) The noise management scheme must be implemented as approved and maintained for the duration of use of the authorised project.

Control of dust emissions

30.—(1) No stage of the authorised development shall commence until a written scheme for the management and mitigation of dust emissions for that stage has been submitted to and approved by the relevant planning authority.

(2) The approved scheme for the management and mitigation of dust emissions must be implemented before and maintained during the construction, operation and decommissioning of the relevant stage of the authorised development.

Protection of agricultural practice

31. All topsoil and subsoil mounds shall be kept free from noxious weeds throughout the development including the restoration and aftercare periods.

Soil stripping, handling and storage

32.—(1) No stage of the authorised development involving the stripping of soil shall commence until a scheme setting out the method, handling, storage, re-instatement and programme of works related to the stripping of soil (if any) comprised in that stage has been submitted to and approved by the relevant planning authority.

(2) Soil stripping must be carried out in accordance with the approved scheme.

Restoration scheme

33.—(1) Upon the permanent cessation of the operation of the authorised development or, in any event, within thirty five years of the start of commercial operation of the authorised development, whichever is the earlier, a scheme of restoration and aftercare of the Preesall site shall be submitted for approval in writing by the relevant planning authority.

(2) The scheme shall include—

- (a) any proposed future uses for the Preesall site;
- (b) details of structures and buildings to be demolished or retained;
- (c) details of the means of removal of materials of demolition;
- (d) phasing of demolition and removal;
- (e) details of restoration works and phasing thereof.

(3) The scheme shall be implemented as approved following the permanent cessation of the operation of the authorised development.

Decommissioning

34.—(1) Unless otherwise agreed in writing with the relevant planning authority, in the event that no gas is stored within any of the caverns within a period of 24 months following the completion of all solution mining works comprising part of the authorised development, a scheme detailing the removal of the access roads and all above ground development shall be submitted to the relevant planning authority for approval.

(2) The scheme approved under sub-paragraph (1) shall be implemented in full within 12 months of its approval by the relevant planning authority.

(3) A scheme and programme for the decommissioning of caverns unused for gas storage shall be submitted to the relevant planning authority within three months of—

- (a) the competent authority or the undertaker having determined that the caverns created by solution mining are unsuitable for gas storage; or
- (b) solution mining of completed caverns having ceased for a continuous period of 12 months; or
- (c) solution mining of any partially constructed cavern having ceased for a continuous period of 18 months.

(4) The scheme and programme referred to at sub-paragraph (3) shall provide for:

- (a) The long term management of the caverns and their content for their decommissioned life;
- (b) A programme of monitoring of the caverns to ensure their stability; and
- (c) A risk management plan for the possibility of the caverns becoming unstable, setting out the measures to be taken to minimise risk.

(5) Following written approval by the relevant planning authority, the scheme and programme referred to at sub-paragraph (3) shall be fully implemented.

Maintenance of brine discharge pipeline, 132kv electrical circuits and NTS interconnector pipeline

35.—(1) Save in the case of emergency (which shall include but not be limited to works necessitated by safety and/or production requirements) 7 days' written notice shall be given to the relevant planning authority prior to the implementation of any maintenance works of the brine discharge pipeline, the 132kv electrical circuits and NTS interconnector pipeline. The notice shall set out the extent of the maintenance works and their timing.

(2) Save in the case of emergency (which shall include but not be limited to works necessitated by safety and/or production requirements) or unless otherwise agreed in writing with the relevant planning authority all maintenance works to the brine discharge pipeline, the 132kv electrical circuits and NTS interconnector pipeline shall not be carried out other than between the hours of 07:00 and 18:00 (Monday to Friday) and no such maintenance work shall be carried out on a Sunday, bank holiday or public holiday.

(3) The maintenance works described at sub-paragraphs (1) and (2) shall be carried out and the land related to such maintenance works shall be reinstated as expeditiously as reasonably practicable.

Design of roads

36.—(1) No stage of the authorised development consisting of the construction or alteration of a street which is a trunk road or including any traffic management and control measures on such a street shall commence until written details of the design of the street have been submitted to and approved by the relevant planning authority after consultation with the Highways Agency.

(2) The construction or alteration of the street or the taking of traffic management and control measures referred to in sub-paragraph (1) shall be carried out in accordance with the approved design.

Ground subsidence monitoring scheme

37.—(1) That part of the interconnector gas pipeline between Work No. 3 in Schedule 1 (authorised development) and Back Lane, comprised in Work No. 20A in that Schedule, shall not be commenced until a ground subsidence monitoring scheme relating to the Preesall site has been submitted to and approved by the relevant planning authority. The scheme shall include details of:

- (a) how ground levels are to be monitored; and
- (b) the extent within the Preesall site and timescales of any monitoring activities.

(2) Within 6 months of any ground subsidence being identified by the monitoring activities set out in the ground subsidence monitoring scheme, a scheme setting out necessary mitigation

measures (if any) for such ground subsidence (a “ground subsidence mitigation scheme”) shall be submitted to the relevant planning authority for approval.

(3) The ground subsidence monitoring scheme and ground subsidence mitigation scheme must be implemented as approved, unless otherwise agreed in writing with the relevant planning authority.

Requirement for written approval

38. Where under any of the above requirements the approval or agreement of the relevant planning authority or another person is required, that approval or agreement must be given in writing.

Amendments to approved details

39. With respect to any requirement which requires the authorised development to be carried out in accordance with details approved by the relevant planning authority, the approved details shall be taken to include any amendments that may subsequently be approved in writing by the relevant planning authority.

STATUTORY INSTRUMENTS

201[●] No. [●]

INFRASTRUCTURE PLANNING

ENERGY

The Presall (Underground Gas Storage Facility)
Development Consent Order 201[●]

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