

GAS

PLANNING

The Saltfleetby Gas Field Storage Authorisation Order 2010

Made - - - -

9 September 2010

This Order is made in exercise of the powers conferred by section 4 of the Gas Act 1965⁽¹⁾ and now vested in the Secretary of State⁽²⁾.

WINGAS Storage UK Limited (“the Applicant”) is a gas transporter, being the holder of a licence under section 7 of the Gas Act 1986⁽³⁾.

Following a preliminary submission of proposals by the Applicant, the Secretary of State allowed the Applicant to proceed with the proposals in a formal application under the Gas Act 1965.

The Applicant submitted to the Secretary of State an application dated 24th October 2010 under paragraph 6 of Schedule 2 to the Gas Act 1965 for a storage authorisation order under section 4 to store gas at Saltfleetby Gas Field, Lincolnshire.

Following objections from one of the relevant local planning authorities, Lincolnshire County Council, and from landowners within the storage area and others, the application was the subject of a public inquiry.

The Secretary of State has considered the application, the report from the public inquiry and the objections made and is satisfied that all the proper notices have been published or served under paragraph 7 of Schedule 2 to the Gas Act 1965.

The Secretary of State has had regard to the safety of the public, the protection of water resources, the desirability of preserving natural beauty, of conserving flora, fauna, and geological or physiographical features of special interest, and of protecting buildings and other objects of architectural or historic interest and the effect which the proposals might have on the natural beauty of the countryside or on any such flora, fauna, features, buildings or objects.

Accordingly the Secretary of State makes the following Order:

Citation and commencement

1. This Order may be cited as the Saltfleetby Gas Field Storage Authorisation Order 2010 and shall come into operation on the twenty-eighth day after the date of service on Lincolnshire County Council of the notice of the making of this Order, except that if it becomes subject to special parliamentary procedure it shall come into operation (if at all) only in accordance with the Statutory Orders (Special Procedure) Act 1945⁽⁴⁾.

Interpretation

2. (1) In this Order—

⁽¹⁾ 1965 c.36.

⁽²⁾ S.I. 1969/1498, article 2(1) transferred the functions of the Minister of Power to the Minister of Technology and S.I. 1970/1537, article 2(2) transferred some of the functions of the Minister of Technology, including the Gas Act 1965 functions, to the Secretary of State.

⁽³⁾ 1986 c.44.

⁽⁴⁾ 1945 c.18.

“the Applicant” means WINGAS Storage UK Limited, a company registered under the number 00953066 and licensed as a gas transporter under the Gas Act 1986;

“the application documents” means all of the following documents which were submitted to the Secretary of State—

the Applicant’s Formal Submission of Proposals for a Gas Storage Authorisation Order dated 24th October 2008;

the Applicant’s Environmental Statement and its non-technical summary dated October 2008;

the Applicant’s Notice of Application for a storage authorisation order dated 24 October 2008;

the Applicant’s Outline Safety Document dated October 2008;

the Applicant’s Planning Support Statement dated October 2008;

the Applicant’s Statement of Community Involvement dated October 2008;

the Applicant’s Theddlethorpe Option report dated October 2008; and

the Applicant’s application for Hazardous Substances Consent (Form 1) dated 24 October 2008;

“development” has the same meaning as in section 55 of the Town and Country Planning Act 1990⁽⁵⁾;

“the Development” means the underground and overground development as shown on the map;

“emergency” means circumstances in which there is reasonable cause for apprehending imminent injury to persons, serious damage to property or danger of serious pollution of the environment;

“the Environment Agency” means the Environment Agency (and its successors);

“GSF” means gas storage facility at Drayfleet as shown on the map;

“the Health and Safety Executive” means the Health and Safety Executive (and its successors);

“the Mineral Planning Authority” means Lincolnshire County Council (and its successors);

“the map” means Figure 3.1 Drawing No.42-50-10190 Revision 3.03 October 2008, which was submitted to the Secretary of State;

“Saltfleetby Gas Field” means the depleted natural porous strata reservoirs comprising elements of Early Westphalian and Late Namurian Sandstone beneath the storage area;

“the storage area” means the area within the surface perimeter marked in red on the map attached to this Order;

Unless the context otherwise requires, any reference in this Order to a numbered section is a reference to that section of the Gas Act 1965.

Authorisation to store gas

3. (1) Gas is authorised to be stored in accordance with the provisions of this article.

(2) This Order is made in favour of the Applicant.

(3) The strata within which the gas is to be stored is Saltfleetby Gas Field.

(4) The surface perimeter of the area within which the gas may be stored is marked in red on the map attached to this Order.

(5) The nature of the gas authorised to be stored is un-odorised natural gas.

(6) The storage of gas and the project must be carried out strictly in accordance with the details contained in the application documents, except to the extent that any variation of those details is required in order to comply with any of the following—

(a) conditions which are, at any time, imposed on the Applicant under section 16;

(b) conditions of the direction that planning permission be deemed to be granted;

(c) conditions of the direction that hazardous substances consent be deemed to be granted; and

(d) this Order.

⁽⁵⁾ 1990 c.8.

Depth at which the Secretary of State exercises control under section 5

4. The Secretary of State's control under section 5 is exercisable throughout the storage area below the depth of 800 metres below ground level.

Hazardous Substances Consent

5. The Secretary of State in exercise of the powers conferred on him by section 12(1) of the Planning (Hazardous Substances) Act 1990⁽⁶⁾ directs that Hazardous Substances Consent for the Development be deemed to be granted subject to the following conditions:

- (a) The hazardous substances shall not be kept or used other than in accordance with the application particulars provided in the application to the Health and Safety Executive nor outside the areas marked for storage of the substances on the plan which formed part of the application.
- (b) The maximum pressure in any storage reservoir shall not exceed 221 bar at the surface.
- (c) The number of wellheads connected to the manifold pipework shall not exceed 4 at Wellsite 'A' and 7 at Wellsite 'B' shown on the map.
- (d) The internal riser of any wellhead shall not exceed an internal diameter of 4.5 inches.
- (e) The pipeline diameter between Wellsite 'A' and the GSF shall not exceed 12 inches nominal bore.
- (f) The pipeline diameter between Wellsite 'B' and the GSF shall not exceed 16 inches nominal bore.
- (g) The pipelines between Wellsite 'A' and the GSF and between Wellsite 'B' and the GSF shall be located underground with a nominal depth of cover of not less than 1.1 m.

Reason: In the interests of human health and safety and to protect the environment

Planning Permission

6. (1) The Secretary of State in exercise of the powers conferred on him by section 4(6) of the Gas Act and section 90(1) of Town and Country Planning Act 1990⁽⁷⁾ also directs that planning permission for the Development be deemed to be granted subject to the following conditions:

Commencement

(2) The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990

Notification of Commencement

(3) Not less than seven working days notice in writing shall be given to the Mineral Planning Authority prior to the commencement of construction works.

Reason: To enable the Mineral Planning Authority to monitor the development.

Notification of Commissioning

(4) Not less than seven working days notice in writing shall be given to the Mineral Planning Authority prior to the commissioning of the pipeline.

Reason: To enable the Mineral Planning Authority to monitor the development.

Approved Details

(5) Except as may be modified on application to the Mineral Planning Authority and/or as may be modified or required by the operation of other conditions to this permission, the Development shall be carried out strictly in accordance with the approved Application Plans as listed in Inquiry Document WG20 appended.

Reason: To enable the Mineral Planning Authority to monitor the development.

Landscaping

(6) The screening and landscaping of the Development shall be undertaken in accordance with the scheme detailed in Appendix 8.2 (Volume 2) and indicated by figures 8.8 – 8.13 (Volume 3) of the Environmental Statement.

Reason: In the interests of the visual amenity of the area.

⁽⁶⁾ 1990 c.10.

⁽⁷⁾ 1990 c.8.

(7) The Development shall not be brought into use until a Landscape Management Plan has been submitted to and approved in writing by the Mineral Planning Authority. The Plan shall include details of the implementation and specification for the maintenance tasks and a clear indication of maintenance visits and task frequency.

Reason: In the interests of the visual amenity of the area.

Archaeology

(8) No development or groundworks shall take place within the application site until the Applicant has prepared a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Mineral Planning Authority. Such scheme as approved shall be implemented in full.

Reason: In order to ensure satisfactory arrangements for the investigation, retrieval and recording of any possible archaeological remains on site.

Drilling Scheme

(9) Before development commences all development and drilling equipment shall be installed and operated in accordance with a scheme that has previously been submitted to and approved in writing by the Mineral Planning Authority. For the avoidance of doubt such a scheme should include details of the drilling rig(s) and associated structures, tanks, cabins and associated infrastructure. Such schemes as approved shall be implemented in full.

Reason: In the interests of the residential amenity of the area.

Construction and Construction Noise and Vibration

(10) All activities associated with the construction of the Development excluding drilling activity shall be carried out in accordance with British Standard 5228, Parts 1 and 2: 1997 and Part 4: 1992; Noise and Vibration Control on Construction and Open Sites.

Reason: In the interests of the residential amenity of the area.

(11) No construction work associated with the Development except drilling activity shall take place on the Site at any time on any Sunday or Bank Holiday nor on any other day except between the following times:

Monday to Friday 07:00-18:00 hrs

Saturday 07:00-13:00 hrs

unless such work -

- (a) is associated with an emergency; or
- (b) is carried out with the prior written approval of the Mineral Planning Authority; or
- (c) relates to testing, reliability runs, trials or other preparations for the commissioning of the Development whilst in compliance with the limits in Condition (10).

Reason: In the interests of the residential amenity of the area.

(12) At no time during the construction of the Development should the noise level, when measured 1.2 metres above ground and not less than 4 metres from the façade of any residence, exceed a value of 55 dBL_{Aeq} (1 hour).

Reason: In the interests of the residential amenity of the area.

(13) No development shall take place until there has been submitted to and approved in writing by the Mineral Planning Authority, a programme for the monitoring of noise generated during the construction of the Development. The programme shall specify the measurement locations for which noise will be monitored and the maximum permissible levels at each such monitoring position in order to ensure compliance with the noise levels in Condition (12). The programme shall make provision for such noise measurements to be taken as soon as possible following receipt by the Applicant of a written request from the Mineral Planning Authority and such measurements shall be given to the Mineral Planning Authority as soon as reasonably practicable. At such monitoring locations, noise levels during construction operations shall not exceed the levels specified in the approved programme, unless in an emergency.

Reason: In the interests of the residential amenity of the area.

(14) In any instance where a time limitation referred to in Condition (11) or a noise level referred to in Condition (12) is not complied with because of an emergency the Applicant shall as soon as possible notify the Mineral Planning Authority and follow up the notification with a written statement detailing the nature of the emergency and the reason why the limitation could not be observed.

Reason: In the interests of the residential amenity of the area.

(15) No development shall take place until there has been submitted to and approved in writing by the Mineral Planning Authority, a programme for monitoring of vibration generated by heavy goods vehicle movements associated with the construction of the development. The programme shall make provision for such vibration measurements to be taken as soon as possible following receipt by the Applicant of a written request from the Mineral Planning Authority

and such measurements shall be given to the Mineral Planning Authority as soon as reasonably practicable. At such monitoring locations, vibration levels during construction operations shall not exceed the levels advised in the approved programme, unless in an emergency or otherwise approved in writing by the Mineral Planning Authority.

Reason: In the interests of the residential amenity of the area.

Drilling Noise

(16) The specific noise generated by drilling operations on the development site shall not exceed the following levels when measured and assessed in accordance with BS 4142:1997 *Method for rating industrial noise affecting mixed residential and industrial areas*, at the nearest residential properties at the following positions, indicated in the following table :

<i>Measurement position</i>	<i>Daytime – LAeq (1 hour)</i>	<i>Night-time LAeq (5 mins)</i>
Pos 1 – Willey’s Farm	42	37
Pos 2 – Howdales Farm	42	37
Pos 3 – South Cockerington Grange	42	37
Pos 4 – Beulah Farm	42	37
Pos 5 – Stump Cottage	42	37

Reason: In the interests of the residential amenity of the area.

(17) No drilling shall take place until there has been submitted to and approved in writing by the Mineral Planning Authority, a programme for the monitoring of noise generated by drilling activity. The programme shall specify the locations from which noise will be monitored, the method of noise measurement (which shall be in accordance with BS 4142 1997) and the maximum permissible levels of noise at each such monitoring location in order to ensure compliance with the noise levels in Condition (16). The programme shall make provision for such noise measurements to be taken by the Applicant following receipt by the Applicant of a written request from the Mineral Planning Authority and such measurements shall be given to the Mineral Planning Authority as soon as they are available. At such measurement locations noise levels during drilling operations shall not exceed the levels specified in the approved programme, except in an emergency or with prior written approval of the Mineral Planning Authority.

Reason: In the interests of the residential amenity of the area.

Operational Noise

(18) The specific noise generated by the commercial operation of the Development shall not exceed the following levels at the nearest residential properties when measured generally in accordance with BS 4142 1997 at the positions indicated on the following table:

<i>Measurement position</i>	<i>Daytime – LAeq (1 hour)</i>	<i>Night-time LAeq (5 mins)</i>	<i>Night-time LAeq at 31Hz (octave), (5 mins)</i>
Willey’s Farm	43	38	62
Howdales Farm	43	38	62
South Cockerington Grange	43	38	62
Beulah Farm	43	38	62
Stump Cottage	43	38	62

Such noise shall exhibit no clearly tonal or impulse content at these properties. The limitations as to noise levels in this Condition shall be adhered to at all times except in an emergency.

Reason: In the interests of the residential amenity of the area.

(19) The operation of the Development shall not take place until there has been submitted to and approved in writing by the Mineral Planning Authority, a programme for the monitoring of noise generated by the normal commercial operation of the Development. The programme shall specify the locations from which noise will be monitored, the method of noise measurement (which shall be in accordance with BS 4142 1997) and the maximum permissible levels of noise at each such monitoring location in order to ensure compliance with the noise levels in Condition (18). The programme shall make provision for such noise measurements to be taken by the Applicant as soon as possible following receipt by the Applicant of a written request from the Mineral Planning Authority and such measurements shall be given to the Mineral Planning Authority as soon as they are available.

Reason: In the interests of the residential amenity of the area.

High Noise Level Events during an Emergency

(20) In any instance where a noise level approved pursuant to Condition (12) or a noise limitation referred to in Conditions (16) and (18) is exceeded because of an emergency, the Applicant shall as soon as reasonably practicable, and in any event within two working days, provide the Mineral Planning Authority with a written statement detailing the nature of the emergency and the reason why the noise level and/or limitation could not be observed. If the emergency period is expected to be for more than twenty-four hours then the Applicant shall inform those residents affected by the emergency of the reasons for the emergency and the expected duration.

Reason: In the interests of the residential amenity of the area.

Noise Complaints Procedure

(21) In any instance where a local resident makes a complaint about noise or vibration generated by the construction and/or operation of the Development the Applicant shall carry out an investigation to establish the justification, or otherwise, of the complaint, the likely cause and possible remedial measures. A written report to the complainant shall be made as soon as reasonably practicable following the investigation and/or remedial work. The Applicant shall keep all such reports in an appropriate file and such file shall be made available to the Mineral Planning Authority on written request.

Reason: To ensure that any complaints on the grounds of noise or vibration are properly dealt with so as to reduce the impact of the Development on the amenities of the local residents.

Dust

(22) No development shall take place until a scheme for dust monitoring and mitigation has been submitted to and approved in writing by the Mineral Planning Authority. The submitted scheme shall make provision for:

- (a) A dust control plan;
- (b) The locations of the dust monitoring points;
- (c) Details of the Monitoring Programme;
- (d) The type of monitoring equipment to be used;
- (e) The keeping of records for furnishing on request to the Mineral Planning Authority; and
- (f) A programme of implementation.

Reason: In the interests of human health and residential amenity.

Hours of Operation

(23) During construction operations and the carrying out of site preparation or restoration and the delivery of equipment, HGVs shall not enter and depart the site outside the following hours without the prior written consent of the Mineral Planning Authority:

Monday to Friday 07.00 to 18.00 hrs;

Saturday 0700 to 1300 hrs; and

There shall be no deliveries to the site on Sundays or Public/Bank Holidays.

Reason: In the interests of the residential amenity of the area.

Gas Monitoring

(24) Throughout the duration of the development the Applicant shall carry out monitoring of gas levels within surrounding soils and groundwater, at agreed locations, in accordance with a scheme of monitoring that shall be approved in writing with the Mineral Planning Authority prior to the commencement of the development. For the avoidance of doubt, such a scheme shall include details of recording and the provision of results to the Mineral Planning Authority and other appropriate Regulatory Bodies (including the Health and Safety Executive and the Environment Agency) as necessary. Such schemes as approved shall be implemented for the duration of the development.

Reason: To ensure the protection of the environment and to monitor for any potential gas leakage or migration.

Soil Movement

(25) Restoration shall be carried out such that after replacement of topsoil and subsoil, and after settlement, the contours will tie in with those of the surrounding land so that the restored area is free from ponding and capable of receiving an effective artificial under-drainage system.

Reason: To ensure that the site is reclaimed in a condition capable of beneficial after-use and in the interests of amenity.

(26) Prior to re-spreading of subsoil or topsoil the upper 500mm of the surface shall be ripped at a spacing of 500mm or closer to remove rock, stone, boulder, wire rope, cable or other foreign objects or compacted layers capable of impeding normal drainage operations including mole ploughing or sub-soiling.

Reason: To ensure that the site is reclaimed in a condition capable of beneficial after-use and in the interests of amenity.

(27) Stones, materials and objects which exceed 200mm in any dimension and occur on the surface of the ripped and loosened ground shall be removed from the site or buried at a depth of not less than 2 metres below the final pre-settlement contours.

Reason: To ensure that the site is reclaimed in a condition capable of beneficial after-use and in the interests of amenity

(28) The replacement of topsoil shall not commence until the Mineral Planning Authority has been notified that Condition (27) above has been fulfilled and has been given an opportunity of at least two working days to inspect the completed sub-soiling works.

Reason: To ensure that the site is reclaimed in a condition capable of beneficial after-use and in the interests of amenity.

(29) The re-spread topsoil shall be ripped or loosened to provide loosening equivalent to a single tine pass at a spacing of 500mm or closer to full depth of the topsoil plus 100mm, and any loosened non-soil making material, rock, boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth not less than 2m below the final settled contours.

Reason: To ensure that the site is reclaimed in a condition capable of beneficial after-use and in the interests of amenity.

Aftercare Management

(30) All areas restored pursuant to Conditions (25) to(29) above shall be subject to aftercare management for a five year period. This period shall commence on the date that topsoil replacement has been completed.

Reason: To ensure a productive after-use of the land.

Aftercare Scheme

(31) An aftercare scheme shall be submitted to the Mineral Planning Authority, and approval obtained in writing, at least 3 months before the spreading of subsoil commences. The scheme shall outline the land management steps to be taken to establish and maintain a beneficial agricultural after-use and shall be implemented as approved.

Reason: To ensure a productive after-use of the land.

Highway Works

(32) No development shall commence until the details of works to improve the public highway by widening the County road C652 between South Cockerington Village and Eleven Greens Fork (approximately 2.3km) and strengthening the carriageway by providing an overlay have been submitted to and approved in writing by the Mineral Planning Authority and carried out in full.

Reason: In the interests of highway safety.

Flood Risk Assessment

(33) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) and the following mitigation measures detailed within the FRA:

- (a) Mitigation measures to be provided as per Drawing Ref: AJW/SQ/MCH (job No: 49308010 Figure 5). Specifically the platform shall be constructed to a level of 2.10m Above Ordnance Datum (AOD). The top of the bund shall be set at 3.60mAOD with temporary barriers to 3.08mAOD at 2 no. entrances; and
- (b) Compensatory storage shall be provided as per paragraph 3.3.2 of the FRA with the spillway constructed at 2.85mAOD.

Reason: To reduce the risk of flooding to the proposed development and its future occupants and to ensure no increase in flood risk to neighbouring land.

Flood Storage Areas

(34) A scheme for the detailed design and management of the flood storage areas at the Saltfleetby Gas Field shall have been submitted to and approved in writing by the Mineral Planning Authority prior to commencement of the construction of the Development. The scheme shall include details of landscaping and the management programme to promote biodiversity, within the parameters required to deliver the Flood Risk Management Measures identified in the Environmental Statement. The scheme shall be implemented as approved.

Reason: To reduce the risk of flooding to the proposed development and its future occupants and to ensure no increase in flood risk to neighbouring land.

Surface Water Drainage

(35) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been approved by the Mineral Planning Authority. Such scheme shall be implemented before the construction of impermeable surfaces draining to the system.

Reason: To ensure a satisfactory means of disposal of surface water from the site.

Construction Waste

(36) Prior to the commencement of development, a detailed strategy and method statement for minimising the amount of construction waste resulting from the construction of the Development shall have been submitted to and approved in writing by the Mineral Planning Authority. The statement shall include details of the extent to which waste materials arising from construction activities will be reused on site. If such reuse on site is not practicable, then details shall be given of the extent to which the waste materials will be removed from the site for reuse, recycling composting or disposal. All waste materials shall thereafter be reused, recycled or dealt with in strict accordance with the approved strategy and method statement.

Reason: To minimise the amount of construction waste to be removed from the site for final disposal.

Local Liaison

(37) Before development commences, a local liaison forum shall be established in accordance with a scheme to be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include terms of reference and frequency of meetings of the forum. The forum shall meet in accordance with the approved details unless minor variations are agreed in writing with the Mineral Planning Authority.

Reason: To ensure a forum exists for interested parties to consider matters of mutual concern.

Building Materials

(38) Notwithstanding the details shown on the approved plans, development shall not commence until details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted shall have been submitted to and approved in writing by the Mineral Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: In the interests of visual amenity.

Lighting Plan

(39) No development shall commence until full details of all external lighting, generally in accordance with the exterior lighting report dated 25 October 2009 by Allan Howard, have been submitted to and approved in writing by the Mineral Planning Authority. Thereafter all lighting shall be installed and maintained in accordance with the approved details.

Reason: In the interests of the amenity of the local area and local residents.

Restoration Plan

(40) 12 months prior to the cessation of operations on the site, a comprehensive restoration plan shall be submitted in writing to the Mineral Planning Authority for approval. That plan shall set out details of the proposed afteruse of the land and the methods by which that would be achieved, including making safe the boreholes and pipelines and the removal of all plant, equipment roads and hardstandings. Thereafter the approved scheme shall be implemented in full.

Reason: To ensure appropriate restoration of the site at the time.

Lord Marland

Parliamentary Under Secretary of State,
Department of Energy and Climate Change

Date 9 September 2010

EXPLANATORY NOTE

(This note is not part of the Order)

Section 4 of the Gas Act 1965 requires a gas transporter to obtain a storage authorisation order from the Secretary of State in order to develop or use underground natural porous strata for the storage of gas.

This Order authorises WINGAS Storage UK Limited to store natural gas in the natural porous strata which is known collectively as Saltfleetby Gas Field and defined more precisely in article 2. This Order only authorises the storage of un-odorised natural gas. The attached map indicates the storage area, which is the surface perimeter of the area within which the gas may be stored. Article 3 contains other restrictions to which the authorisation is subject.

Paragraph 10 of Schedule 2 to the Gas Act 1965 provides that where an objection to an application under that Act was duly made by certain persons, including a local planning authority within whose area any part of the storage area lies, and has not been withdrawn, a storage authorisation order made under the Act shall be framed so as not to have effect earlier than 28 days after the date of service on those persons of the making of the Order. Those persons have those 28 days in which to give notice in writing to the Secretary of State objecting to the Order. If such objection is made and not withdrawn, the Order becomes subject to special parliamentary procedure. This is a procedure set out in the Statutory Orders (Special Procedure) Acts 1945 and 1965 and where the Order becomes subject to this procedure, it cannot come into force except in accordance with the provisions of those Acts (see section 1(2) of the 1945 Act and article 1 of this Order).

Under section 5 of the Gas Act 1965 the Secretary of State exercises control over certain operations, referred to as “controlled operations”, which are any description of excavation, mining, quarrying or boring operations in the storage area which are carried out wholly or partly below the depth specified in the order. Article 4 sets that depth at below 800 metres below ground level. These operations are controlled, irrespective of whether they are begun or continued after the coming into force of the storage authorisation order. The consequence of this is that no person, except the gas transporter in whose favour this Order is made, can carry out such operations without the consent of the Secretary of State. Section 5 sets out the procedure for obtaining that consent and includes provision for the person applying for such consent to recover certain expenses reasonably incurred (section 5(9)). It is an offence to fail to carry out controlled operations without this consent or in breach of conditions imposed under such a consent (section 5(13) of the Gas Act 1965).

Section 5 of the Gas Act 1965 also allows a storage authorisation order to provide for a “protective area”, which is an area outside the storage area within which the Secretary of State exercises control over the controlled operations referred to above. This Order does not provide for a protective area.

By virtue of section 4(6) of the Gas Act 1965 and section 90(1) of the Town and Country Planning Act 1990, the Secretary of State has power to direct that planning permission be deemed to be granted (subject to any conditions which may be specified in the direction). By virtue of section 12(1) of the Planning (Hazardous Substances) Act 1990, the Secretary of State has power at the time of granting a storage authorisation order under the Gas Act 1965 to direct that hazardous substances consent be deemed to be granted (subject to any conditions which may be specified in the direction). Article 5 contains the conditions under which hazardous substances consent is deemed to be granted and Article 6 contains the conditions of the deemed planning permission.

Under section 16 of the Gas Act 1965, the Secretary of State has power, at any time, to impose conditions concerning the manner in which the gas transporter develops or operates an underground gas storage if the Secretary of State considers it necessary to do so in the interests of safety. For these purposes, safety covers the protection of water resources (section 16(6)). The Secretary of State is imposing conditions by written notice under section 16 on the Applicant.

Copies of this Order and the accompanying map should be available for inspection by members of the public at all reasonable times free of charge in an office of every local authority within whose area any part of the storage area lies (as required by paragraph 10 of Schedule 2 to the Gas Act 1965).

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