

## SCHEDULES

### SCHEDULE 2

#### STORAGE AUTHORISATION ORDERS.

#### PART II

#### PROCEDURE FOR MAKING ORDERS.

##### *Formal application for order.*

- 6 (1) The application shall be in writing and shall include—
- (a) a specification of the surface works, boreholes and pipes associated with the storage, and any limits of deviation that may be required in their construction, and
  - (b) a large-scale map showing the perimeters of the storage area and of any protective area and the intended positions of surface works, boreholes and pipes, so far as those are known, and any limits of deviation that may be required in siting them, and
  - (c) sufficient particulars of any additional surface works which will be or are likely to be required, but the position of which cannot be determined at the time when the application is made, and
  - (d) a statement of the depth or depths below which it is proposed that the Minister's control over workings and borings is to have effect in the various parts of the storage and protective areas, and
  - (e) particulars of the nature and volume of the gas which it is proposed to store and the depths and nature of the stratum in which it is to be stored and the strata contiguous to that stratum.
- (2) The Minister may require the applicants to furnish further information in writing concerning their application.
- 7 (1) The applicants shall publish in two successive weeks in the Gazette, and in one or more local newspapers circulating in the locality of the storage area, a notice of their application naming a place in that locality where copies of the application and of the accompanying map, may be inspected, describing the surface area of the storage and protective areas, and stating the nature and volume of gas proposed to be stored and the minimum depth below the surface of the ground of the stratum in which it is to be stored.
- (2) The notice shall state the time, being not less than twenty-eight days from the date of first publication of the notice, within which objections to the application may be made to the Minister.
- (3) The applicants shall serve a notice containing all the particulars in the notice published under this paragraph—

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- (a) on every local planning authority, local authority and river authority within whose area any part of the storage area or protective area lies, and
  - (b) on all statutory water undertakers within whose limits of supply any part of the storage area or protective area lies or who are holders of a statutory licence to abstract water within either of those areas, and
  - (c) on every highway authority who are not a local authority and who are responsible for any part of a highway within the storage area or protective area, and
  - (d) on every owner, lessee and occupier (except tenants for a month or any period less than a month) of any land within the storage area or within the protective area, and
  - (e) on such other bodies or individuals as the Minister may direct
- stating that representations by any of those persons may be made to the Minister within twenty-eight days of the date on which the notice is served.
- (4) The applicants shall inform the Minister of the dates on which the notices were published or served under this paragraph.
- (5) A notice under this paragraph shall require any person objecting to the application to state the grounds of his objections.
- 8 (1) Subject to this paragraph, if an objection to the application is duly made by any person on whom a notice was required to be served under paragraph 7(3) of this Schedule and the objection has not been withdrawn the Minister shall not grant the application unless he has caused a public local inquiry to be held and, without prejudice to section 73 of the principal Act as applied by section 22 of this Act, the Minister may if he thinks fit hold a public local inquiry in any other case.
- (2) The Minister may disregard an objection for the purposes of the foregoing sub-paragraph—
- (a) if, in accordance with a request in writing from the objector disclaiming the right to a public local inquiry, the Minister has afforded the objector an opportunity of appearing before and being heard by a person appointed by the Minister for the purpose, or
  - (b) if the objection is, in the opinion of the Minister, trivial or frivolous or can be disposed of under the next following sub-paragraph.
- (3) The Minister may disregard the objection for the purposes of sub-paragraph (1) of this paragraph if he is satisfied that the objection relates exclusively to matters which can be dealt with by the Lands Tribunal on a claim for compensation.
- (4) If any objector avails himself of the opportunity of being heard by a person appointed by the Minister for the purpose, the Minister shall afford to the applicants, and to any other person to whom it appears to the Minister expedient to afford it, an opportunity of being heard on the same occasion.
- (5) In this paragraph "public local inquiry" means an inquiry held under section 73 of the principal Act.
- 9 (1) The applicants shall at the time of making their application inform the Minister of the extent to which they have been, or expect to be, able to acquire by negotiation the land and rights which they must possess in order to develop and operate the underground gas storage.

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- (2) If the Minister, after consultation with the applicants, is satisfied that a compulsory purchase order will be required to put the applicants in possession of any such land or right he may, if he thinks fit, give notice to the applicants that he will not proceed with the application until the applicants have made such a compulsory purchase order and have applied to the Minister for the confirmation of the order, and that he will then proceed concurrently with respect to the application under this Schedule and with respect to the application for confirmation of the compulsory purchase order.
- (3) Where the Minister gives notice to the applicants under the last foregoing sub-paragraph, he shall give a like notice to every person on whom a notice was served under paragraph 7(3) of this Schedule and who has duly made an objection to the application which has not been withdrawn.
- (4) Where the Minister has given notice to the applicants under sub-paragraph (2) of this paragraph he shall not (unless he otherwise determines) be required to proceed with the application under this Schedule except in accordance with the notice and the Minister may at any stage decline to proceed with the application if the compulsory purchase order is withdrawn or cannot be proceeded with.