

SCHEDULE 1

Article 3

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) a total storage capacity of up to 900 million standard cubic metres; and
- (b) a working capacity of up to 600 million standard cubic metres, but not less than 130 million standard cubic metres,

in each case specified at the standard temperature and pressure, 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 of 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 wellhead compounds (Work Nos. 2A to 2G) to the gas storage caverns (Work No. 1A);

**Work No. 2A** — a wellhead compound area containing multiple wellheads, valve boxes, emergency hydraulic packs, manifold valve boxes, instrument enclosures, closed-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. 2B** — a wellhead compound area containing multiple wellheads, valve boxes, emergency hydraulic packs, manifold valve boxes, instrument enclosures, closed-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, closed-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, closed-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);

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**Work No. 2E** — a wellhead compound area containing multiple wellheads, valve boxes, emergency hydraulic packs, manifold valve boxes, instrument enclosures, closed-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, closed-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, closed-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, closed-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;

**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, closed-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;

**Work No. 5** — a security and support facility at Higher Lickow farm including 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, closed-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;

**Work No. 6** — an 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** — an 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** — internal site access roads from the wellhead compounds (Work Nos. 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** — a wash water pipeline 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, in pre-placed sleeves or placed by trenchless methods where not below the bed of the river Wyre and placed by trenchless methods where below the bed of 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 station (Work No. 15) including an underground, under river pressure pipeline crossing constructed in trench, in pre-placed sleeves or placed by trenchless methods where not below the bed of the river Wyre and placed by trenchless methods where below the bed of 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 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 from the seawater pumping station (Work No. 15) to the booster pump station and debrine facility (Work No. 4), sleeves, service pipes, power and control cables laid in trench, in pre placed sleeves or placed by trenchless methods where not below the bed of the river Wyre and placed by trenchless methods where below the bed of 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

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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, the incorporation of filters into the existing water intake structure, 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., 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, closed-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 Borough Council;

**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 at 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

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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 Agglebys 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 the 132kV grid substation operated by Electricity North West and located within the National Grid 400kV 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, Bridleway 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** — an 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;

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**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., 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, valves, air valves, washout valves, stopcocks and other pipe fittings, fencing and culverts;
- (d) works to alter the course of, or otherwise interfere with a watercourse other than a navigable watercourse;
- (e) works to construct pipelines and 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 statement.



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	<p>For the purposes of Work Nos. 1A and 1B, Work Nos. 2 to 5 inclusive and Work Nos. 8 to 11 inclusive—</p> <p style="padding-left: 40px;">Footpath 42 (Preesall)</p> <p style="padding-left: 40px;">Footpath 43 (Preesall)</p> <p style="padding-left: 40px;">Footpath 45 (Preesall)</p> <p style="padding-left: 40px;">Footpath 46 (Preesall)</p> <p style="padding-left: 40px;">Footpath 61 (Preesall)</p> <p style="padding-left: 40px;">Footpath 53 (Preesall)</p> <p style="padding-left: 40px;">Monks Lane (Unadopted)</p> <p style="padding-left: 40px;">(drawing nos. MMD-277663-C-DR-00-XX-0005, 0006, 0007 and 0015),</p> <p style="padding-left: 40px;">where crossed by the authorised development within the Order limits</p>
County of Lancashire, Borough of Wyre	<p>For the purposes of Work No. 6—</p> <p style="padding-left: 40px;">A588 Hall Gate Lane (Adopted Classified Road)</p> <p style="padding-left: 40px;">Back Lane (Adopted Unclassified Road)</p> <p style="padding-left: 40px;">(drawing nos. MMD-277663-C-DR-00-XX-0010 and 0016),</p> <p style="padding-left: 40px;">where crossed by the authorised development within the Order limits</p>
County of Lancashire, Borough of Wyre	<p>For the purposes of Work No. 7—</p> <p style="padding-left: 40px;">Monks Lane (Unadopted)</p> <p style="padding-left: 40px;">(drawing no. MMD-277663-C-DR-00-XX-0010),</p> <p style="padding-left: 40px;">where crossed by the authorised development within the Order limits</p>
County of Lancashire, Borough of Wyre	<p>For the purposes of Work No. 13—</p> <p style="padding-left: 40px;">unnamed track adjacent to Fleetwood Fish Dock</p> <p style="padding-left: 40px;">(drawing no. MMD-277663-C-DR-00-XX-0004),</p> <p style="padding-left: 40px;">where crossed by the authorised development within the Order limits</p>
County of Lancashire, Borough of Wyre	<p>For the purposes of Work No. 15—</p> <p style="padding-left: 40px;">Herring Arm Road</p>

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Subject to street works</i>
	(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  (drawing nos. MMD-277663-C-DR-00-XX-0002 and 0003), 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— Agglebys Road  Corcas Lane Bridleway 2a (Stalmine-with-Staynall)  High Gate Lane, linking High Gate Lane with Burrows Lane (Adopted Unclassified)  Footpath 13 (Fleetwood)  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 (Preesall)  Footpath 45 (Preesall)  Footpath 61 (Preesall)  (drawing nos. MMD-277663-C-DR-00-XX-0005 and 0007), where crossed by the authorised development within the Order limits

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<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 No. 19— Footpath 42 (Preesall)  Footpath 43 (Preesall)  Footpath 45 (Preesall)  Footpath 61 (Preesall)  Footpath 53(Preesall)  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 (Preesall)  Bridleway 29 (Nateby)  White Lane (Unadopted)  Shaws Lane, Footpath 34 (Pilling) (Unadopted)  Longwood Lane (New Lane)  Lancaster Road C305 (Adopted Classified)  Bradshaw Lane C414 (Adopted Classified)  Footpath 39 (Pilling)  Bonehill Lane (Adopted Unclassified)  Black Lane C436 (Adopted Classified)  Bridleway 1 (Nateby)  Station Lane (Adopted Unclassified)  Footpath 4 (Nateby)  (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

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## 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 plans (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 plans (drawing no. MMD-277663-C-DR-00-XX-0210)

## SCHEDULE 4

Article 12

## STREETS AND RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>
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 (Preesall)	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 plans (drawing no. MMD-277663-C-DR-00-XX-0205)
	Footpath (Preesall) and Footpath (Preesall)	45 and 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 plans (drawing no. MMD-277663-C-DR-00-XX-0207)
	Footpath (Preesall)	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

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(1) Area	(2) Street to be temporarily stopped up	(3) Extent of temporary stopping up
		temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0207)
County of Lancashire, Borough of Wyre	Back Lane	For the purposes of Work Nos. 6 and 20A— Between points M and N on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0210)
County of Lancashire, Borough of Wyre	Monks Lane	For the purposes of Work Nos. 7 and 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 plans (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 plans (drawing no. MMD-277663-C-DR-00-XX-0204)
County of Lancashire, Borough of Wyre	Rossall Promenade (Footpath 12 (Fleetwood))	For the purposes of Work Nos. 16A to 16L inclusive— From the access point from Fairway to the Order limits between points S1, T1 and U1 on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR- 00-XX-0202)
	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 plans (drawing no. MMD-277663-C-DR- 00-XX-0203)
County of Lancashire, Borough of Wyre	Agglebys Road	For the purposes of Work Nos. 17A to 17C inclusive— Between points K and L on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0210)
	Bridleway 2a (Stalmine-with-Staynall)/Corcas Lane	Between points Q and P on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0212)

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Street to be temporarily stopped up</i>	<i>(3)</i> <i>Extent of temporary stopping up</i>
	High Gate Lane linking High Gate Lane with Burrows Lane (Adopted unclassified)	Between points T and T2 on the access and temporary stopping up plans (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 plans (drawing no. MMD-277663-C-DR-00-XX-0213)
County of Lancashire, Borough of Wyre		For the purposes of Work No. 19—
	Footpath (Preesall)	42 Between points A and B on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0205)
	Footpath (Preesall)	45 Between points C and D on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0207)
	Footpath (Preesall)	61 Between points E and F on the access and temporary stopping up plans (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 (Preesall)	31 Between points U and V on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0216)
	Bridleway (Preesall)	29 Between points W and X on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0217)
	White Lane	Between points Y and Z on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0217)
	Shaws Lane (Footpath (Pilling))	34 Between points A1 and B1 on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0217)
	Longwood Lane (New Lane)	Between points C1 and D1 on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0218)
	Lancaster Road	Between points C2 and D2 on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0218)
	Bradshaw Lane	Between points E1 and F1 on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0219)

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<i>(1)</i> Area	<i>(2)</i> Street to be temporarily stopped up	<i>(3)</i> Extent of temporary stopping up
	Footpath (Pilling)	39
	Bone Hill Lane	
	Black Lane	
	Station Lane	
	Footpath 4 (Nateby)	
	Bridleway (Nateby)	1
	Footpath 2 (Nateby)	

SCHEDULE 5

Article 13

ACCESS TO WORKS

<i>(1)</i> Area	<i>(2)</i> Description of access
<b>Permanent Access to Works</b>	
County of Lancashire, Borough of Wyre	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 plans (drawing no. MMD-277663-C-DR-00-XX-0216)
	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 plans (drawing no. MMD-277663-C-DR-00-XX-0210)
	Preesall, emergency access to works area from Acres Road—

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Description of access</i>
	Access from Acres Road approximately 90m west of Acre House as shown on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0208)
	<p>Fleetwood Fish Dock—</p> <p>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 plans (drawing no. MMD-277663-C-DR-00-XX-0204)</p>
<b>Temporary Access to Works</b>	
County of Lancashire, Preesall, access to works area from A588 formed within Work No. 6— Borough of Wyre	Access from the A588 Hall Gate Lane opposite Moss House Lane as shown on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0216)
	<p>Preesall, secondary access/road crossing formed within Work No. 6—</p> <p>Access from Back Lane approximately 95m south of Monks Lane as shown on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0210)</p>
	<p>Fleetwood Fish Dock—</p> <p>Access to seawater pump station, connection to Herring Arm Road within the Fleetwood Fish Dock as shown on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0204)</p>
	<p>Fleetwood Fish Dock to Work No. 16A—</p> <p>Access from Herring Arm Road within the Fleetwood Fish Dock as shown on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0204)</p>
	<p>Fleetwood, Jameson Road two access points to Work Nos. 16B, 16C and 16D—</p> <p>Access from Jameson Road to the temporary works compound close to the disused railway, as shown on the access and temporary stopping up plans (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 plans (drawing no. MMD-277663-C-DR-00-XX-0203)</p>
	<p>Fleetwood, Fleetwood Road to Work Nos. 16D and 16E—</p> <p>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 plans (drawing no. MMD-277663-C-DR-00-XX-0203)</p>



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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Description of access</i>
	<p>Fleetwood, Rossall Lane to Work Nos. 16E and 16F—</p> <p>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 plans (drawing no. MMD-277663-C-DR-00-XX-0203)</p>
	<p>Fleetwood, South Strand to Work No. 16F—</p> <p>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 plans (drawing no. MMD-277663-C-DR-00-XX-0202)</p>
	<p>Fleetwood, South Strand to Work Nos. 16G and 16H—</p> <p>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 plans (drawing no. MMD-277663-C-DR-00-XX-0202)</p>
	<p>Rossall Promenade, Fairway/Westway to Work Nos. 16I, 16J, 16K and 16L—</p> <p>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 plans (drawing no. MMD-277663-C-DR-00-XX-0202)</p>
	<p>Preesall, Agglebys Road to Work No. 17A—</p> <p>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 plans (drawing no. MMD-277663-C-DR-00-XX-0210)</p>
	<p>Preesall, Corcas Lane to Work No. 17A</p> <p>Access to work from Corcas Lane at a point approximately 20m west of its junction with Back Lane as shown on the access and temporary stopping up plans (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—</p> <p>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 plans (drawing no. MMD-277663-C-DR-00-XX-0213)</p>
	<p>Preesall, Burrows Lane to Work No. 17A—</p> <p>Access to work from Burrows Lane at a point approximately 350m south of its junction with High Gate Lane as shown on the access</p>

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Description of access</i>
	and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0213)
	<p>Preesall, Burrows Lane to Work Nos. 17A and 17B, temporary works compound—</p> <p>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 plans (drawing no. MMD-277663-C-DR-00-XX-0214)</p>
	<p>Preesall, Burrows Lane to Work Nos. 17A and 17B, temporary works compound—</p> <p>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 plans (drawing no. MMD-277663-C-DR-00-XX-0214)</p>
	<p>Thornton-Clevelys, Stanah Substation, River Road to Work No. 17C—</p> <p>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 plans (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—</p> <p>Access from the A588, High Gate Lane approximately 40m north of Moss House Lane as shown on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0216)</p>
	<p>Pilling Moss, Lancaster Road to Work Nos. 20B and 20C—</p> <p>Access from Lancaster Road approximately 125m north of Bankfield as shown on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0218)</p>
	<p>Pilling Moss, Bradshaw Lane to Work Nos. 20C and 20D—</p> <p>Access from Bradshaw Lane approximately 110m east of Ridgy Pool as shown on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0219)</p>
	<p>Pilling Moss, Bone Hill Lane to Work Nos. 20D and 20E—</p> <p>Access from Bone Hill Lane approximately 200m south east of Bone Hill Farm as shown on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0220)</p>
	<p>Nateby Moss, Black Lane to Work Nos. 20E, 20F and 21—</p> <p>Access to work from Black Lane at a point approximately 100m north BAP habitats west of its junction with Footpath No. 6 as shown on the access and temporary stopping up plans (drawing no. MMD-277663-C-DR-00-XX-0221)</p>

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<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Description of access</i>
	Nateby, Station Lane to Work Nos. 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 plans (drawing no. MMD-277663-C-DR-00-XX-0222)

## SCHEDULE 6

Article 23

## LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

<i>(1)</i> <i>Area</i>	<i>(2)</i> <i>Number of land shown on land plans</i>	<i>(3)</i> <i>Purpose for which temporary possession may be taken</i>	<i>(4)</i> <i>Relevant part of the authorised development</i>
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, 61, 62, 63, 64, 65, 66, 67, 69, 69A, 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 authorised development; worksite for construction and carrying out of authorised development	and 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, 58, 109, 112, 113, 116, 120, 121, 122, 126, 128,	Construction and carrying out of authorised development; worksite and access	and Work Nos. 6, 16A, 16B, 16C, 16D, 16E, 16F, 16H, 16I, 17A, 17B, 17C, 20A, 20B, 20C,

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(1) Area	(2) Number of land shown on land plans	(3) Purpose for which temporary possession may be taken	(4) Relevant part of the authorised development
	158, 159, 160, 161, 183, 187, 197, 201 and 212	for construction of the authorised development	20D, 20E, 20F, 20G and 20H

## SCHEDULE 7

Article 35

## DEEMED LICENCE UNDER THE MARINE AND COASTAL ACCESS ACT 2009

**Interpretation****1.—(1)** In this licence—

“the 2009 Act” means the Marine and Coastal Access Act 2009(1);

“authorised development” means the development and associated development described in Schedule 1 (authorised development) of the Order;

“commencement” means beginning to carry out any material operation (as defined in section 155 of the 2008 Act) other than operations consisting of marine and benthic surveys, archaeological investigations and investigations for the purpose of assessing ground and geological conditions and “commence” and “commenced” shall be construed accordingly;

“environmental statement” means the document certified as the environmental statement by the Secretary of State for the purposes of the Order;

“key BAP habitats” means the Sabellaria alveolata reef;

“licence conditions” means the licence conditions set out at paragraphs 2 to 42;

“licence holder” means the “undertaker” as defined in article 2 (interpretation) of the Order to whom this licence is issued;

“licensed activity” means an activity described in paragraph 8 of this licence;

“licensed location” means the area bounded by the coordinates set out at paragraph 9 of this licence;

“licensed works” means any works constructed in the course of a licensed activity;

“MMO” means the Marine Management Organisation created under the 2009 Act responsible for the monitoring of this licence or any successor to its statutory functions;

“the Order” means the Preesall Underground Gas Storage Facility Order 2015;

“pipeline” means the brine discharge pipeline comprised in the licensed works;

“sea bed” means the solid surface of the earth which lies under the sea;

“UK marine area” has the same meaning as that given at section 42 (UK marine area) of the 2009 Act;

“vessel” means every description of vessel, however propelled or moved, and includes a non-displacement craft, a personal watercraft, a seaplane on the surface of the water, a hydrofoil vessel, a hovercraft or any other amphibious vehicle and any other thing constructed or adapted for movement through, in, on or over water and which is at the time in, on or over water;

(1) 2009 c. 23.

“working day” means a day which is not a Saturday, Sunday, bank holiday or other public holiday.

(2) Unless otherwise indicated all geographical co-ordinates contained within this licence shall be taken to be latitude and longitude degrees and minutes to three decimal places.

(3) Except where otherwise indicated—

(a) the point of contact with the MMO shall be at its main office<sup>(2)</sup>; and

(b) details for contact with the MMO’s marine pollution response team shall be at its main office<sup>(3)</sup>.

### **Licence validity period**

2.—(1) This licence is valid from the licence commencement date until the licence termination date.

(2) For the purposes of this licence—

(a) the “licence commencement date” means the date on which the Order is made; and

(b) the “licence termination date” means an indefinite period unless a licensed activity has not been commenced by the fifth anniversary of the licence commencement date, in which case it means the fifth anniversary of the licence commencement date.

### **Inspection of records etc.**

3. 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; and

(b) furnish that person at reasonable times with such information at reasonable times with such reasonable assistance as may be requested by that person in connection with or arising out of an inspection in pursuance of this paragraph.

### **Rights of access**

4. Any person authorised by the MMO shall be entitled at all reasonable times to enter into and upon any of the licence holder’s installations, vessels or equipment used or to be used in connection with the activities authorised by this licence in accordance with Chapter 2 of Part 8 (common enforcement powers) of the 2009 Act.

### **Transfer**

5. In the application of section 72 of the 2009 Act to this licence, subsection 72(8) of the 2009 Act shall not apply to a transfer made in accordance with article 8 (transfer of benefit of Order) of the Order.

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(2) Contact details for the main office of the MMO are Marine Management Organisation, Inshore Marine Licensing, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH; telephone 0300 123 1032; fax: 0191 376 2681; and email: [infrastructure@marinemanagement.org.uk](mailto:infrastructure@marinemanagement.org.uk).

(3) Contact details for the main office of the MMO’s Marine Pollution response team are Marine Management Organisation, Marine Pollution Response Team, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH; telephone 0870 785 1050 or 07770 977825; and email: [dispersants@marinemanagement.org.uk](mailto:dispersants@marinemanagement.org.uk).

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**Force majeure**

6.—(1) If by reason of force majeure any substances or articles are deposited or removed otherwise than at the licensed location, the licence holder shall notify the MMO of the full details of the circumstances of that deposit within 48 hours of the incident occurring.

(2) For the purposes of this paragraph, “force majeure” means when, due to stress of weather or any other cause, the master of a vessel determines that it is necessary to deposit substances or articles otherwise than at the licensed location because the safety of human life or the vessel is threatened.

**Licence conditions binding other parties**

7. The licence conditions shall bind any person who for the time being owns, occupies or enjoys any use of the licensed works.

**Licensed activities**

8. Subject to the licence conditions this licence authorises the licence holder (and any agent, contractor or subcontractor acting on its behalf) to—

(a) carry out those elements of—

- (i) Work No. 1A;
- (ii) Work No. 1B;
- (iii) Work No. 15;
- (iv) Work No. 16J;
- (v) Work No. 16K; and
- (vi) Work No. 16L,

of Schedule 1 (authorised development) of the Order, and of any further associated development listed at items (a) to (j) in Schedule 1 in connection with those Work Nos., which fall within the UK marine area and constitute licensable marine activities under section 66 of the 2009 Act; and

(b) undertake a borehole survey in connection with the installation of the brine outfall pipeline comprised within the licensed activities set out at sub-paragraph (a), the purpose of which would be to inform the micro-siting of the pipeline and to determine if there are any archaeological remains or there is any palaeoenvironmental evidence present which could be directly affected by such pipeline installation.

**Licensed location**

9. The licence holder (and any agent, contractor or subcontractor acting on its behalf) may engage in the licensed activities in the area bounded by the following coordinates—

<i>Latitude</i>	<i>Longitude</i>
<b>Work Nos. 16J, 16K, 16L and borehole surveys—</b>	
N 53 53.986	W 3 05.095
N 53 54.035	W 3 03.029
N 53 53.985	W 3 03.015
N 53 53.987	W 3 02.907
N 53 54.081	W 3 02.927

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<i>Latitude</i>	<i>Longitude</i>
N 53 54.077	W 3 03.041
N 53 54.067	W 3 03.038
N 53 54.018	W 3 05.096
<b>Work No. 15—</b>	
N 53 54.774	W 3 00.799
N 53 54.798	W 3 00.768
N 53 54.819	W 3 00.823
N 53 54.793	W 3 00.855
N 53 54.802	W 3 00.869
N 53 54.791	W 3 00.858
N 53 54.770	W 3 00.883
N 53 54.755	W 3 00.889
N 53 54.755	W 3 00.880
N 53 54.769	W 3 00.827
<b>Work Nos. 1A and 1B—</b>	
N 53 54.759	W 2 59.541
N 53 54.758	W 2 59.618
N 53 54.745	W 2 59.705
N 53 54.658	W 2 59.780
N 53 54.654	W 2 59.789
N 53 54.590	W 2 59.771
N 53 54.501	W 2 59.767
N 53 54.348	W 2 59.635
N 53 54.347	W 2 59.641
N 53 54.212	W 2 59.528
N 53 54.210	W 2 59.519
N 53 54.204	W 2 59.502
N 53 54.186	W 2 59.468
N 53 54.187	W 2 59.434
N 53 54.195	W 2 59.426
N 53 54.201	W 2 59.413
N 53 54.215	W 2 59.351
N 53 54.303	W 2 59.196
N 53 54.440	W 2 59.071

### **Reporting of engaged agents, contractors or sub-contractors**

10.—(1) The licence holder shall notify the MMO in writing of any agents, contractors or sub-contractors that will be carrying out the licensed activities on behalf of the licence holder no less than 5 working days before the commencement of that activity.

(2) The licence holder shall ensure that a copy of this licence and any subsequent revisions or amendments have been read and understood by any agents, contractors or sub-contractors that will be carrying out the licensed activities on behalf of the licence holder.

### **Notification of vessels**

11.—(1) The licence holder shall ensure that the MMO is provided with notification of any vessel being used to undertake the licensed activities no less than 24 hours before that vessel first commences licensed activities.

(2) The licence holder shall ensure that a copy of this licence and any subsequent revisions or amendments has been read and understood by the masters of any vessel being used to undertake any licensed activity, and that a copy of this licence is held on board any such vessel.

### **Distribution of copies**

12.—(1) The licence holder shall ensure that a copy of this licence and any subsequent revisions or amendments made to it in accordance with section 72 (variation, suspension, revocation and transfer) of the 2009 Act are given to—

- (a) any agent, contractor or subcontractor undertaking a licensed activity;
- (b) the master of any vessel undertaking a licensed activity;
- (c) the transport manager responsible for any vehicle undertaking a licensed activity.

(2) The licence holder shall keep a copy of this licence at its registered address.

### **Application of licence conditions**

13.—(1) Reference to licensed activities in paragraphs 15 and 18 to 42 shall not include the undertaking of the borehole survey referred to at paragraph 8(b), unless the MMO (following a review of the method statement submitted in respect of such survey pursuant to paragraph 17) notifies the licence holder otherwise.

(2) Paragraphs 15 to 42 shall not apply to—

- (a) Work Nos. 1A and 1B of Schedule 1 (authorised development) of the Order; or
- (b) any part of Work No. 15 of Schedule 1 (authorised development) other than the incorporation of filters into the existing water intake structure comprised in that Work No.

### **Licence conditions prior to commencement of the licensed activities**

14. The licence holder shall, unless otherwise agreed in writing with the MMO, within ten working days of receipt of a copy of this licence notify the MMO that it accepts the terms and conditions of this licence; and no licensed activities may be carried out until that notice has been given.

15. No licensed activities shall commence until a written scheme setting out all the stages of the licensed activities and a list of all proposed licensed activities additional to those listed at paragraph 8(a)(i) to (vi) (if any), have been submitted to and agreed with the MMO.

16. The licence holder shall, unless otherwise agreed in writing with the MMO, no less than ten working days prior to the commencement of any stage of the licensed activities notify the MMO



of the proposed commencement date of that stage; and no stage of the licensed activities may be carried out until notice for that stage has been given.

**17.—**(1) The licence holder shall no less than two months prior to the commencement of any stage of the licensed activities submit to the MMO a method statement for that stage, the scope of which is to be agreed by the MMO prior to its submission; and no stage of the licensed activities may commence until the method statement for that stage has been approved in writing by the MMO.

(2) The licence holder shall carry out any stage of licensed activities in accordance with the approved method statement for that stage.

**18.—**(1) The licence holder shall prior to the commencement of any stage of the licensed activities carry out a marine benthic ecology and habitats survey for that stage.

(2) The scope of any marine benthic ecology and habitats survey shall be agreed with the MMO in writing prior to it being carried out.

(3) Any report arising from any marine benthic ecology and habitats survey and any necessary monitoring requirements shall be agreed in writing with the MMO prior to the commencement of the stage of the licensed activities to which that survey relates; and no stage of the licensed activities may commence until such monitoring requirements (if any) for that stage and any amendments to the licence conditions (if required by the MMO) have been agreed.

**19.—**(1) The licence holder shall prior to the commencement of any stage of the licensed activities agree in writing with the MMO a vessel movement plan for that stage; and no stage of the licensed activities may commence until such a plan for that stage has been agreed.

(2) The licence holder shall carry out the licensed activities in accordance with the approved vessel movement plan, unless otherwise agreed in writing with the MMO.

**20.—**(1) The licence holder shall prior to the commencement of any stage of the licensed activities agree in writing with the MMO a construction monitoring plan (or, if so agreed with the MMO, construction monitoring plans) for that stage; and no stage of the licensed activities may commence until such a plan or plans for that stage have been agreed.

(2) Any construction monitoring plan shall include but not be limited to a pre-construction, construction and post-construction plan for monitoring the laying of the pipeline, consisting of trawl surveys within the transshipment area and barge approach routes for the delivery of rock armouring, and surveys of the pipeline corridor to ensure that the pipeline does not become exposed.

(3) The licence holder shall carry out any stage of the licensed activities in accordance with any approved construction monitoring plan for that stage.

**21.—**(1) The licence holder shall no less than six weeks prior to the transshipment of rock armouring comprised in any stage of the licensed activities submit a method statement relating to such transshipment for that stage, including details of the location of the transshipment area and barge approach routes for the delivery of rock armouring; and no stage of the licensed activities may commence until such a method statement for that stage has been approved in writing by the MMO.

(2) The licence holder shall carry out any stage of the licensed activities in accordance with the rock armouring transshipment method statement approved for that stage.

**22.—**(1) The licence holder shall prior to the commencement of any stage of the licensed activities agree with the MMO the lighting and marking of the licensed works comprised in that stage.

(2) The details of such lighting and marking shall be included in the method statement to be submitted for approval under paragraph 17.

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**23.—**(1) The licence holder shall prior to the commencement of any stage of the licensed activities notify local mariners’ and fishermen’s organisations of that commencement by procuring issue of a notice to mariners; and no stage of the licensed activities may commence until such notice for that stage has been given.

(2) For the purposes of this paragraph, “notice to mariners” includes any notice to mariners issued by the Admiralty, Trinity House, Queen’s harbourmasters, government departments or harbour or pilotage authorities.

**24.—**(1) The licence holder shall prior to the commencement of any stage of the licensed activities, following consultation with English Heritage, submit to the MMO for that stage a written scheme of investigation of areas of archaeological interest; and no stage of the licensed activities may commence until the written scheme of investigation for that stage has been approved in writing by the MMO.

(2) In undertaking any stage of the licensed activities, the licence holder shall act in accordance with the written scheme of investigation approved for that stage (if any).

#### **Licence conditions during construction of the licensed works**

**25.** The licence holder shall minimise the re-suspension of sediment during any stage of construction of the licensed works. Details of how this is to be achieved shall be included in the method statement for that stage to be submitted for approval under paragraph 17.

**26.—**(1) The licence holder shall in the course of any stage of construction of the licensed works take appropriate steps to minimise damage to the foreshore, including to key BAP habitats so far as they are located on the foreshore. Details of such steps, and for steps to identify damage caused (if any) by the construction of the licensed works to key BAP habitats so far as they are located on the foreshore, shall be included in the method statement for that stage to be submitted for approval under paragraph 17.

(2) For the purposes of this paragraph, “the foreshore” means land which is covered and uncovered by the ordinary movement of the tide.

**27.** The licence holder shall in the course of construction of any stage of the licensed works ensure that the pipeline, anchoring and rock armouring (if present during construction of that stage) are fully covered and do not protrude above the seabed. Details of the necessary steps shall be included in the method statement for that stage to be submitted for approval under paragraph 17.

**28.** The licence holder shall in the course of construction of any stage of the licensed works only access the licensed location within a defined and marked out area which shall be set out in the method statement to be submitted for approval for that stage under paragraph 17, thereby limiting personnel and plant access to the licensed location.

**29.—**(1) The licence holder shall in the course of construction of the licensed works fit diffusers to the discharge end of the pipeline, unless otherwise agreed in writing with the MMO.

(2) The details of such diffusers shall be included in the method statement to be submitted for approval under paragraph 17.

**30.—**(1) The licence holder shall in the course of construction of the licensed works 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(4) or has gone through a similar level of ecotoxicological hazard or risk assessment.

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(4) [S.I. 2002/1355](#); amended by [S.I. 2005/2055](#); [2010/1513](#); [2011/78](#); and [2011/982](#).

(2) The licence holder shall obtain from the MMO prior written approval for the use of drilling fluids other than water-based mud for carrying out drilling operations comprised in any stage of the licensed activities.

(3) The licence holder shall comply with any guidance provided to it by the MMO in relation to the disposal of any arisings resulting from drilling operations using drilling fluids other than water-based mud.

**31.—**(1) The licence holder shall in the course of construction of the licensed works ensure that any coatings or treatments are suitable for use in the marine environment and are used in accordance with best environmental practice.

(2) For the purposes of this paragraph, “best environmental practice” means best environmental practice as defined in Appendix 1 of the 1992 OSPAR Convention of the Protection of the Marine Environment of the North-East Atlantic.

**32.** The licence holder shall in the course of construction of the licensed works, unless otherwise agreed in writing with the MMO, ensure that a soft-start procedure is used, whereby pile power is incrementally increased over a time period of not less than twenty minutes until full operational power is achieved. In the event that piling ceases for a period greater than ten minutes, the soft-start procedure shall be repeated.

**33.—**(1) The licence holder shall in the course of construction of the licensed works 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.

(2) There shall be containment facilities secondary to the bunding or storage facilities described in sub-paragraph (1).

(3) The capacity of those secondary containment facilities shall not be less than 100% of the storage capacity of the bunding or storage facilities described in sub-paragraph (1).

**34.** The licence holder shall ensure that any oil, fuel or chemical spill within the marine environment is reported to the MMO’s Marine Pollution Response Team by email or by telephone.

**35.** The licence holder shall in the course of construction of the licensed works ensure that during the works all waste is stored in designated areas which are isolated from surface water drains, open water and banded to contain any spillages.

**36.—**(1) The licence holder shall in the course of construction of the licensed works ensure that no waste concrete slurry or wash water from concrete or cement works is discharged into the marine environment.

(2) Concrete and cement mixing shall, unless otherwise agreed in writing with the MMO, be contained and sited at least ten metres from any watercourse or surface water drain.

(3) For the purposes of this paragraph “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.

**37.** The licence holder shall ensure that any vessels used for rock transhipment or delivery operations—

- (a) are suitably constructed and loaded to prevent rock falling over the side; and
- (b) use suitable screening to prevent the loss of rock or shingle through drainage holes.

**38.** The licence holder shall ensure that any rock misplaced or lost below the level of mean high water springs in the course of construction of the licensed works is reported to the MMO within 48 hours and located and recovered within six weeks, unless otherwise agreed in writing with the MMO.

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### **Licence conditions following completion of the licensed works**

**39.** The licence holder shall prior to the commencement of any stage of the licensed activities in which backfilling operations within the marine environment are to take place following the completion of that stage, submit to the MMO for that stage details of the materials to be used in such backfilling operations; and no such stage of the licensed activities may commence until those details have been approved in writing by the MMO.

**40.** The licence holder shall ensure that, unless otherwise agreed in writing with the MMO, within six weeks of completion of the licensed works, backfill operations shall return the intertidal area to its profile prior to the commencement of the licensed activities; and the licence holder shall use the materials the details of which have been approved pursuant to paragraph 39 in respect of those backfill operations.

**41.** The licence holder shall within six weeks of completion of the licensed works ensure that any equipment, temporary structures, waste or debris associated with those works are removed, unless otherwise agreed in writing with the MMO.

**42.—(1)** The licence holder shall as soon as reasonably practicable following completion of the licensed works notify the Hydrographic Office of that completion.

(2) The “Hydrographic Office” means the Hydrographic Office of the Ministry of Defence, Taunton, Somerset, TA1 2DN.

### **Changes approved by the MMO**

**43.** Where the words “unless otherwise agreed” appear in this licence, any such agreement or statement may be given only in relation to immaterial changes where it has been demonstrated to the satisfaction of MMO that the subject matter of the approval or agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.

## SCHEDULE 8

Article 38

### 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, the following provisions shall, unless otherwise agreed in writing between the promoter and the undertaker concerned, have effect.

#### **Interpretation**

**2.** In this Part—

“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—

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- (a) in the case of an undertaker referred to in sub-paragraph (a) of the definition of “undertaker”, electric lines or electrical plant (as defined in the Electricity Act 1989<sup>(5)</sup>), belonging to or maintained by that undertaker;
- (b) in the case of an undertaker referred to in sub-paragraph (b) of the definition of “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 an undertaker referred to in sub-paragraph (c) of the definition of “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 an undertaker referred to in sub-paragraph (d) of the definition of “undertaker”—
  - (i) any drain or works vested in the undertaker under the Water Industry Act 1991<sup>(6)</sup> 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;

“commence” has the same meaning as in paragraph 1 of Schedule 9 (Requirements);

“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—

- (a) any licence holder within the meaning of Part 1 of the Electricity Act 1989;
  - (b) a gas transporter within the meaning of Part 1 of the Gas Act 1986<sup>(7)</sup>;
  - (c) a water undertaker within the meaning of the Water Industry Act 1991; and
  - (d) a sewerage undertaker within the meaning of Part 1 of the Water Industry Act 1991,
- for the area of the authorised development, and in relation to any apparatus, means the undertaker to whom it belongs or by whom it is maintained;

“United Utilities” means United Utilities PLC (company number 02366616) whose registered address is Haweswater House, Lingley Mere Business Park, Lingley Green Avenue, Great Sankey, Warrington, WA5 3LP.

**3.** This Part 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.

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(5) 1989 c. 29.

(6) 1991 c. 56.

(7) 1986 c. 44.

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### **Temporarily stopped up streets**

4. Notwithstanding the temporary stopping up or diversion of any streets or highway under the powers in 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 workers; 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 apparatus**

6. Notwithstanding any provision in this Order or anything shown on the land plans, 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 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 facilities and rights 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 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.

(6) Notwithstanding 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, 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 and describe—

- (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 Part of this Schedule, that value being calculated after removal.

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

- (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 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

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(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.

### **Ground subsidence monitoring scheme in respect of United Utilities' apparatus**

**12.**—(1) No works comprised in Work No. 1A in Schedule 1 (authorised development) shall commence until a scheme for monitoring ground subsidence (referred to in this paragraph as the “monitoring scheme”) which is capable of interfering with or risking damage to United Utilities’ apparatus has been submitted to and approved by United Utilities, such approval not to be unreasonably withheld or delayed.

(2) The monitoring scheme shall set out—

- (a) the apparatus of United Utilities which is to be subject to such monitoring;
- (b) the extent of land to be monitored;
- (c) the manner in which ground levels are to be monitored;
- (d) the timescales of any monitoring activities; and
- (e) the extent of ground subsidence which, if exceeded, shall require the promoter to submit for United Utilities’ approval a ground subsidence mitigation scheme in respect of such subsidence in accordance with sub-paragraph (4).

(3) The monitoring scheme must be implemented as approved, unless otherwise agreed in writing with United Utilities.

(4) As soon as reasonably practicable after any ground subsidence identified by the monitoring activities set out in the monitoring scheme has exceeded the level described in sub-paragraph (2)(e), a scheme setting out necessary mitigation measures (if any) for such ground subsidence (referred to in this paragraph as a “mitigation scheme”) shall be submitted to United Utilities for approval, such approval not to be unreasonably withheld or delayed; and any mitigation scheme must be implemented as approved, unless otherwise agreed in writing with United Utilities.

(5) If the monitoring scheme or mitigation scheme would conflict with any aspect of any ground subsidence monitoring scheme or ground subsidence mitigation scheme approved by the relevant planning authority pursuant to paragraph 35 of Schedule 9 (Requirements) the promoter may submit a revised monitoring scheme or mitigation scheme to United Utilities for its approval, such approval not to be unreasonably withheld or delayed; and the revised monitoring scheme or mitigation scheme must be implemented as approved, unless otherwise agreed in writing with United Utilities.

### **Enactments and agreements**

**13.** 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**

**14.** 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 an undertaker makes requirements for the protection or alteration of apparatus under paragraph 9(6), 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 undertaker shall use its best endeavours to co-operate with the promoter for that purpose.

### **Access**

**15.** 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**

**16.** Any difference or dispute arising between the promoter and an undertaker under this Schedule shall, unless otherwise agreed in writing between the promoter and that undertaker, be determined by arbitration in accordance with article 41 (arbitration).

## **PART 2**

### **FOR THE PROTECTION OF 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) and the operator, have effect.

**2.** In this Part—

“the 2003 Act” means the Communications Act 2003<sup>(8)</sup>;

“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<sup>(9)</sup>;

“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.

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<sup>(8)</sup> 2003 c. 21.

<sup>(9)</sup> See section 106.

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3. The exercise of the powers of article 29 (statutory undertakers) is subject to paragraph 23 of Schedule 2 to the Telecommunication Act 1984<sup>(10)</sup>.

4.—(1) Subject to sub-paragraphs (2) to (4), if as the result of the authorised development or its 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 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 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 or dispute arising between the promoter and an operator under this Part, unless otherwise agreed in writing between the promoter and that operator, be referred to and settled by arbitration under article 41 (arbitration).

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<sup>(10)</sup> 1984 c. 12.

## PART 3

### FOR THE PROTECTION OF BLACKPOOL BOROUGH COUNCIL

#### **Application and interpretation**

1.—(1) For the protection of Blackpool Borough Council and the operator the following provisions shall, unless otherwise agreed in writing between the promoter (as defined in Part 1) and Blackpool Borough Council, have effect.

(2) In this Part—

“commence” has the same meaning as in paragraph 1 of Schedule 9 (Requirements);

“construction” includes execution, demolition, placing and altering and “construct” and “constructed” shall be construed accordingly;

“the engineer” means an engineer to be appointed by Blackpool Borough Council;

“the operator” means the operator for the time being of the Blackpool to Fleetwood Tramway;

“plans” includes a section and description of the works to be executed and “approved plans” means plans approved in accordance with the provisions of this Part or settled by arbitration under article 41 (arbitration);

“specified works” means so much of the authorised development as is situated upon, across, under, over or within 15 metres of tramway property or which in any way adversely affects tramway property;

“tramway property” means—

- (a) any tram rail of Blackpool Borough Council;
- (b) any works, apparatus and equipment of Blackpool Borough Council or the operator connected with such tram rails; and
- (c) any land, premises, structures or erections held or used by Blackpool Borough Council or the operator for the purposes of operating such tram rails or such works, apparatus and equipment.

#### **Pedestrian and vehicular access**

2.—(1) The promoter shall not in the exercise of the powers in this Order prevent pedestrian or vehicular access to any tramway property, unless preventing such access is with the consent of the engineer.

(2) The consent of the engineer under sub-paragraph (1) shall not be unreasonably withheld or delayed but may be given subject to reasonable conditions.

#### **Approval of plans**

3. The promoter shall, before commencing the construction of any part of the specified works, furnish to the engineer such proper and sufficient plans relevant to the part of the specified works concerned as may be reasonably required by the engineer; and the promoter shall not commence those specified works until the plans have been approved in writing by the engineer or settled by arbitration under article 41 (arbitration).

4. The engineer’s approval under paragraph 3 shall not be unreasonably withheld and any question of whether it has been unreasonably withheld shall in the absence of agreement be settled by arbitration under article 41 (arbitration).

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### **Protective works**

5.—(1) Upon signifying approval or disapproval of the plans submitted pursuant to paragraph 3 the engineer may notify the promoter in writing of any protective works, whether temporary or permanent, which in the reasonable opinion of the engineer should be carried out before the commencement of the construction of the specified works to ensure the stability of tramway property, or the continuation of the safe and effective operation of the tram rails of Blackpool Borough Council; and such protective works as may be reasonably necessary for those purposes shall be constructed by Blackpool Borough Council and the operator with all reasonable dispatch or, if engineer so notifies the promoter, such protective works shall be carried out by the promoter (in either case at the expense of the promoter).

(2) The promoter shall not commence the construction of the specified works until the engineer has notified the promoter that the protective works referred to in sub-paragraph (1) have been completed to the engineer's reasonable satisfaction.

### **Notice of works and maintenance**

6. The promoter shall give to the engineer not less than 28 days' notice of its intention to—
- (a) commence the construction of any of the specified works; and
  - (b) (save in the event of an emergency in which case it shall give such notice as may be reasonably practicable in the circumstances) carry out any maintenance of the specified works in so far as such maintenance adversely affects tramway property.

### **Manner of carrying out specified and protective works**

7. The construction by the promoter of the specified works, any protective works described in paragraph 5 and any alterations and additions to such specified works and protective works shall, when commenced, be carried out—

- (a) with all reasonable dispatch in accordance with the plans approved under paragraph 3 or settled under article 41 (arbitration);
- (b) under the supervision (where appropriate and if given) and to the reasonable satisfaction of the engineer; and
- (c) in such manner as to cause—
  - (i) as little damage as reasonably practicable to tramway property;
  - (ii) as little interference as is reasonably practicable with the conduct of traffic on the tram lines of Blackpool Borough Council and the use by passengers of tramway property,

and if any such damage or interference shall be caused by the promoter carrying out the specified works or any protective works, the promoter shall, notwithstanding any approval given under paragraph 3 or settled under article 41 (arbitration), make good such damage and shall pay to Blackpool Borough Council and the operator (as appropriate) all reasonable expenses to which Blackpool Borough Council or the operator (as appropriate) may be put and compensation for any loss which Blackpool Borough Council or the operator (as appropriate) may sustain by reason of any such damage or interference.

8. Nothing in paragraph 7 shall impose any liability on the promoter with respect to any damage, cost, expense or loss which is attributable to the act, neglect or default of Blackpool Borough Council or the operator or any person in either of their employ or of either of their contractors or agents; and any liability of the promoter under paragraph 7 shall be reduced proportionately to the extent to which any damage, cost, expense or loss is attributable to the act, neglect or default of Blackpool Borough

Council or the operator or any person in either of their employ or of either of their contractors or agents.

### **Access for the carrying out of works in compliance with this Part**

9. The promoter shall at all times afford reasonable facilities to the engineer for access to the specified works during their construction and the construction of any protective works carried out by the promoter pursuant to the provisions of paragraph 5 and shall supply the engineer with all such information as the engineer may reasonably require with regard to the specified works or any such protective works or to the method of their construction.

10.—(1) During the construction of any works by Blackpool Borough Council or the operator under this Part Blackpool Borough Council and the operator shall at all times afford reasonable facilities to the promoter and its agents for access to those works, and shall supply the promoter with such information as the promoter reasonably requires with regard to such works or the method of construction of such works.

(2) During the construction of the specified works Blackpool Borough Council and the operator shall at all reasonable times subject to the prior written approval of the engineer afford reasonable facilities to the promoter and its agents for access to tramway property and shall supply the promoter with such information as the promoter reasonably requires with regard to tramway property as is reasonably necessary to enable the promoter to comply with sub-paragraphs (a) to (c) of paragraph 7.

(3) During the carrying out of maintenance of the specified works under paragraph 12 Blackpool Borough Council and the operator shall at all reasonable times subject to the prior written approval of the engineer afford reasonable facilities to the promoter and its agents for access to tramway property and shall supply the promoter with such information as the promoter reasonably requires with regard to tramway property as is reasonably necessary to enable the promoter to comply with paragraph 12.

### **Expenses**

11. The promoter shall repay to Blackpool Borough Council or the operator (as appropriate) all reasonable costs, charges and expenses reasonably incurred by Blackpool Borough Council or the operator (as appropriate)—

- (a) in constructing any protective works under the provisions of paragraph 5, including, in respect of any permanent protective works, a capitalised sum representing the cost which may be expected to be reasonably incurred by Blackpool Borough Council or the operator (as appropriate) in maintaining and renewing such works (such sum in the absence of agreement to be settled by arbitration under article 41 (arbitration)); and
- (b) in respect of the approval of plans and any supervision by the engineer of the construction of the specified works.

### **Right to require maintenance of specified works**

12. If at any time after the completion of a specified work (unless that specified work is vested in Blackpool Borough Council) the engineer gives notice to the promoter informing it that the state of repair of the specified work appears to be such that it adversely affects the safe and effective operation of tramway property, the promoter shall, on receipt of such a notice, take such steps as are reasonably necessary to put that specified work in a state of repair such that it no longer adversely affects tramway property.

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## **Indemnity**

13. The promoter shall be responsible to Blackpool Borough Council and the operator (as appropriate) for all reasonable costs, charges, damages and expenses not otherwise provided for in paragraph 11 which may be occasioned to, or reasonably incurred by, Blackpool Borough Council or the operator (as appropriate)—

- (a) by reason of the construction or maintenance of the specified works or the failure of the specified works; or
- (b) by reason of any act or omission of the promoter or of any person in its employ or of its contractors whilst engaged in the construction or maintenance of the specified works,

and the promoter shall indemnify Blackpool Borough Council and the operator from and against all claims and demands arising out of or in connection with the construction of the specified works or any such failure, act or omission; and the fact that any act or thing has been done in accordance with any requirement of the engineer or under the engineer's supervision shall not (unless it was done as a result of negligence on the part of Blackpool Borough Council or the operator or any person in either of their employ or of either of their contractors or agents) excuse the promoter from any liability under the provisions of this paragraph.

14.—(1) Any liability of the promoter under paragraph 13 shall be reduced proportionately to the extent to which any costs, charges, damages and expenses are attributable to the act, neglect or default of Blackpool Borough Council or the operator or any person in either of their employ or of either of their contractors or agents.

(2) The engineer shall give to the promoter immediate notice of any claim or demand described in paragraph 13 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.

(3) In the assessment of any sums payable to Blackpool Borough Council or the operator under this Part there shall not be taken into account any increase in the sums claimed that is attributable to any action taken by or any agreement entered into by Blackpool Borough Council or the operator if that action or agreement was not reasonably necessary and was taken or entered into with a view to obtaining the payment of those sums by the promoter under this Part or increasing the sums so payable.

(4) The engineer shall, on receipt of a request from the promoter, from time to time provide the promoter free of charge with written estimates of the costs, charges, expenses and other liabilities for which the undertaker is or will become liable under this Part and with such information as may reasonably enable the promoter to assess the reasonableness of any such estimate or claim made or to be made pursuant to this Part.

## **Approvals and arbitration**

15.—(1) Where any consent, approval or expression of satisfaction is sought under this Part from Blackpool Borough Council or the operator it shall not be unreasonably withheld or delayed.

(2) Any difference or dispute arising between the promoter and Blackpool Borough Council or the operator under this Part shall be referred to and settled by arbitration under article 41 (arbitration).



## SCHEDULE 9

Article 42

### REQUIREMENTS

#### Interpretation

1. In this Schedule—

“the 1999 Regulations” means the Control of Major Accident Hazards Regulations 1999<sup>(11)</sup>;

“the 2010 Regulations” means the Conservation of Habitats and Species Regulations 2010<sup>(12)</sup>;

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

“aftercare” means monitoring, maintenance and management of land within the Order limits following its restoration;

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

“commence” means begin 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;

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

“construction phase” means the period during which works to construct the authorised development are carried out;

“construction work” means construction works undertaken during the construction phase;

“decommissioned cavern” means an operational cavern decommissioned pursuant to paragraph 32 or 33;

“decommissioning” means the decommissioning of operational caverns, structures, hoardings and other infrastructure comprised in the authorised development when it is no longer required for operational use or, as the case may be, upon the permanent cessation of operation of the authorised development;

“decommissioning phase” means the period during which the authorised development is decommissioned following permanent cessation of operation of the authorised development;

“European protected species” has the same meaning as in regulation 40 of the 2010 Regulations;

“European site” has the same meaning as it has in regulation 8(1) of the 2010 Regulations and includes the Morecambe Bay site designated under the Convention on Wetlands of International Importance especially as Waterfowl Habitat, signed in Ramsar, Iran in 1971, ratified by the United Kingdom in 1976 and known as the “Ramsar Convention”;

“existing mineworking” means a mineworking which existed prior to the making of this Order;

“Flints Caravan Park plan” means the drawing dated September 2012 and given drawing reference A-9100-4001 certified as the Flints Caravan Park plan by the Secretary of State for the purposes of this Order;

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(11) S.I. 1999/743.

(12) S.I. 2010/490.

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“Harbour Village plan” means the drawing dated September 2012 and given drawing reference A-9100-4003 certified as the Harbour Village plan by the Secretary of State for the purposes of this Order;

“Kneps Farm Holiday Park plan” means the drawing dated September 2012 and given drawing reference A-9100-4002 certified as the Kneps Farm Holiday Park plan by the Secretary of State for the purposes of this Order;

“mudstone” means the members of the Kirkham Mudstone formation known as the Coat Walls Mudstone Member (above the Preesall halite deposit) and the Thornton Mudstone Member (beneath the Preesall halite deposit), belonging to the Mercia Mudstone Group, characterised by a distinctive sequence of alternately red-brown and grey-green well bedded mudstones with many thin intercalations of siltstone and dolomitic siltstone and more particularly described 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;

“NTS interconnector pipeline” means the works described in Work Nos. 20A to 20H of Schedule 1 (authorised development);

“operational phase” means the period during which the authorised development is in operational use as an underground gas storage facility;

“permanent cessation” means—

- (a) where it is referred to in the context of a part of the authorised development the cessation of operation of that part in circumstances that at the time of such cessation it is the undertaker’s understanding and expectation that that part of the authorised development will not be returned to operational use at any point in the future; and
- (b) where it is referred to in the context of the authorised development as a whole the cessation of operation of the authorised development in circumstances that at the time of such cessation it is the undertaker’s understanding and expectation that the authorised development as a whole will not be returned to operational use at any point in the future;

“reaming” means the process used to increase a pilot hole to the required size;

“restoration” means the restoration of land within the Order limits for future use after permanent cessation of the operation of the authorised development;

“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 paragraph 3 (stages of authorised development);

“wet rockhead areas” means those parts of the subsoil of the Order limits shown on Figure 5.7 (Distribution of known wet rockhead (BGS data)) in the geology summary report where what was formerly the Preesall halite deposit has been dissolved by groundwater circulation such that mudstone strata overlying what was formerly the Preesall halite deposit have collapsed into it.

### **Time limits**

2. The authorised development must commence 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) The authorised development shall not be carried out otherwise than in accordance with the approved development plans.

(2) Notwithstanding sub-paragraph (1), no works to the sea wall crossing and observation platform comprising part of Work No. 16J of Schedule 1 (authorised development) shall commence until details of the layout, scale, external appearance and means of access of the sea wall and crossing and observation platform 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.

(3) Notwithstanding subparagraph (1), no construction of a wellhead compound area (comprised in Work Nos. 2A to 2G (inclusive) of Schedule 1 (authorised development)) shown on the approved development plans shall commence until the following details for that wellhead compound area have been submitted to and (after consultation by the relevant planning authority with Natural England in relation to measures necessary to avoid or mitigate significant effects on designated European sites) approved by the relevant planning authority—

- (a) details of the siting and size of each wellhead compound area;
- (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 wellhead compound area 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 wellhead compound area;
- (e) details of any fencing to be erected; and
- (f) details of any floodlighting to illuminate the wellhead compound area 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.

(4) The details submitted pursuant to sub-paragraph (3) shall include the development of earth bunds and temporary screening to reduce visual disturbance to birds using the designated European sites and adjacent farmland, consistent with the principles of the landscape and ecological management strategy plan and environmental statement (Chapter 9 of Volume 1A).

(5) Each wellhead compound area shall be constructed in accordance with the details approved pursuant to sub-paragraph (3) for that wellhead compound area; and any approved temporary screening at a wellhead compound area shall be retained until the completion of construction from that wellhead compound area.

(6) Notwithstanding subparagraph (1), the construction of any underground pipe between any wellhead compound area (comprised in Work Nos. 2A to 2G (inclusive) of Schedule 1 (authorised development)) and any existing brine well shall not commence until details of the route, depth and design of such underground pipe have been submitted to and approved by the relevant planning authority; and the underground pipe shall be constructed in accordance with the approved details.

### **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.

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### **Details of operational cavern layout and design**

6.—(1) No more than 19 operational caverns, with—

- (a) a total storage capacity of up to 900 million standard cubic metres; and
- (b) a working capacity of up to 600 million standard cubic metres but not less than 130 million standard cubic metres,

in each case specified at the standard temperature and pressure, 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) in this paragraph, where an operational cavern is not of a constant radius, reference to the radius of that operational cavern shall mean the largest radius for that operational cavern; and the maximum radius of any operational cavern shall not exceed approximately 50 metres;
- (b) the thickness of the remaining salt between the operational cavern roof and the upper surface of the Preesall halite deposit shall be not less than the radius of each operational cavern;
- (c) a minimum thickness of 20% of the radius of the operational cavern shall be maintained between the deepest point of the operational cavern and the basal surface of the Preesall halite deposit;
- (d) wall to wall separation of proposed operational caverns, operational caverns, proposed decommissioned caverns or decommissioned caverns of equal diameter shall be no less than three times the radius of the proposed operational caverns, operational caverns, proposed decommissioned caverns or decommissioned caverns; wall to wall separation of proposed operational caverns, operational caverns, proposed decommissioned caverns or decommissioned caverns of unequal diameter shall be no less than the sum of one and a half times the radius of the smaller proposed operational cavern, operational cavern, proposed decommissioned cavern or decommissioned cavern plus one and a half times the radius of the larger proposed operational cavern, operational cavern, proposed decommissioned cavern or decommissioned cavern;
- (e) the minimum distance between any operational cavern and the Burn Naze fault or any intra-grabinal fault shall be no less than three times the radius of that operational cavern;
- (f) the minimum distance between any operational cavern and any existing brine cavern or existing mineworking shall be no less than four times the radius of that operational cavern (save that where the size of an existing brine cavern is not known the minimum separation distance between an operational cavern and the well head of that existing brine cavern shall be five times the radius of that operational cavern);
- (g) the minimum distance between any operational cavern and any exploratory borehole drilled into the Preesall halite deposit shall be no less than twice the radius of that operational cavern;
- (h) the minimum distance between any operational cavern and wet rockhead areas shall be four times the radius of that operational cavern.

(3) Within 7 days of the submission of the safety reports (to be submitted to the competent authority pursuant to regulations 7(1), 7(5) and 8 of the 1999 Regulations), copies shall be made available and submitted to Lancashire County Council.

### **European protected species**

7.—(1) Before commencing any stage of the authorised development, Natural England shall be consulted as to whether further survey work is required to establish whether a European protected species is present—

- (a) on 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.

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 so present.

(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 strategy scheme for that stage, reflecting the survey results and ecological mitigation and enhancement measures included in the environmental statement (Chapter 9 of Volume 1A and Appendices 9.4–9.16 of Volume 1B), and including details of working methods, means of mitigation and restoration, has been submitted to and (after consultation by the relevant planning authority with Natural England in relation to measures necessary to avoid or mitigate significant effects on designated European sites) approved by the relevant planning authority.

(2) The ecological management strategy scheme shall include an implementation timetable and give effect to the landscape and ecological management strategy plan where the landscape and ecological management plan is applicable to that stage of the authorised development; and must be carried out as approved.

### **Landscape scheme**

9.—(1) No stage of the authorised development shall commence until a landscape scheme for that stage has been submitted to and (after consultation by the relevant planning authority with Natural England in relation to measures necessary to avoid or mitigate significant effects on designated European sites) approved by the relevant planning authority. The scheme shall set out the long term design objectives, management responsibilities and maintenance schedules for all relevant landscape areas relating to that stage 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;

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- (h) details of existing trees to be retained, with measures for their protection during the construction phase; and
- (i) programme and implementation timetable for all landscaping works.

(2) The landscape scheme shall give effect to the landscape and ecological management strategy plan where the landscape and ecological management strategy plan is applicable to that stage of the authorised development.

### **Implementation and maintenance of landscaping**

**10.**—(1) All landscaping works must be carried out in accordance with any relevant landscape scheme approved under paragraph 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 paragraph 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 agreed with 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 by 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.

### **Limits on heavy goods vehicle movements**

**12.**—(1) The maximum number of heavy goods vehicle movements to and from the Preesall site during the construction phase, operational phase and decommissioning phase shall not 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**

**13.** During the construction phase, operational phase and decommissioning phase the loads of all heavy goods 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**

14.—(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 during the construction phase, and be used so as to ensure that no debris from any work site is deposited by vehicle wheels upon the public highway.

### **Internal roads**

15. The access road between the wheel-cleaning facilities referred to in paragraph 14 (wheel cleaning facilities) and the boundary of the Preesall site shall, during the construction phase, be metalled and drained and kept clear of debris along its entire length at all times.

### **Temporary access routes**

16.—(1) Upon completion of construction of the authorised development, all temporary access routes onto the public highway shall 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.

### **Fencing and other means of enclosure**

17.—(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 phase of that stage.

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

(4) No stage of the authorised development shall commence until written details of all permanent fences for that stage have been submitted to and (after consultation by the relevant planning authority with Natural England in relation to measures necessary to avoid or mitigate significant effects on designated European sites) approved by the relevant planning authority.

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

(6) All fencing must be completed in accordance with the written details approved by the relevant planning authority.

### **Ground/surface water and pollution prevention**

18.—(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.

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(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 by the relevant planning authority with Natural England in relation to measures necessary to avoid or mitigate significant effects on designated European sites and 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), throughout the construction phase, operational phase, and decommissioning phase, 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 prior to disposal in accordance with a scheme to be agreed with the relevant planning authority.

(6) All drilling cuttings shall be removed from each drilling compound for use in the landscape scheme or for disposal in accordance with a scheme to be agreed with the relevant planning authority.

### **Archaeology**

**19.**—(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 (Chapter 7 of Volume 1A) 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**

**20.** No stage of the authorised development shall commence until written details of any external lighting to be installed—

(a) temporarily at any of the construction sites within that stage during the construction phase;  
or

(b) permanently during the operational phase at any site 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 phase and operational phase as approved.

### **Construction hours**

**21.**—(1) Except in the event of an emergency, construction work (other than cavern drilling and cavern washing activities and, in relation to Work Nos. 12, 13, 14, 17B and 17C of Schedule 1 other



than reaming 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; and, unless otherwise agreed in writing with the relevant planning authority, except in the event of an emergency no construction work (other than cavern drilling and cavern washing activities) shall take place on Sundays and public holidays.

(2) Nothing in sub-paragraph (1) precludes—

- (a) a start-up period from 07:30 to 08:00 and a shut-down period from 18:00 to 18:30 Monday to Friday; and
- (b) a start-up period from 07:30 to 08:00 and a shut-down period from 13:00 to 13:30 on Saturdays.

(3) Unless otherwise agreed in writing by the relevant planning authority, no heavy goods vehicles shall, in the course of construction of the authorised development, enter or leave the Order land 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); and in the course of construction of the authorised development, no heavy goods vehicles shall enter or leave the Order land on Sundays and public holidays, unless otherwise agreed in writing by the relevant planning authority.

#### **Construction of and drilling operations in wellhead compound areas**

**22.**—(1) Wellhead compound areas (including the erection of associated bunds and temporary screening) shall not be constructed other than during the months of May to August (inclusive) in the same calendar year.

(2) Drilling operations within wellhead compound areas shall take place at no more than one wellhead compound area at any one time.

#### **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 of construction practice, unless otherwise agreed with the relevant planning authority.

#### **Construction worker travel plan**

**24.**—(1) No stage of the authorised development shall commence until a construction worker travel plan relating to the construction phase has been submitted to and approved by the relevant planning authority.

(2) The construction worker travel plan shall be implemented during the construction phase.

#### **Disposal of filtered material**

**25.** All filtered material resulting from solution mining shall be disposed of on-site unless otherwise agreed in writing with the relevant planning authority.

#### **Control of noise during construction and maintenance**

**26.**—(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;

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- (b) the noise attenuation measures to be taken to minimise noise resulting from the works, including any noise limits;
  - (c) a scheme for monitoring the noise during the works to ensure compliance with the noise limits and the effectiveness of the attenuation measures;
  - (d) noise attenuation measures required to avoid significant disturbance to birds associated with the designated European sites; and
  - (e) a scheme for the handling of complaints in respect of noise resulting from the works, including a designated point of contact to which such complaints may be submitted.
- (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.
- (6) Notwithstanding sub-paragraph (1), during drilling under the river Wyre comprised in Work Nos. 12, 13 and 14 of Schedule 1 (authorised development), noise levels at the nearest occupied residential property at Harbour Village shall not exceed—
- (a) 60dB LAeq,1h between the hours of 07:00 and 19:00;
  - (b) 55dB LAeq,1h between the hours of 19:00 and 23:00; and
  - (c) 42dB LAeq,1h between the hours of 23:00 and 07:00,

and in this sub-paragraph “Harbour Village” means the land edged red on the Harbour Village plan.

(7) Notwithstanding sub-paragraph (1), during drilling under the river Wyre comprised in Work Nos. 17B and 17C of Schedule 1 (authorised development), noise levels at the nearest occupied caravan at Kneps Farm Holiday Park and at the nearest occupied caravan at Flints Caravan Park shall not exceed—

- (a) 60dB LAeq,1h between the hours of 07:00 and 19:00;
- (b) 55dB LAeq,1h between the hours of 19:00 and 23:00; and
- (c) 42dB LAeq,1h between the hours of 23:00 and 07:00,

and in this sub-paragraph “Kneps Farm Holiday Park” means the land edged red on the Kneps Farm Holiday Park plan and “Flints Caravan Park” means the land edged red on the Flints Caravan Park plan.

**Control of noise during operational phase**

27.—(1) No stage of the authorised development shall commence operation until a written scheme for noise management of works comprised in that stage, including monitoring and attenuation for the use of works comprised in that stage of the authorised development, 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 development.

### **Control of dust emissions**

**28.**—(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 phase, operational phase and decommissioning phase (as appropriate) of the relevant stage of the authorised development.

### **Protection of agricultural practice**

**29.** All topsoil and subsoil storage mounds arising from the authorised development shall be kept free from noxious weeds.

### **Soil stripping, handling and storage**

**30.**—(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.

### **Decommissioning, restoration and aftercare scheme for submission prior to commencement of the authorised development**

**31.**—(1) No stage of the authorised development shall commence until a scheme of decommissioning, restoration and aftercare for that stage has been submitted to and approved by the relevant planning authority.

(2) The scheme (so far as relevant to that stage) shall include proposals for—

- (a) decommissioning of the operational caverns following permanent cessation of such operational caverns;
- (b) decommissioning of the pipelines comprised in the authorised development;
- (c) what above-ground structures, buildings and other parts of the authorised development are to be demolished, removed or retained and the means of any demolition;
- (d) the phasing (if any) of any decommissioning, demolition or removal proposed in paragraphs (a) to (c);
- (e) the means of removal of decommissioning materials and demolition waste arising from the activities listed in paragraphs (a) to (c);
- (f) the restoration and aftercare of land on which works comprised in that stage of the authorised development are located.

### **Decommissioning of individual operational caverns during operational phase**

**32.**—(1) Following the completion of all solution mining works relating to the creation of a proposed operational cavern pursuant to the powers granted in this Order, if that proposed operational cavern is determined during testing to be unsuitable for the storage of gas and after a period of 24 months from the date of that determination it is still deemed unsuitable for storage of gas, then a scheme detailing the decommissioning of that proposed operational cavern (referred to hereafter in this paragraph as a “redundant cavern”) and infrastructure related to that redundant cavern not required for the remainder of the authorised development shall be submitted to the relevant planning authority for approval.

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- (2) The scheme referred to in sub-paragraph (1) shall also set out proposals for—
- (a) the long-term management of the redundant cavern;
  - (b) the monitoring of the redundant cavern;
  - (c) a risk management plan setting out measures to be taken in appropriate circumstances to minimise risk in respect of the redundant cavern; and
  - (d) a timetable for implementation of the scheme.
- (3) Following written approval by the relevant planning authority, the scheme referred to in sub-paragraph (1) shall be implemented.

### **Decommissioning, restoration and aftercare scheme after permanent cessation of operations**

**33.**—(1) Six months prior to the permanent cessation of operation of the authorised development, a scheme of decommissioning, restoration and aftercare of the authorised development shall be submitted for approval in writing by the relevant planning authority.

- (2) The scheme shall include proposals for—
- (a) future uses of the operational caverns following permanent cessation of such operational caverns or (if none) the means of decommissioning such operational caverns;
  - (b) future uses of the pipelines comprised in the authorised development or (if none) the means of decommissioning of such pipelines;
  - (c) what above-ground structures, buildings and other parts of the authorised development are to be demolished or retained and the means of any demolition;
  - (d) the phasing of any decommissioning, demolition or removal proposed in paragraphs (a) to (c);
  - (e) the means of removal of decommissioning materials and demolition waste arising from the activities listed in paragraphs (a) to (c);
  - (f) works for the restoration of land within the Order limits on which the authorised development is located and the phasing of such restoration works;
  - (g) aftercare of the authorised development, having regard to any future uses of elements of the authorised development, including the long-term monitoring and management of the decommissioned caverns;
  - (h) a risk management plan setting out measures to be taken in appropriate circumstances to minimise risk in respect of the authorised development following permanent cessation of operation of the authorised development; and
  - (i) a timetable for implementation of the scheme.
- (3) The scheme shall be implemented as approved following the permanent cessation of the operation of the authorised development.

### **Maintenance of brine discharge pipeline, 132kV electrical circuits and NTS interconnector pipeline**

**34.**—(1) Save in the case of emergency (which shall include but not be limited to works necessitated by safety or production requirements), 28 days' written notice shall be given to the relevant planning authority prior to the implementation of any maintenance works relating to 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 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 Saturday) and no such maintenance work shall be carried out on a Sunday, bank holiday or public holiday.

(3) The maintenance works described in 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.

### **Ground subsidence monitoring scheme**

**35.**—(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 shall be implemented as approved, unless otherwise agreed in writing by the relevant planning authority.

### **Signals**

**36.** The undertaker shall in the course of construction of the works authorised under the marine licence set out at Schedule 7 (deemed licence under the Marine and Coastal Access Act 2009) ensure that any jack up barges or vessels utilised, when jacked up, shall exhibit signals in accordance with the UK standard marking schedule for offshore installations(**13**).

### **River Wyre crossings**

**37.**—(1) All works in respect of pipelines and cables comprised in the authorised development which cross the river Wyre (including the creation of compounds associated with such works (referred to in this paragraph as “compounds”))—

- (a) shall be carried out in such a way as to ensure that there is no encroachment on or damage to habitats within the designated European sites; and
- (b) shall not be carried out other than during the months of May to August (inclusive) in the same calendar year save that any excavation and drilling operations comprised in such works may be undertaken only during the months of May to July (inclusive) in the same calendar year and save that the creation of compounds may be undertaken only during the months of April to August (inclusive) in the same calendar year.

(2) Compounds shall not be created until details of the siting of such compounds have been submitted to the relevant planning authority and (after consultation by the relevant planning authority with Natural England in relation to measures necessary to avoid or mitigate significant effects on designated European sites) have been approved by the relevant planning authority; and the compounds shall be created in accordance with the approved details.

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(13) Obtainable by post from the Department of Energy and Climate Change, OED - EDU, Environment Management Team, 4th Floor, Atholl House, 86-88 Guild Street, Aberdeen, AB11 6AR (telephone 01224 254050; email [EMT@decc.gsi.gov.uk](mailto:EMT@decc.gsi.gov.uk)).

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### **Dedication agreement**

**38.** The works described in Schedule 3 (streets subject to alteration of layout) shall not be commenced until a written agreement has been entered into with the highway authority (which shall not unreasonably withhold or delay its entry into such an agreement) which provides for—

- (a) completion of those works to the reasonable satisfaction of the highway authority;
- (b) dedication of those works as public highway upon such completion;
- (c) agreement by the highway authority to adopt the works as highway maintainable at the public expense following—
  - (i) such completion; and
  - (ii) the expiry of a maintenance period of 12 months during which time any necessary remedial works shall be undertaken by the undertaker at its own expense; and
- (d) such other matters reasonably required by the highway authority in respect of subparagraphs (a) to (c) which are usually and reasonably included in such written agreements with highway authorities.

### **Requirement for written approval**

**39.** 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**

**40.** With respect to any Requirement which requires the authorised development to be carried out in accordance with details agreed with the relevant planning authority, the agreed details shall be taken to include any amendments that may subsequently be agreed in writing with the relevant planning authority.

### **Changes approved by the relevant planning authority**

**41.** Where the words “unless otherwise agreed with the relevant planning authority” or “unless otherwise agreed in writing with the relevant planning authority” appear in these Requirements, any such agreement may only be given in relation to immaterial changes where it has been demonstrated to the satisfaction of that authority that the subject matter of the approval or agreement sought is unlikely to give rise to any materially new or materially different environmental effects from those assessed in the environmental statement.