

Richard Woodford  
HOW Planning LLP  
40 Peter Street  
Manchester  
M2 5GP

Our ref: APP/Z0645/A/08/2093471/NWF  
and APP/Z0645/A/08/2093465

8 December 2009

Dear Mr Woodford,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78.  
APPEAL BY KING STREET ENERGY. LAND AT KING STREET (HIGH HOUSE  
FARM) LACH DENNIS, NORTHWICH, CW9 7RX; ROUTE OF PIPELINE FROM KING  
STREET, NORTHWICH TO COMMERCIAL ROAD, BROMBOROUGH.  
APPLICATION Refs: 4/07/2846/FZ7 & 3/P/2008/111/XX/59-4/08/0181/FZ5-  
6/08/00172/CPO**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Wendy J Burden BA (Hons) DipTP, who held a public local inquiry which opened on 14 July 2009, into your client's appeals under Section 78 of the Town and Country Planning Act 1990 against the decisions of Cheshire West and Chester Council to refuse planning permission for:

- Construction of a solution mining compound, ten underground natural gas storage cavities, associated gas processing plant, transmission infrastructure and ancillary development such as control room and gatehouse at High House Farm, King Street, Northwich in accordance with application reference 4/07/2846/FZ5, dated 5 October 2007; and,
- Construction and operation of twin parallel pipelines, pumping stations and infrastructure for water delivery and brine dispersal on a 58 kilometre route between King Street, Northwich and Bromborough in accordance with application reference 3/P/2008/111/XX/59-4/08/0181/FZ5-6/08/00172/CPO, dated 18 January 2008.

2. The planning appeal was recovered on 4 February 2009 for the Secretary of State's determination, in pursuance of Section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

**Inspector's recommendation and summary of the decision**

3. The Inspector, whose report is enclosed with this letter, recommended that the appeals be allowed and planning permission granted. For the reasons given below, the Secretary of State agrees with her recommendation. All references to paragraph numbers, unless otherwise stated, are to that report (IR).

## **Procedural Matters**

4. The inquiry also considered a related application made to the Department of Energy and Climate Change on 10 March 2008 for Pipeline Construction Authorisation under Section 1(1) of the Pipe-Lines Act 1962. A separate decision letter will be issued for this application in due course.

5. The Secretary of State notes that a number of revisions were made to the plans submitted with the planning applications (IR1.3.40). He has determined the application on this basis and does not consider that any prejudice has been caused to any party by accepting these revisions.

6. In reaching his decision the Secretary of State has taken into account the Environmental Impact Assessment (EIA) which was submitted under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999, and the additional survey information (IR2.1.1-2.1.2). Like the Inspector (IR2.1.2), he agrees that the EIA together with the additional survey information meets the requirements of the 1999 Regulations, and that sufficient information has been provided for him to assess the environmental impact of the appeals.

## **Matters arising after the close of the inquiry**

7. After the inquiry closed, the Secretary of State received a written representation from Mike Hall MP on behalf of the River Weaver Navigation Society, putting forward a suggested alternative route for the pipeline. However, this correspondence does not appear to constitute new evidence or raise new issues relevant to this application that either affect his decision, or require him to refer back to the parties for further representations before reaching his decision. This is because he is only required to consider the planning application before him, and anyway is satisfied that the proposed route of the pipeline in the proposal before him is satisfactory. Copies of the correspondence can be made available upon written request to the above address.

## **Policy considerations**

8. In deciding the application, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

9. In this case, the development plan comprises: the Regional Spatial Strategy 'The North West of England Plan' (RSS - published 30 September 2008); the Cheshire 2016: Structure Plan Alteration (CSP – March 2006); saved policies of the Vale Royal Borough Local Plan First Review Alteration (VRLP - June 2006); saved policies of the Chester District Local Plan (2006); saved policies of the Ellesmere Port and Neston Borough Local Plan (June 2002); saved policies of the Cheshire Replacement Minerals Local Plan (CMLP - 1999); and the Cheshire Replacement Waste Local Plan (2007). The Secretary of State considers that the development plan policies most relevant to the appeal are those set out by the Inspector at IR4.1.2-4.1.8 and the section 5 of the Statement of Common Ground.

10. Other material considerations which the Secretary of State has taken into account include those national policies set out in section 5 of the Statement of Common Ground.

11. The Secretary of State has taken into account the draft Overarching National Policy Statement (NPS) for Energy (EN-1) and the draft NPS for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4), published on 9 November 2009 after the close of the inquiry. The Secretary of State has considered the need for new infrastructure as set out in the draft NPSs and is satisfied that the Government's policies on the need for additional energy infrastructure were addressed at the inquiry. He therefore does not consider that it is necessary to refer back to parties for further representations on the draft NPS's and is satisfied that his decision fully reflects relevant national and local planning matters.

### **Main issues**

12. The Secretary of State considers that the main issues in this case are as set out in the Inspector's conclusions.

### **Need, alternatives, principles of the development, national and local policy**

13. The Secretary of State agrees with the Inspector's reasoning and conclusions in respect of need, alternatives, principles of the development, national and local policy as set out at IR 13.1.1-IR13.1.26, and IR13.9.2. He agrees that there is clearly an urgent need for additional gas storage in the UK in order to maintain a secure supply of energy into the future and to avoid surges in gas prices, and that the appeal proposal would make a significant contribution to meeting that need. He also agrees that this is a weighty matter to put in the balance in favour of the proposals (IR13.9.2).

### **Geology/ storage technology, mining history**

14. The Secretary of State agrees with the Inspector's reasoning and conclusions in respect of geology, storage technology and mining history as set out at IR13.2.1-IR13.2.7 and IR13.9.3. He agrees with the Inspector that the geology of the Cheshire halite beds is suited to the provision of underground gas storage (UGS) in mined salt cavities, and the evidence indicates that the appeal site is one of the limited number of locations where UGS can be accommodated (IR13.9.3). Like the Inspector he considers this adds to the weight accorded to the potential of the scheme to meet a national need for UGS (IR13.9.3).

### **Risk (gas migration/ explosion), risk assessment, fear as a material consideration**

15. The Secretary of State agrees with the Inspector's reasoning and conclusions in respect to risk, risk assessment and fear as a material consideration at IR13.3.1-13.3.3 and IR13.9.4. He agrees that there is no evidence to indicate that UGS in this location would not operate safely and in any event the site would be subject to control under the hazardous substances consenting regime and the COMAH regulations (IR13.9.4). For these reasons he agrees with the Inspector that this matter has no impact on the planning balance (IR13.9.4).

### Sustainability/ need to safeguard mineral resources

16. The Secretary of State agrees with the Inspector's reasoning and conclusions in respect to the disposal of mineral salt as waste as set out in IR13.4.1-13.4.15 and IR13.9.5. He agrees with the Inspector that there is no significant objection to the proposals on sustainability grounds (IR13.9.5). However he agrees that there is conflict with RSS Policy EM7 and CMLP Policy 1 and that this weighs to a limited extent against the proposals (IR13.9.5).

### Impact on SPA, Ramsar, SSSI, and protected species

17. The Secretary of State agrees with the Inspector's reasoning and conclusions in respect ecological matters as set out in IR13.5.1-13.5.13 and IR13.9.6. He agrees with the Inspector that the evidence demonstrates that the proposed development would satisfy the requirements of the Conservation (Natural Habitats & c.) Regulations 1994 and of the Habitats Directive (IR13.5.12). He also agrees that there would be no unacceptable ecological impact from the development, and that habitat mitigation and management measures would result in beneficial ecological impacts which weigh in favour of the proposals (IR13.9.6).

### Green Belt

18. The Secretary of State agrees with the Inspector's reasoning and conclusions on Green Belt issues as set out in IR13.6.1-13.6.28 and 13.9.7. He agrees with the Inspector's assessment of the harm caused by that part of the development which is within the Green Belt (to which he attaches substantial weight), and those material considerations which weigh against the harm. Having identified the factors which weigh in favour of the proposal, the Secretary of State has, like the Inspector, gone on to consider whether these benefits either individually or cumulatively amount to very special circumstances which justify inappropriate development in the Green Belt. The Secretary of State concludes, again like the Inspector (IR13.6.28), that the beneficial effects amount to very special circumstances which clearly outweigh the harm to the Green Belt and other harm, and therefore justify inappropriate development in the Green Belt. He, therefore, agrees with the Inspector that there is no conflict with Green Belt policy to weigh in the balance in determining these applications.

### Matters raised in Cheshire County Council's Notices of Refusals

19. The Secretary of State agrees with the Inspectors reasoning and conclusions on those matters raised in the Cheshire County Council's notices of refusal as set out in IR13.7.1-13.7.24 and IR13.9.8. He agrees that whilst there is some conflict with countryside protection policies, in particular Policy GS5 of the VRLP, the scheme is one that could be permitted under Policy PS1, and with the mitigation in terms of the planting of trees and hedgerows, the harm to the open countryside would be limited such that the conflict with GS5 is minimal (IR13.9.8). He also agrees that this matter weighs to a limited extent against the proposals (IR13.9.8).

### Other matters

20. The Secretary of State agrees with the Inspector's reasoning and conclusions on those other matters set out in IR13.8.1-13.8.4.

## Conditions

21. The Secretary of State has considered the proposed conditions and the Inspector's comments on these at IR12.1-12.2.4. He is satisfied that the conditions recommended in the Inspector's schedule are reasonable and necessary and meet the tests of Circular 11/95.

## Obligation

22. The Secretary of State has considered the provisions of the executed planning obligation in respect of both planning appeal schemes before him, the Inspector's comments at IR12.3.1, and national policy as set out in Circular 05/2005. The Secretary of State considers that the undertaking would meet the tests contained in Circular 05/2005. Like the Inspector he sees no reason why it should not be effective (IR12.3.1).

## Overall Conclusions

23. As set out above the Secretary of State has identified some conflict with development plan policies including RSS Policy EM7, and CMLP Policy 1 on sustainability grounds in respect of the disposal of the salt, and minimal conflict with VRLP Policy GS5 in respect to harm to open countryside. However, he also considers that there are a number of factors which weigh in favour of the proposal. These include that there is clearly an urgent need for additional gas storage in the UK in order to maintain a secure supply of energy into the future and that the appeal site is one of the limited number of locations where UGS can be accommodated. He also considers that the habitat mitigation and management measures would be beneficial. Furthermore, the Secretary of State considers that there is no conflict with Green Belt policy to weigh in the balance and no evidence to indicate that UGS in this location would not operate safely.

24. Having weighed up all relevant considerations, the Secretary of State concludes that the factors which weigh in favour of the proposed development outweigh its shortcomings and overcome the limited conflicts with the development plan which he has identified. Therefore he does not consider that there are any material considerations of sufficient weight which would justify refusing planning permission.

## Formal Decision

25. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeals and grants planning permission for:-

- Construction of a solution mining compound, ten underground natural gas storage cavities, associated gas processing plant, transmission infrastructure and ancillary development such as control room and gatehouse at High House Farm, King Street Northwich, in accordance with application number 4/07/2846/FZ5, as amended, subject to the conditions listed in Annex 1.
- Construction and operation of twin parallel pipelines, pumping stations and infrastructure for water delivery and brine dispersal on a 58 kilometre route between King Street, Northwich and Bromborough, in accordance with

application number 3/P/2008/111/XX/59-4/08/0181/FZ5-6/08/00172/CPO, as amended, subject to the conditions listed in Annex 2.

26. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

27. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

28. This letter serves as the Secretary of State's statement under regulation 21(2) of the Town and Country (Environmental Impact Assessment) (England and Wales) Regulations 1999.

**Right to challenge the decision**

29. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

30. A copy of this letter has been sent to Cheshire West and Chester Council and all parties who appeared at the inquiry.

Yours sincerely

Michael Taylor  
Authorised by Secretary of State to sign in that behalf

## **ANNEX 1**

### **SCHEDULE OF CONDITIONS: KING STREET GAS STORAGE FACILITY 2093471**

#### **Standard Time Limits and Details**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in strict accordance with the following documents, except where these may be modified by the conditions below:

Planning Application Forms  
Planning Supporting Statement  
Design & Access Statement  
Drawing No. RSK/H/P40276/05/03/04 Rev 01  
Drawing No. 1670-050-000-PLT-002  
Drawing No. 1670-050-000-PLT-004  
Drawing No. 1670-050-000-PLT-010  
Drawing No. 1670-050-000-PLT-015  
Drawing No. 1670-050-000-PLT-016  
Drawing No. 1670-050-000-PLT-017  
Drawing No. 1670-050-000-PLT-018  
Drawing No. 1670-050-000-PLT-020  
Drawing No. 1670-050-000-PLT-021  
Drawing No. 1670-050-000-PLT-022  
Drawing No. 1670-050-000-PLT-023  
Drawing No. 1670-050-000-PLT-024  
Drawing No. 1670-050-000-PLT-025

3. From the date of commencement of the development until the permanent cessation of gas storage operations, a copy of the planning permission, including all documents approved in accordance with this permission, shall be kept at the site office and be available for inspection during working hours.
4. The Minerals Planning Authority shall be informed in writing within seven working days of the following activities:-
  - (i) the commencement of any development on site;
  - (ii) the commencement of solution mining;
  - (iii) the conversion of each wellhead from a brine to a gas wellhead;
  - (iv) the commencement of operation of the gas compressor station.

#### **Materials**

5. No development shall commence until details of the materials comprising the development have been submitted to and approved in writing by the Mineral Planning Authority. The development shall be implemented in accordance with the approved details.
6. Fencing shall not be of palisade design, but shall be of the 'Paladin' design, and colour coated 'Olive Green', 12B29 as stated in BS4800 colour code.

#### **Landscaping and Restoration**

7. No development shall commence until a scheme covering the following matters has been submitted to and approved in writing by the Mineral Planning Authority. The

approved details shall be implemented in accordance with the timescales contained in the approved scheme:-

- (i) a fully detailed landscaping scheme for the site, including details of
    - a) all seed mixes
    - b) planting
    - c) species
    - d) sizes, numbers and spacings
    - e) methods of protection
    - f) the phased timing of planting
    - g) replacement of losses/failures and maintenance
  - (ii) full details of the measures to be taken to protect existing vegetation on site.
8. No shrub or tree shall be felled or removed during the period 1 March to 31 July inclusive.
9. All landscaping planting and restoration works shall be carried out in the following timescales and in accordance with the following details:-
- (i) The wellhead landscaping planting for each wellhead shall be commenced in the first planting season following the drilling of that borehole and shall be completed in the first planting season following the conversion of that wellhead from a brine wellhead to a gas wellhead. Any plants which are either removed or damaged, become diseased or which die at any time during the development and the aftercare period shall be replaced within the first planting season after which condition is discovered with plants of a similar type, number and species so affected.
  - (ii) The landscaping of the solution mining compound shall be completed by the end of the first planting season following the completion of the compound.
  - (iii) The landscape areas planted or seeded in accordance with this permission shall be maintained for a period of five years following planting/seeding. The maintenance regime shall provide for the replacement of failures or damaged plants with ones of a similar size and species unless otherwise agreed in writing with the Mineral Planning Authority. The landscaped areas shall be maintained free from weeds throughout this period.
  - (iv) Following completion of the construction of solution mining infrastructure, all pipeline corridors within the King Street site shall have soils replaced and the area restored within a period of nine months.

## **Ecology**

10. No development shall commence until a scheme covering the following matters has been submitted for the written approval of the Mineral Planning Authority. No development shall commence until written approval has been obtained, and where appropriate the necessary protective fencing and warning signs have been erected on site (which shall be retained and maintained in accordance with the Plan) and the approved details shall be implemented in accordance with the timescales contained in the approved scheme:-
- (i) Full details of a Wildlife Protection Plan, which shall include:-
    - a) an appropriate scale plan showing "Wildlife Protection Zones" where construction activities are restricted and where protective measures will be installed or implemented;

- b) details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
  - c) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (e.g. bird nesting season);
  - d) persons responsible for:-
    - compliance with legal consents relating to nature conservation;
    - compliance with planning conditions relating to nature conservation;
    - installation of physical protection measures during construction;
    - implementation of sensitive working practices during construction;
    - regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
    - provision of training and information about the importance of “Wildlife Protection Zones” to all construction personnel on site.
- (ii) Full details of a programme for the erection of bird and bat boxes. The type of boxes shall be in line with the list provided in section 9.5.14 of the Environmental Statement.
- (iii) A detailed Habitat Creation and Management Plan. The plan shall make provision for the creation and management of areas for ecological enhancement. The plan shall include full details of habitat creation and management and shall include the following:-
- a) provision of 6m species-rich buffer strips along hedgerow boundaries (1 cut per year, with some areas remaining uncut, as specified);
  - b) provision of species rich grassland fields (1 cut per year);
  - c) provision of 2 ponds and re-excavation of a former pond;
  - d) creation of a large wetland area as part of the SUDS (drainage) proposal for the site;
  - e) hedgerow replacement;
  - f) tree replacement; and
  - g) management of habitats.

11. Prior to the felling or removal of any tree, a survey to identify whether the tree/s are in use as bat roosts shall be undertaken. If any are, full details of the measures to be taken to mitigate the works shall be submitted for the written approval of the Mineral Planning Authority. No trees shall be felled until written approval has been obtained, and the approved details shall be implemented in accordance with the timescales contained in the approved scheme.

### **Roads, Traffic and Access**

12. No construction works shall commence on site until the junction of the proposed access onto the Morrison’s depot roundabout and King Street has been laid out and constructed with visibility splays of 4.5 x 120 metres. The splays shall be kept clear of any object, vegetation or other obstruction of a height exceeding 1.05 metres above the level of the adjoining carriageway.

13. No works shall commence on the development until full details of the proposed emergency access onto the B5082 Pennys Lane have been submitted for the written approval of the Mineral Planning Authority. No development shall commence until written approval has been obtained, and the approved details shall be constructed prior to the commencement of any construction works on site. The approved visibility splays shall be kept clear of any object, vegetation or other obstruction of a height exceeding 1.05 metres above the level of the adjoining carriageway. The emergency access off B5082 Pennys Lane shall be used by emergency vehicles only and shall not be used by construction traffic, staff traffic or other traffic at any time. Appropriate measures shall

be provided within the site to prevent traffic from entering the site from King Street and exiting via Pennys Lane, and vice versa.

14. No works shall commence on the development until a scheme covering the following matters has been submitted for the written approval of the Mineral Planning Authority. No development shall commence until written approval has been obtained, and the approved details shall be implemented in accordance with the timescales contained in the approved scheme:-
  - (i) full details of parking provision within the site in accordance with the Cheshire County Council maximum parking standards. The spaces shall be available for use before construction works commence and shall be retained at all times thereafter;
  - (ii) full details of the provision within the site of secure covered cycle parking and shower facilities. These shall be available for use before construction works commence and shall be retained at all times thereafter.
15. All HGV and other vehicular access to and from the site, with the exception of emergency vehicles, shall only be to and from the A530 King Street through the access point to be constructed off the 'Morrison's roundabout'.
16. The maximum number of heavy goods vehicle movements to and from the site shall not exceed 112 per day (56 in, 56 out).
17. Provision shall be made within the site for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The turning facility so provided shall be retained at all times thereafter.

### **Hours of Operation**

18. All construction, engineering, earthmoving operations, loading and unloading of lorries shall be undertaken during the following hours only:

0800-1800 Monday to Friday

0800-1300 Saturday

No such operations shall take place outside these hours or on Sundays or Bank or Public Holidays, unless otherwise allowed by other conditions on this permission. The only exception to this shall be the drilling of boreholes, the solution of caverns, and any gas storage activities, which may occur on a 24 hour a day basis.

### **Archaeology**

19. Before any works commence on the development the applicant shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted for the written approval of the Mineral Planning Authority. No development shall commence until written approval has been obtained, and the approved details shall be implemented in the timescales set out in the approved scheme. The scheme shall relate to all areas which will be disturbed during the carrying out of the development.
20. The developer shall afford access at all reasonable times to any archaeologist nominated by the Mineral Planning Authority and shall allow the archaeologist to observe the excavations and record items of interest and finds.

## Levels

21. Before any works commence on the development, a precise level survey of that part of the site where controlled solution mining would be undertaken shall be carried out and the details submitted for the written approval of the Mineral Planning Authority. Following the commencement of controlled solution mining, precise levelling monitoring surveys shall be undertaken on an annual basis, and the results submitted to the Mineral Planning Authority within four weeks of the completion of that survey, until such time that the Mineral Planning Authority agree in writing that the frequency of monitoring may occur on a three-yearly cycle. Following such agreement the frequency of monitoring may return to an annual basis at any time requested by the Mineral Planning Authority. The precise levelling surveys shall continue on a three-yearly cycle for a period of fifteen years following the cessation of solution mining at the site. In the event that any settlement attributable to the presence of gas storage caverns is identified at any time in any place throughout the operational life of the site associated with the operations a scheme shall be submitted for the written approval of the Mineral Planning Authority within three months of such settlement being identified. The scheme and programme shall set out the means and timing of addressing the settlement, and shall be fully implemented.

## Noise

22. Noise from borehole drilling between the hours of 2200 and 0730 shall not exceed a free field noise level at those noise sensitive properties as stated in the table below. The measurements shall be made at the level of the bedroom windows. Where the background noise level exceeds that stated in the table below then noise from the drilling operations shall not exceed the existing average ambient LAeq 1 hour level. When drilling the boreholes 'tripping out' of the drill string between 2200 and 0730 shall be avoided except in emergencies. Where such operations are unavoidable all aspects of pipe handling shall be carried out in such a way that minimises noise levels. In particular the loading chute shall be lined with a sound deadening material.

Position		Drilling Noise dB LAeq, 1hr
High House/Properties on Cookes Lane	Day	53
	Night	52
Heath House/Penny's Lane	Day	60
	Night	42
Pear Tree Farm Cottages	Day	45
	Night	42
Marsh Farm (Unoccupied)	Day	45
	Night	42

23. Noise levels from the construction of all plant, wellheads and pipelines shall not exceed 70 dB LAeq 1 hour at sensitive properties, listed below, as measured at a height of 1.5 metres and at a distance of 1 metre from the façade. This limit shall not be exceeded for more than 8 weeks in any period of 12 months:

High House/properties on Cookes Lane  
Heath House/Pennys Lane  
Pear Tree Farm Cottages  
Marsh Farm (unoccupied)

No pile driving or use of percussive equipment shall take place on the site on any Sunday or Bank or Public Holiday. On any other day the use of such equipment shall take place only between the hours of 0800-1800 Monday to Friday and 0800-1200 Saturday.

24. Noise emitted from the gas processing plant during normal operation shall not be greater than the existing background noise level at any noise sensitive properties during day or night.
25. There shall be no tonal component to the noise emitted from the site when measured at a height of 1.5 metres and at a distance of 1 metre from the façade of any noise sensitive premises.

### **Surface Water Drainage**

26. No solution mining operations shall begin until surface water drainage works have been implemented in accordance with details that have been submitted for the written approval of the Mineral Planning Authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in Annex F of PPS25 (or any subsequent version), and the results of the assessment provided to the Mineral Planning Authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
  - (i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - (ii) include a timetable for its implementation; and
  - (iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.
27. No works shall commence on the development until full details of a scheme to protect any local watercourse have been submitted for the written approval of the Mineral Planning Authority. No development shall commence until written approval has been obtained, and the approved details shall be implemented in accordance with the timescales contained in the approved scheme. Throughout the period of construction, working, restoration and aftercare all ditches, watercourses and culverts shall be protected such that the flow of water is not impaired or the drainage on to and from adjoining land rendered less effective.

### **Construction Method Statement**

28. Before any works commence on the development full details of a Construction Method Statement shall be submitted for the written approval of the Mineral Planning Authority. No development shall commence until written approval has been obtained, and the approved details shall be implemented in accordance with the timescales contained in the approved scheme. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:-
  - (i) the parking of vehicles of site operatives and visitors;
  - (ii) loading and unloading of plant and materials;
  - (iii) storage of plant and materials used in constructing the development;

- (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (v) wheel washing facilities;
- (vi) measures to control the emission of dust and dirt during construction;
- (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- (viii) the proper silencing of all plant, equipment and vehicles used on site, and their maintenance in efficient working order in accordance with the manufacturer's specifications;
- (ix) the removal of all drilling fluid and cuttings from each drilling compound for disposal off site.

### **Control of Extraction**

29. No brine shall be extracted by any method other than controlled solution mining.

### **Lighting**

30. No works shall commence on the development until full details of proposed lighting for the construction, commissioning and operation of the development have been submitted for the written approval of the Mineral Planning Authority. No development shall commence until written approval has been obtained, and the approved details shall be implemented in accordance with the timescales contained in the approved scheme. The cavity well head compounds shall not be artificially illuminated except during routine maintenance and emergencies. The only exception to this is during the construction and commissioning of these facilities. Other areas of the site shall only be artificially illuminated to the minimum level to allow safe operation. All lighting shall be directed in a downwards direction, be cowled to prevent upwards or sideways glare, and to not fall outside the site boundary.

### **Storage of Waste**

31. All drilling mud shall be stored in an impervious vessel on a bunded area capable of containing 110% of the vessel's capacity and all drain pipes, fill pipes and sight gauges shall be enclosed within that area. All oil, diesel oil and lubricants stored on site 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 that area.

### **Brine Contamination**

32. In the event of a brine leakage of a nature or capacity requiring notification to the Environment Agency, a landscaping scheme detailing those habitats, trees, shrubs or hedgerows damaged, together with remedial measures proposed, shall within three months of the leak's detection be submitted for the written approval of the Mineral Planning Authority. The approved scheme shall be undertaken in the following planting/seeding season/s and maintained for a five-year period thereafter with all failures replaced on a like for like basis.

### **Soils Handling**

33. Prior to the stripping of any soils from any area currently in agricultural use (and which will subsequently be restored to agriculture), an agricultural land classification survey and soil characteristics profile shall be carried out and submitted to the Mineral Planning

Authority. The land shall be restored to the same agricultural classification following removal of all plant and buildings.

34. All stripped topsoil and subsoil shall be permanently retained on site for use in restoration, unless otherwise agreed in writing with the Mineral Planning Authority. No topsoil or subsoil shall be imported to the site unless otherwise agreed in writing with the Mineral Planning Authority.
35. No movement of topsoil shall occur during the months of October to March inclusive except where the topsoil is in a dry and friable condition.
36. No part of the site shall be traversed by heavy plant or machinery (except as necessary to strip that part of the site) or used for a road or stationing of plant or buildings, or storage of materials until all available topsoil and subsoil has been stripped from that part.
37. Prior to re-spreading of subsoil or topsoil the upper 500mm of the surface shall be ripped at a spacing of 500mm or closer to remove rock, stone, boulder, wire, cable or other foreign objects or compacted layers capable of impeding normal land drainage operations including mole ploughing or sub-soiling. Following that, stones, materials and objects which exceed 200mm in any dimension and occur on the surface of the ripped and loosened ground shall be removed from the application site or buried at a depth of not less than 2 metres below the final pre-settlement contours.
38. The re-spread topsoil shall not have a lower agricultural land classification than that notified to the Mineral Planning Authority, in accordance with Condition 33 above, and shall be ripped and loosened:-
  - (i) to provide loosening equivalent to a single tine pass at a spacing of 500mm or closer;
  - (ii) to the full depth of the topsoil plus 100 mm;
  - (iii) and any loosened non-soil-making material, rock, boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth of not less than 2 metres below the final settled contours.
39. Any area of the restored site which is affected by surface ponding or by local settlement caused by the approved operations shall be regraded to resolve the problem.
40. All restored areas of the site shall be subject to aftercare management for a period of five years following replacement of topsoil. An aftercare scheme shall be submitted for the written approval of the Mineral Planning Authority within one month of the cessation of gas storage. The approved details shall be implemented during the aftercare period.

### **Operation**

41. The gas compressor station shall operate in such a manner that no visual plume shall be emitted from the facility at any time. The only exception to this shall be during commissioning of the plant.
42. All natural gas, salt water and brine for use in, stored within or produced by the development shall be conveyed to and from the site solely by pipeline.

### **Cessation of Development, and Restoration**

43. The cessation of solution mining shall occur within 7 years of the commencement of solution mining. Within six months of the cessation of solution mining, all associated

above ground plant, equipment, buildings and surfacing shall be removed from the site and the land restored to agricultural land.

44. Within thirty years of the commencement of operation of the gas compressor station or within six months of the permanent cessation of gas storage within the cavities hereby approved, whichever is the sooner, all above ground plant, equipment, buildings and surfacing shall be removed from the site and the land restored to agricultural land.
45. Before 1 March of each year and every subsequent anniversary throughout the 5-year aftercare period, the Mineral Planning Authority shall be provided with the following:-
  - (i) proposals for managing the land in accordance with good husbandry including planting, cultivation, seeding, fertilising, draining, watering or otherwise treating the land for the forthcoming twelve months;
  - (ii) a record of aftercare operations carried out on the land during the previous twelve months.
46. The aftercare period shall commence on the completion of the restoration of the land to agricultural use as required by Conditions 43 and 44 above.

## ANNEX 2

### SCHEDULE OF CONDITIONS: KING STREET PIPELINE 2093465

#### Standard Time Limits and Details

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in strict accordance with the following documents, except where these may be modified by the conditions below:
  - Planning Application Forms and Notices;
  - Supporting Statement;
  - Design and Access Statement;
  - The drawings listed below

Page No	Drawing No	Drawing Title
1	41514271_01_008_1020	Proposed Pipeline Route
2	41514271_01_008_1501	Pipeline Route Plan
3	41514271_01_008_1502 Rev E	Pipeline Route Plan
4	41514271_01_008_1503	Pipeline Route Plan
5	41514271_01_008_1504	Pipeline Route Plan
6	41514271_01_008_1505	Pipeline Route Plan
7	41514271_01_008_1506	Pipeline Route Plan
8	41514271_01_008_1507	Pipeline Route Plan
9	41514271_01_008_1508	Pipeline Route Plan
10	41514271_01_008_1509	Pipeline Route Plan
11	41514271_01_008_1510	Pipeline Route Plan
12	41514271_01_008_1511	Pipeline Route Plan
13	41514271_01_008_1303	Hooton Compound

#### Pipeline Route Crossing Points

1	41514271_01_008_1600	Long Plantation
2	41514271_01_008_1601	M53 Junction 5
3	41514271_01_008_1602	A41(T) Major Crossing Using No Dig
4	41514271_01_008_1603	B5155 Major Crossing Using No Dig
5	41514271_01_008_1604	Railway Crossing Major Crossing Using No Dig
6	41514271_01_008_1605	Railway Crossing Major Crossing Using No Dig
7	41514271_01_008_1606	A550(T) Major Crossing Using No Dig
8	41514271_01_008_1607	A5117 Major Crossing Using No Dig
9	41514271_01_008_1608	Railway Crossing Major Crossing Using No Dig
10	41514271_01_008_1609	A41 Major Crossing Using No Dig
11	41514271_01_008_1610	Shropshire Union Canal
12	41514271_01_008_1611	M53 J11 Major Crossing Using No Dig
13	41514271_01_008_1612	River Gowy Major Crossing Using No Dig
14	41514271_01_008_1613	A5117 Major Crossing Using No Dig
15	41514271_01_008_1614	M56 at Helsby Major Crossing Using No Dig
16	41514271_01_008_1615	Railway at Helsby West Junction
17	41514271_01_008_1616	M56 Viaduct Crossing
18	41514271_01_008_1617	River Weaver
19	41514271_01_008_1618	Railway Viaduct Crossing
20	41514271_01_008_1619	A56 Sutton Causeway Inc Mill Lane

21	41514271_01_008_1620	River Weaver
22	41514271_01_008_1621	A49 Warrington Road
23	41514271_01_008_1622	Railway Crossing Major Crossing Using No Dig
24	41514271_01_008_1623	A556 Chester Road
25	41514271_01_008_1624	River Weaver
26	41514271_01_008_1625	Vale Royal Cut
27	41514271_01_008_1626	Railway Crossing Major Crossing Using No Dig
28	41514271_01_008_1627	A553 Major Crossing Using No Dig
29	41514271_01_008_1628	River Dane Major Crossing Using No Dig
30	41514271_01_008_1629	Railway Major Crossing Using No Dig
31	41514271_01_008_1630	Trent And Mersey Canal
32	41514271_01_008_1631	A530 King Street
33	41514271_01_008_1632	Whitby Lane
34	41514271_01_008_1301	Site Compound
35	41514271_01_008_1302	Site Compound

#### Bromborough Pumping Station Site

1	41514271_01_008_1701	Site Layout
2	41514271_01_008_1702	Proposed Elevations
3	41514271_01_008_1703	Existing Elevations
4	41514271_01_008_1704	MCC & Compressor Building
5	41514271_01_008_1705	Rec Building
6	41514271_01_008_1706	Pig Cleaning Chamber
7	41514271_01_008_1707	Valve Chamber
8	41514271_01_008_1708	Access Track, Fencing & Transformer Details
9	41514271_01_008_1709	Surge Vessel
10	41514271_01_008_1710	Location And Part Long Section
11	41514271_01_008_1711	Planning Application
12	41514271_01_008_1712	Location, Long Section & Details

#### Frodsham Pumping Station Site

13	41514271_01_008_1751	Site Location
14	41514271_01_008_1752	Site Layout
15	41514271_01_008_1753	Proposed Elevations
	Issue C	
16	41514271_01_008_1754	Tanks and Bund Elevation
	Issue C	
17	41514271_01_008_1755	MCC & Compressor Building
18	41514271_01_008_1756	Rec Building
19	41514271_01_008_1757	Pig Chamber
20	41514271_01_008_1758	Pumping Station
21	41514271_01_008_1759	Surge Vessel
22	41514271_01_008_1760	Access Track, Fencing and Transformer Details
23	41514271_01_008_1761	Issue Overall Site Section
	B	
24	41514271_01_008_1764	Frodsham Pumping Station, Proposed Site Layout

#### Typical Detail of Tunnel Crossing

25	41514271_01_008_1801	Of Railway and Shaft Setting Out Details
26	41514271_01_008_1802	Of Canal and Shaft Setting Out Details
27	41514271_01_008_1803	Of Motorway and Shaft Setting Out Details
28	41514271_01_008_1804	Or River and Shaft Setting Out Details

### Miscellaneous Details

- |    |                      |   |
|----|----------------------|---|
| 29 | 41514271_01_008_1805 | Washout, Air Valve Crossing and Marker Post Details |
| 30 | 41514271_01_008_1806 | Fence and Crossing Details                          |
3. From the date of commencement of the development until the permanent cessation of gas storage operations, a copy of the planning permission, including all documents approved in accordance with this permission, shall be kept at the site office and be available for inspection during working hours.
  4. No works shall commence on the development until a detailed phasing plan of works has been submitted for the written approval of the Mineral Planning Authority. The approved plan shall be implemented in full unless otherwise agreed in writing by the Mineral Planning Authority.
  5. The Minerals Planning Authority shall be informed in writing within seven working days of the commencement of any development on each phase of the site.

### Materials

6. No works shall commence on the development until details of the materials comprising the development have been submitted to and approved in writing by the Mineral Planning Authority. The development shall be implemented in accordance with the approved details.
7. All buildings and structures to be erected on the East Clifton site shall be coloured 'Olive Green', 12B29 as stated in BS4800 colour code. Fencing shall not be of palisade design, but shall be of the 'Paladin' design, and colour coated 'Olive Green', 12B29 as stated in BS4800 colour code.

### Landscaping and Restoration

8. Before any works commence on any phase of the development (as defined by condition 4), a scheme covering the following matters for each phase shall be submitted for the written approval of the Mineral Planning Authority. No development shall commence on each phase until written approval has been obtained, and the approved details shall be implemented in accordance with the timescales contained in the approved scheme:-
  - (i) a fully detailed landscaping scheme for the site, including details of
    - a) all seed mixes
    - b) planting
    - c) species
    - d) sizes, numbers and spacings
    - e) methods of protection
    - f) the phased timing of planting
    - g) replacement of losses/failures and maintenance
  - (ii) full details of the measures to be taken to protect existing vegetation on site.
9. No shrub or tree shall be felled or removed during the period 1 March to 31 July inclusive.

10. All landscaping planting and restoration works on any one phase of development (as defined by condition 4), shall be carried out in the following timescales and in accordance with the following details:-
- (i) the landscaping of the intermediate pumping station shall be completed at the end of the first planting season following the completion of the pumping station.
  - (ii) The landscaped areas planted or seeded in accordance with this permission shall be maintained for a period of five years following planting/seeding. The maintenance regime shall provide for the replacement of failures or damaged plants with ones of a similar size and species unless otherwise agreed in writing with the Mineral Planning Authority. The landscaped areas shall be maintained free from weeds throughout this period.
  - (iii) Following completion of the laying of the pipeline in any phase, all pipeline corridors shall have soils replaced and the area restored within a period of nine months unless otherwise agreed in writing by the Mineral Planning Authority.

## **Ecology**

11. Before any works commence on any one phase of development (as defined by condition 4), a scheme covering the following matters shall be submitted for the written approval of the Mineral Planning Authority. No development shall commence on each phase until written approval has been obtained, and where appropriate the necessary protective fencing and warning signs have been erected on site (which shall be retained and maintained in accordance with the Plan) and the approved details shall be implemented in accordance with the timescales contained in the approved scheme:-
- (i) Full details of a Wildlife Protection Plan, which shall include:-
    - a) an appropriate scale plan showing “Wildlife Protection Zones” where construction activities are restricted and where protective measures will be installed or implemented;
    - b) details of protective measures (both physical measures and sensitive working practices) to avoid impacts during construction;
    - c) a timetable to show phasing of construction activities to avoid periods of the year when sensitive wildlife could be harmed (e.g. bird nesting season)
    - d) persons responsible for:
      - compliance with legal consents relating to nature conservation;
      - compliance with planning conditions relating to nature conservation;
      - installation of physical protection measures during construction;
      - implementation of sensitive working practices during construction;
      - regular inspection and maintenance of physical protection measures and monitoring of working practices during construction;
      - provision of training and information about the importance of “Wildlife Protection Zones” to all construction personnel on site.
  - (ii) Full details of a programme for the erection of bird and bat boxes.
  - (iii) A detailed Habitat Creation and Management Plan for the East Clifton and the Gowy Meadows area as illustrated on drawing number 41514271/01/008/2114 prepared by MWH contained in Volume 2 Part 2

Section 19 of the Environmental Statement. The Management Plan(s) shall make provision for the creation and management of areas for ecological enhancement. The plan(s) shall include full details of habitat creation and management and shall include the following:-

- details of the measures to be taken to avoid, reduce and compensate for impacts, including removal and translocation of all neutral grassland from within the area to be disturbed;
- details of the measures to be taken to avoid, reduce and compensate for impacts;
- details of how those features/habitats on the site to be retained will be protected;
- details of habitat enhancements (e.g. enhancement of woodland compartments etc);
- a timetable for the implementation of the mitigation/habitat enhancement measures and integration with various phases of the development, e.g. construction, operation, decommission, demolition and restoration;
- A detailed specification for the habitat creation techniques;
- An indication of the expected success of the proposed mitigation;
- A plan of the site post-construction which clearly presents the ecological mitigation and enhancement areas;
- Details of how the habitat creation proposals will be monitored and reported; and
- Details of the long-term management and aftercare of the newly created habitats (East Clifton site only).

(iv) No development on each phase shall commence until written approval has been obtained, and the approved details shall be implemented within the timescales set out in the approved scheme.

12. No works shall commence on any phase of the development (as defined by condition 4), nor shall any tree be felled or removed, until a survey to identify whether the tree/s are in use as bat roosts has been undertaken. If any are, full details of the measures to be taken to mitigate the works for that phase shall be submitted for the written approval of the Mineral Planning Authority. No trees shall be felled in any phase until written approval has been obtained, and the approved details shall be implemented in accordance with the timescales contained in the approved scheme.

13. No works shall commence on any phase of the development (as defined by condition 4), until full details of all trees and hedgerows to be removed have been submitted for the written approval of the Mineral Planning Authority. No development shall commence on each phase until written approval of the details has been obtained.

14. No works shall commence on any phase of the development (as defined by condition 4) until details of a scheme to provide full details of all proposed mitigation measures for the following species have been submitted for the written approval of the Mineral Planning Authority:-

- (i) Great Crested Newts
- (ii) Otters
- (iii) Badgers
- (iv) Lesser Silver Water Beetles
- (v) Invertebrates
- (vi) Reptiles
- (vii) Water Voles

15. The mitigation scheme required under Condition 12 above shall include all necessary survey data to be agreed with the Mineral Planning Authority. No development shall commence on any phase until written approval has been obtained, and the approved details shall be implemented in accordance with the timescales contained in the approved scheme.
16. All Great Crested Newt exclusion fencing erected as part of the mitigation measures for the development shall be retained in place throughout construction work.

### **Roads, Traffic and Access**

17. No works shall commence on the phase of development relating to Croughton Bridge (as defined by condition 4) until full details of a Damage Prevention Strategy for Croughton Bridge have been submitted for the written approval of the Mineral Planning Authority. The strategy shall outline how the structure will be protected from accidental damage during construction of the pipeline. No development shall commence on this phase until written approval has been obtained, and the approved details shall be implemented in accordance with the timescales contained in the approved scheme.
18. No works shall commence on any one phase of development (as defined by condition 4) until full details of the design and specification of all temporary access points to the pipeline corridor including required visibility splays and full details of reinstatement of the highway surface and verges have been submitted for the written approval of the Mineral Planning Authority. No development shall commence on any phase until written approval has been obtained, and the approved details shall be implemented in accordance with the timescales contained in the approved scheme.
19. No works shall commence on the phase of development relating to Bridle Lane (as defined by condition 4) until full details of the provision of passing places along Bridle Lane, including location, width and construction specification have been submitted for the written approval of the Mineral Planning Authority. Their construction shall not commence until written approval has been obtained, and the approved details shall be implemented in full and the passing places completed prior to any development commencing on the construction of the pipeline for this phase. The passing places shall be retained and kept clear for use at all times thereafter.
20. No works shall commence on the phases of development relating to trunk road crossings (as defined by condition 4) until full details of the detailed location, design, construction methods and carriageway condition monitoring of the trunk road crossings of the pipeline have been submitted for the written approval of the Mineral Planning Authority. No development shall commence on each phase until written approval has been obtained, and the approved details shall be implemented in accordance with the timescales contained in the approved scheme.
21. No works shall commence on the phases of development relating to the trunk road network (as defined by condition 4) until full details of an appropriate remediation strategy to ensure the pipeline presents no risk to the condition and operation of the trunk road network once the use of the pipelines has ceased have been submitted for the written approval of the Mineral Planning Authority. No development on each phase shall commence until written approval has been obtained, and the approved details shall be implemented in accordance with the timescales contained in the approved scheme.
22. Provision shall be made within the site for the loading and unloading of vehicles and for vehicles to turn so that they may enter and leave the site in forward gear. The turning facility so provided shall be retained at all times thereafter.

23. There shall be no vehicular access to the pipeline route via Marsh Lane, Frodsham.

### **Hours of Operation**

24. All construction, engineering, earthmoving operations, loading and unloading of lorries shall be undertaken during the following hours only:

0800-1800 Monday to Friday  
0800-1300 Saturday

No such operations shall take place outside these hours or on Sundays or Bank or Public Holidays, unless otherwise allowed by other conditions on this permission.

### **Archaeology**

25. No works shall commence on any one phase of development (as defined by condition 4) until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted for the written approval of the Mineral Planning Authority. No development shall commence on that phase until written approval has been obtained, and the approved details shall be implemented in the timescales set out in the approved scheme. The scheme shall relate to all areas which will be disturbed during the carrying out of the development.
26. The developer shall afford access at all reasonable times to any archaeologist nominated by the Mineral Planning Authority and shall allow the archaeologist to observe the excavations and record items of interest and finds.

### **Levels**

27. No works shall commence on any phase of the development (as defined in condition 4) until full details of ground level alterations at those points where excavated material is to be spread within the pipeline corridor have been submitted for the written approval of the Mineral Planning Authority. No development shall commence on each phase until written approval has been obtained, and the approved details shall be implemented in accordance with the timescales contained in the approved scheme.

### **Noise**

28. No pile driving or use of percussive equipment shall take place on any Sunday or Bank or Public Holiday. On any other day the use of such equipment shall take place only between the hours of 0800-1800 Monday to Friday and 0800-1200 Saturday. Before any works commence on any one phase of development (as defined by condition 4), full details of all locations where piling and boring operations are to take place shall be submitted for the written approval of the Mineral Planning Authority. This shall include details of predicted noise levels and appropriate noise mitigation measures to be employed. No development shall commence on any phase until written approval has been obtained, and the approved details shall be implemented in the timescales set out in the approved scheme.
29. All plant, equipment and vehicles used on site shall be properly silenced and at all times be in efficient working order in accordance with the manufacturer's specifications.

## **Surface Water Drainage**

30. No works shall commence on any phase of the development (as defined by condition 4) until full details of a programme for the provision and implementation of a surface water regulation scheme have been submitted for the written approval of the Mineral Planning Authority. No development shall commence on each phase until written approval has been obtained, and the approved details shall be implemented in accordance with the timescales contained in the approved scheme. In particular, no construction of impermeable surfaces shall commence until the scheme for each phase has been implemented.
31. No works shall commence on any one phase of development (as defined by condition 4) until full details of a scheme to protect any local watercourse have been submitted for the written approval of the Mineral Planning Authority. No development shall commence on any phase until written approval has been obtained, and the approved details shall be implemented in accordance with the timescales contained in the approved scheme. Throughout the period of construction, working, restoration and aftercare, all ditches, watercourses and culverts shall be protected such that the flow of water is not impaired and such that the drainage on to and from adjoining land is not rendered less effective.
32. No drainage from the development shall run into the motorway drainage system, nor shall the development adversely affect the motorway drainage system.

## **Construction Method Statement**

33. No works shall commence on any one phase of development (as defined by condition 4) until full details of a Construction Method Statement have been submitted for the written approval of the Mineral Planning Authority. No development shall commence on each phase until written approval has been obtained, and the approved details shall be implemented in accordance with the timescales contained in the approved scheme. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - (i) the parking of vehicles of site operatives and visitors
  - (ii) loading and unloading of plant and materials
  - (iii) storage of plant and materials used in constructing the development
  - (iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - (v) wheel washing facilities
  - (vi) measures to control the emission of dust and dirt during construction
  - (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works
  - (viii) the proper silencing of all plant, equipment and vehicles used on site, and their retention in efficient working order in accordance with the manufacturer's specifications.

## **Lighting**

34. The pumping station at East Clifton shall not be artificially illuminated except during routine maintenance and emergencies. The only exception to this is during the construction and commissioning of the pumping station. No works shall commence on the phase of development (as defined by condition 4) relating to the East Clifton pumping station until full details of proposed lighting for the construction of the development have been submitted for the written approval of the Mineral Planning Authority. No development shall commence on this phase until written approval has

been obtained, and the approved details shall be implemented in accordance with the timescales contained in the approved scheme.

### **Storage of Materials and Waste**

35. All oil, diesel oil and lubricants stored on site 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 that area.

### **Contamination and Remediation**

36. In the event of a sea water or brine leakage of a nature or capacity requiring notification to the Environment Agency, a landscaping scheme detailing those habitats, trees, shrubs or hedgerows damaged, together with remedial measures proposed, shall within three months of the leak's detection be submitted for the written approval of the Mineral Planning Authority. The approved scheme shall be undertaken in the following planting/seeding season/s and maintained for a five-year period thereafter with all failures replaced on a like for like basis.

37. No works shall commence on any phase of the development (as defined by condition 4) until full details of an investigation and risk assessment, in addition to any assessment provided in the planning application, have been completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model procedures for the management of land contamination, CLR11', and shall cover all areas of the application site, not just the East Clifton site. The investigation and risk assessment for each phase shall be undertaken by competent persons and a written report of the findings relating to each phase shall be produced and submitted for the written approval of the Mineral Planning Authority. The report of the findings shall include:-

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - Human health
  - Property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes
  - Adjoining land
  - Groundwaters and surface waters
  - Ecological systems
  - Archaeological sites and monuments.
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

38. No works shall commence on any phase of the development (as defined by condition 4) until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, building and other property and the natural and historic environment has been prepared and submitted for the written approval of the Mineral Planning Authority. The scheme for each phase shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

39. The approved remediation scheme for each phase shall be carried out, in accordance with its terms, prior to the commencement of any development of that phase other than that which is required in order to carry out remediation. Two weeks' prior written notification of commencement of the remediation scheme works shall be given to the Mineral Planning Authority.
40. Following completion of measures identified in the approved remediation scheme for each phase, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out shall be produced and shall be submitted for the written approval of the Mineral Planning Authority.
41. All contaminated materials excavated from the East Clifton site during remediation operations or construction of the development shall be removed from the site for disposal.

### **Soils Handling**

42. No works shall commence on any phase of the development (as defined by condition 4) until an agricultural land classification survey and soil characteristics profile of any soils to be stripped from any area currently in agricultural use (and which will subsequently be restored to agriculture) has been carried out and submitted to the Mineral Planning Authority. The land shall be restored to the same agricultural classification following removal of all plant and buildings.
43. All stripped topsoil and subsoil shall be permanently retained on site for use in restoration. No topsoil or subsoil shall be imported to the site.
44. No movement of topsoil shall occur during the months of October to March inclusive, except where the topsoil is in a dry and friable condition.
45. No part of the site shall be traversed by heavy plant or machinery (except as necessary to strip that part of the site) or used for a road or stationing of plant or buildings, or storage of materials until all available topsoil and subsoil has been stripped from that part.
46. No subsoil or topsoil shall be re-spread until the upper 500mm of the surface has been ripped at a spacing of 500mm or closer to remove rock, stone, boulder, wire, cable or other foreign objects or compacted layers capable of impeding normal land drainage operations including mole ploughing or sub-soiling. After ripping, all stones, materials and objects which exceed 200mm in any dimension and which occur on the surface of the ripped and loosened ground shall be removed from the application site or shall be buried at a depth of not less than 2 metres below the final pre-settlement contours.
47. The re-spread topsoil shall not have a lower agricultural land classification than that notified to the Mineral Planning Authority, in accordance with condition 40 above, and shall be ripped and loosened:-
  - to provide loosening equivalent to a single tine pass at a spacing of 500mm or closer
  - to full depth of the topsoil plus 100mm
  - and any loosened non soil-making material, rock, boulder or larger stone lying on the loosened topsoil surface and greater than 100mm in any dimension shall be removed from the site or buried at a depth of not less than 2 metres below the final settled contours.

(This condition shall not apply to the East Clifton Site).

48. Any area of the restored site which is affected by surface ponding or by local settlement caused by the approved operations shall be regraded to resolve the problem.  
(This condition shall not apply to the East Clifton site).
49. All restored areas of the site shall be subject to aftercare management for a period of five years following replacement of topsoil. An aftercare scheme shall be submitted for the written approval of the Mineral Planning Authority within one month of the cessation of use of the pipeline. The approved details shall be implemented during the aftercare period.  
(This condition shall not apply to the East Clifton site).

### **Operation**

50. All natural gas, salt water and brine for use in, stored within or produced by the development shall be conveyed to and from the site solely by pipeline.
51. No works shall commence on any phase of the development (as defined by condition 4) until full details of temporary construction compounds have been submitted for the written approval of the Mineral Planning Authority. No development shall commence on any phase until written approval has been obtained, and the approved details shall be implemented in accordance with the timescales contained in the approved scheme. All compounds shall be removed and the land restored to its previous conditions within six months of the construction of the pipeline and associated development being completed.

### **Cessation of Development, and Restoration**

52. The use of the pipelines shall cease within 7 years of the commencement of its use. The Mineral Planning Authority shall be advised in writing within seven working days of the commencement of its use.
53. All temporary access roads and access points shall be removed and fully restored within 9 years of the commencement of the development.
54. All buildings, structures, equipment and fencing at the East Clifton site shall be removed from the site and the land fully restored within 9 years of the commencement of the development.
55. Where land is to be restored to agriculture under conditions 4 and/or 9(iii) above, before 1 March of each year and before every subsequent anniversary throughout the 5-year aftercare period, the Mineral Planning Authority shall be provided with the following:-
  - proposals for managing the land in accordance with good husbandry including planting, cultivation, seeding, fertilising, draining, watering or otherwise treating the land for the forthcoming twelve months;
  - a record of aftercare operations carried out on the land during the previous twelve months.
56. The aftercare period shall commence on the completion of the restoration of the land to agricultural use under conditions 4 and/or 9(iii) and 54 above.