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STATUTORY INSTRUMENTS

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**2015 No. 1561**

**INFRASTRUCTURE PLANNING**

**The Preesall Underground Gas Storage Facility Order 2015**

*Made* - - - - - *17th July 2015*

*Coming into force* *7th August 2015*

**THE PREESALL UNDERGROUND GAS  
STORAGE FACILITY ORDER 2015**

PART 1

1. Citation and commencement
2. Interpretation

PART 2

CHAPTER 1

3. Development consent etc. granted by the Order
4. Maintenance of authorised development
5. Limits of deviation
6. Defence to proceedings in respect of statutory nuisance

CHAPTER 2

7. Benefit of Order
8. Transfer of benefit of Order

CHAPTER 3

9. Street works
10. Power to alter layout, etc., of streets
11. Maintenance of altered streets
12. Temporary stopping up of streets and rights of way
13. Access to works
14. Agreements with street authorities

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

#### CHAPTER 4

15. Discharge of water
16. Protective work to buildings
17. Authority to survey and investigate the land

#### PART 3

#### CHAPTER 1

18. Compulsory acquisition of land
19. Compulsory acquisition of rights
20. Acquisition of subsoil only
21. Power to override easements and other rights
22. Application of the Compulsory Purchase (Vesting Declarations) Act 1981

#### CHAPTER 2

23. Temporary use of land for carrying out the authorised development
24. Temporary use of land for maintaining authorised development

#### CHAPTER 3

25. Disregard of certain interests and improvements
26. Set-off for enhancement in value of retained land
27. No double recovery

#### CHAPTER 4

28. Acquisition of part of certain properties
29. Statutory undertakers
30. Recovery of costs of new connections
31. Time limit for exercise of authority to acquire land compulsorily
32. Private rights of way
33. Rights under or over streets

#### PART 4

34. Application of landlord and tenant law
35. Deemed licence for purposes of the 2009 Act
36. Operational land for purposes of the 1990 Act
37. Felling or lopping of trees or shrubs
38. Protective provisions
39. Certification of plans etc.
40. Service of notices
41. Arbitration
42. Requirements
43. Appeals relating to decisions under Requirements
44. Crown land  
Signature

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SCHEDULE 1 — AUTHORISED DEVELOPMENT

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

SCHEDULE 2 — STREETS SUBJECT TO STREET WORKS

SCHEDULE 3 — STREETS SUBJECT TO ALTERATION OF LAYOUT

SCHEDULE 4 — STREETS AND RIGHTS OF WAY TO BE TEMPORARILY STOPPED UP

SCHEDULE 5 — ACCESS TO WORKS

SCHEDULE 6 — LAND OF WHICH TEMPORARY POSSESSION MAY BE TAKEN

SCHEDULE 7 — DEEMED LICENCE UNDER THE MARINE AND COASTAL ACCESS ACT 2009

1. Interpretation
2. Licence validity period
3. Inspection of records etc.
4. Rights of access
5. Transfer
6. Force majeure
7. Licence conditions binding other parties
8. Licensed activities
9. Licensed location
10. Reporting of engaged agents, contractors or sub-contractors
11. Notification of vessels
12. Distribution of copies
13. Application of licence conditions
14. Licence conditions prior to commencement of the licensed activities
15. No licensed activities shall commence until a written scheme setting...
16. The licence holder shall, unless otherwise agreed in writing with...
17. (1) The licence holder shall no less than two months...
18. (1) The licence holder shall prior to the commencement of...
19. (1) The licence holder shall prior to the commencement of...
20. (1) The licence holder shall prior to the commencement of...
21. (1) The licence holder shall no less than six weeks...
22. (1) The licence holder shall prior to the commencement of...
23. (1) The licence holder shall prior to the commencement of...
24. (1) The licence holder shall prior to the commencement of...
25. Licence conditions during construction of the licensed works
26. (1) The licence holder shall in the course of any...
27. The licence holder shall in the course of construction of...
28. The licence holder shall in the course of construction of...
29. (1) The licence holder shall in the course of construction...
30. (1) The licence holder shall in the course of construction...
31. (1) The licence holder shall in the course of construction...
32. The licence holder shall in the course of construction of...
33. (1) The licence holder shall in the course of construction...

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34. The licence holder shall ensure that any oil, fuel or...
35. The licence holder shall in the course of construction of...
36. (1) The licence holder shall in the course of construction...
37. The licence holder shall ensure that any vessels used for...
38. The licence holder shall ensure that any rock misplaced or...
39. Licence conditions following completion of the licensed works
40. The licence holder shall ensure that, unless otherwise agreed in...
41. The licence holder shall within six weeks of completion of...
42. (1) The licence holder shall as soon as reasonably practicable...
43. Changes approved by the MMO

#### SCHEDULE 8 — PROTECTIVE PROVISIONS

##### PART 1 — FOR THE PROTECTION OF ELECTRICITY, GAS, WATER AND SEWERAGE UNDERTAKERS

1. Application
2. Interpretation
3. This Part does not apply to apparatus in respect of...
4. Temporarily stopped up streets
5. Protective works to buildings
6. Acquisition of apparatus
7. Removal of apparatus
8. Facilities and rights for alternative apparatus
9. Retained apparatus: protection
10. Expenses
11. Indemnity
12. Ground subsidence monitoring scheme in respect of United Utilities' apparatus
13. Enactments and agreements
14. Co-operation
15. Access
16. Arbitration

##### PART 2 — FOR THE PROTECTION OF OPERATORS OF ELECTRONIC COMMUNICATIONS CODE NETWORKS

1. For the protection of any operator, the following provisions shall,...
2. In this Part— “the 2003 Act” means the Communications Act...
3. The exercise of the powers of article 29 (statutory undertakers)...
4. (1) Subject to sub-paragraphs (2) to (4), if as the...
5. The temporary stopping up or diversion of any highway under...
6. Any difference or dispute arising between the promoter and an...

##### PART 3 — FOR THE PROTECTION OF BLACKPOOL BOROUGH COUNCIL

1. Application and interpretation
2. Pedestrian and vehicular access
3. Approval of plans
4. The engineer's approval under paragraph 3 shall not be unreasonably...
5. Protective works
6. Notice of works and maintenance
7. Manner of carrying out specified and protective works
8. Nothing in paragraph 7 shall impose any liability on the...
9. Access for the carrying out of works in compliance with this Part
10. (1) During the construction of any works by Blackpool Borough...
11. Expenses
12. Right to require maintenance of specified works

13. Indemnity
14. (1) Any liability of the promoter under paragraph 13 shall...
15. Approvals and arbitration

#### SCHEDULE 9 — REQUIREMENTS

1. Interpretation
2. Time limits
3. Stages of authorised development
4. Detailed design approval
5. External materials approval
6. Details of operational cavern layout and design
7. European protected species
8. Ecological management scheme
9. Landscape scheme
10. Implementation and maintenance of landscaping
11. Highway accesses
12. Limits on heavy goods vehicle movements
13. Covered heavy goods vehicles
14. Wheel cleaning facilities
15. Internal roads
16. Temporary access routes
17. Fencing and other means of enclosure
18. Ground/surface water and pollution prevention
19. Archaeology
20. External lighting
21. Construction hours
22. Construction of and drilling operations in wellhead compound areas
23. Code of construction practice
24. Construction worker travel plan
25. Disposal of filtered material
26. Control of noise during construction and maintenance
27. Control of noise during operational phase
28. Control of dust emissions
29. Protection of agricultural practice
30. Soil stripping, handling and storage
31. Decommissioning, restoration and aftercare scheme for submission prior to commencement of the authorised development
32. Decommissioning of individual operational caverns during operational phase
33. Decommissioning, restoration and aftercare scheme after permanent cessation of operations
34. Maintenance of brine discharge pipeline, 132kV electrical circuits and NTS interconnector pipeline
35. Ground subsidence monitoring scheme
36. Signals
37. River Wyre crossings
38. Dedication agreement
39. Requirement for written approval
40. Amendments to approved details
41. Changes approved by the relevant planning authority

Explanatory Note