

# PLANNING COMMITTEE

## 20<sup>th</sup> May 2008

<b>PLAN NUMBER:</b>	<b>APPLICANT:</b>	<b>AGENT:</b>
2007/1520	Gateway Storage Company Limited (Gateway)	Dalton Warner Davis LLP
<b>WARD/PARISH:</b>	<b>CASE OFFICER:</b>	<b>DATE RECEIVED:</b>
Walney South	Jason Hipkiss 01229 876485	19/12/2007
		<b>STATUTORY DATE:</b>
18/03/2008		
<b>LOCATION:</b>		
<p>Corridor of land commencing at Mean Low Water on the western shore of Walney Island, north west of, South End, eastwards across Walney Island to Snab Point, crossing Piel Channel, onto the mainland south of Westfield Point and north west of Rampside and a site bounded to the west by the coast, to the north by South Gas Terminal and West of Rampside Road (A5807)</p>		
<b>PROPOSAL:</b>		
<p>Development of an energy infrastructure project comprising 2 no. gas pipelines (to transport natural gas), methanol pipeline, control cables, high voltage underground cable, 33kV underground cable, a gas compression station (GCS), landscaping, access roads, ancillary development and temporary construction facilities (part of a larger project to store natural gas in man-made caverns in the salt strata under the eastern Irish Sea.</p>		

### **SAVED POLICIES OF THE FORMER LOCAL PLAN:**

#### POLICY A6

In the villages listed under Policy B11 and rural areas immediately adjacent to them and in the developed open countryside development for business or industrial use (B1 and B2 uses) will be permitted provided that:

- a) The use will not unreasonably disturb those living nearby because of noise, traffic, smells, hours of operation, vibration or airborne emissions; and
- b) The site is served by a satisfactory access and would not give rise to unacceptable traffic generation; and
- c) The site has adequate space for parking, loading and unloading on the site or nearby; and
- d) The development would be in scale and keeping with its surroundings and would not detract from the character and appearance of the landscape or settlement; and
- e) Services are readily available; and

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- f) The proposal does not use the best and most versatile agricultural land, or seriously affect the viability of farms through land severance or disturbance to the farm structure; and
- g) The extent to which the settlement is served by public transport should be taken into account.

Employment related development will not be encouraged in the open undeveloped countryside and will be subject to more stringent application of these criteria, with a requirement for a particular justification based on local need.

### POLICY A8

In determining applications for development in the vicinity of hazardous installations the Local Planning Authority will be guided by the Health and Safety Executive about risks to the proposed development from the hazardous installation and vice versa.

### POLICY A9

When considering applications for hazardous installations, the Local Planning Authority will take the following additional criteria into account:

- a) adequate separation distances from housing and other sensitive land uses; and
- b) the risk to surrounding land uses; and
- c) the additional risk arising from the potential interaction with other hazardous installations in the vicinity; and
- d) the visual impact of the proposals; and
- e) the effect of the proposal on surrounding land uses.

### POLICY A11

Industrial development will not be allowed on an unallocated greenfield site, other than where it is found acceptable under Policy A6, unless it can be demonstrated to the Authority's satisfaction that a suitable brownfield site is not available.

### POLICY A12

The area shown on the proposals map around the North and South Morecambe Gas Terminal is one of special character related to its suitability for the generation and transmission of energy. Development proposals that are not related to an energy industry in the area or are contrary to the interests of an energy industry in the area will be refused.

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### POLICY D1

The Borough's countryside will be safeguarded for its own sake and non-renewable and natural resources afforded protection. Development will be permitted in the countryside

only where there is a demonstrable need that cannot be met elsewhere. Where necessary development is permitted any adverse effect on the rural character of the surroundings should be minimised subject to the development's operational requirements.

### POLICY D2

Development harmful to the distinctive character of designated County Landscapes, as indicated in the Proposals Maps, will not be permitted. Development justified on grounds of need that cannot be located elsewhere will be permitted provided that it is sited to minimise environmental impacts and meets high standards of design.

### POLICY D7

The coastal zone will be protected from development, unless that development is considered to provide significant economic, social or other benefits to the area and it could not be accommodated as satisfactorily elsewhere. Development will not be permitted in the coastal zone that would be likely to:

1. Increase the risk of flooding, coastal erosion or instability through its impact on natural coastal process; or
2. Prejudice the capacity of the coast to form a natural sea defence or adjust to changes in conditions without risk to life or property; or
3. Increase the need for additional sea walls or other civil engineering works for coastal protection purposes except where necessary to protect existing investment (or achieve the Council's strategic planning objectives); or
4. Be prejudicial to local fisheries; or
5. Have an unacceptable adverse effect on natural landscape character or be prejudicial to people's enjoyment and understanding thereof; or
6. Have an unacceptable adverse effect on area of historic, conservation or wildlife importance; or
7. Have an adverse effect on the recreation activities of the coastal zone.

### POLICY D9

Proposals for development or land use which may affect a European site, a proposed site or a Ramsar site will be subject to the most rigorous examination. Development or land use change not directly connected with or necessary to the management of the site, that is likely to have significant adverse effects on the site (either individually or in combination with other plans or projects), and which would affect the integrity of the site will not be permitted unless the authority is satisfied that:

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- There is no alternative solution; and
- There are imperative reasons of overriding public interest for the development or land use change.

### POLICY D10

Proposals for development or land use changes affecting nationally important nature conservation interests will be subject to special scrutiny. Where development may have a significant adverse effect on the nature conservation interest or integrity of an SSSI it will not be permitted unless the need for development outweighs both the value of the site itself and considerations of the national policy to safeguard the intrinsic nature conservation value of the national network of such sites. In the National Nature Reserve and Foulney Island Bird Sanctuary particular regard will be paid to the individual site's importance.

In exceptional circumstances where development is permitted the council will use planning conditions and obligations to ensure the protection and enhancement of the site's nature conservation interest.

### POLICY D11

Development and land use changes which may have a significant adverse effect on an interest of local importance (i.e. Proposed and Statutory Local Nature Reserves and Regionally Important Geological/Geomorphological Sites and the Wildlife Sites set out in Para. 5.3.16) will not be approved unless the need for the development clearly outweighs the nature conservation value of the site.

### POLICY D12

Development or demolition that would significantly adversely affect animal or plant species protected by Schedules 1, 5 & 8 of the Wildlife & Countryside Act 1981 (as amended) will not be permitted. If planning permission is granted which may have an adverse effect on protected species the local planning authority will, where appropriate, impose conditions and/or will use its powers to enter into Section 106 Obligations to;

- i) Safeguard the survival of individual members of the species;
- ii) Reduce habitat disturbance to a minimum; and/or
- iii) Provide suitable alternative habitats.

### POLICY D13

Proposals for developments or land use changes which adversely affect, direct or indirectly, the integrity of wildlife and landscape features such as hedgerows, ponds, woodland or continuity of the Wildlife Corridors will only be approved if the development cannot be accommodated elsewhere and the need for the development clearly outweighs the need to retain that particular section of the wildlife network. Where the development will result in the loss of trees or woodland or other wildlife features, the Authority will require the developer to submit a detailed landscaping scheme with the planning

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application, which must be completed as part of the development, and which must provide for the replacement of trees or other wildlife features lost as a result of the development.

### POLICY D27

Development proposals which result in the unacceptable loss of existing trees on development sites will not be permitted unless their loss is unavoidable, when the developer will be required to provide replacement trees on site or at other suitable sites nearby.

### POLICY D28

Development proposals will be expected to include a survey of existing landscape features and a landscaping scheme of a professional standard must be submitted with applications where deemed appropriate.

### POLICY D29

A high standard of landscaping will be required of appropriate new development, both for the initial scheme and its long-term maintenance. Where possible, existing landscape features shall be integrated into landscape schemes. Where the District Council intends to adopt an area of landscaping, a commuted payment will be required to meet the cost of 10 years maintenance. The requirements of this policy will be implemented as a condition of planning consent, or by planning obligation as appropriate.

### POLICY D30

Development proposals which may cause significant damage or destruction to a tree or woodland protected by a Tree Preservation Order, or within a Conservation Area, will only be permitted where;

- a) No alternative site is available; or
- b) There is an overriding need for the proposal which outweighs the need to preserve the tree or woodland; or
- c) Mitigating measures are available to minimise damage and secure worthwhile replacement planting.

### POLICY D31

The location, layout and detailed design of all new development must pay regard to existing trees and their future growth potential and any landscaping scheme needs to balance the relationship between trees and buildings to avoid damaging effects from one to the other.

### POLICY D55

The Council will not permit development that is likely to cause unacceptable harm to an interest of significant environmental importance by increasing levels of pollution through emissions into the air or adversely increasing odour levels.

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### POLICY D58

New development within the vicinity of residential areas, schools, hospitals and offices must not generate noise above the existing background levels, as measured in accordance with the positions, times and methods agreed beforehand with the Authority.

### POLICY D59

Noise sensitive development such as housing, schools and care homes will not be permitted in locations where it is likely that exposure to high noise levels would occur, both at present and in the future.

### POLICY D60

Developments giving rise to occasional noise levels above background, which are permissible under the other policy criteria of this Plan, will be required to show to the planning authority's satisfaction that adequate measures have been taken to provide reasonable noise attenuation by design and/or screening and that adequate publicity is given beforehand of when noisy activities may occur.

### POLICY D63

The Council will seek to minimise light pollution. Details of any external lighting scheme required as part of any new development should be submitted as part of the planning application. Applicants will be expected to demonstrate to the Authority that the scheme proposed is the minimum needed for security and working purposes and that it minimises the potential pollution from glare and light spillage, particularly to residential and commercial areas, areas of nature conservation importance and areas whose open and remote landscape qualities would be affected. Lighting will be required to be directed to the part of the site where it is needed and the Authority will require measures to be taken to seek to ensure that it does not spread beyond the site boundaries or upwards into the sky. Any approved scheme, once installed, will have to meet the parameters agreed in the submitted details.

### POLICY D64

The lighting of development occupying prominent sites on the landscape or an elevated topography will be looked at particularly carefully by the Authority and will be refused if considered unduly visible in the wider landscape.

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### **SUMMARY OF MAIN ISSUES:**

Although much smaller in scale than the adjacent gas terminals, the location and design of the onshore facility must respect residential amenity by minimising noise output. The ecological integrity of areas of national and internationally recognised nature conservation interest must be protected from any adverse impact arising from the installation of pipes and cables between the onshore and offshore developments.

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### NON MATERIAL CONSIDERATIONS:

### REPRESENTATIONS:

The Occupiers of Far South End Farm, South End Caravan Park, 1, 2, 3 Coast Guard Cottages, 1, 2 Lighthouse Cottages, Walney Lighthouse, Bay View Bungalow, South End Bungalow, South End Bungalow, South End Farm, South End, Ship Inn, 1-8 Piel Island Cottages, Piel Island, 24, 35-38, 40, 41, 42 Roa Island, 26-34 Trinity Terrace, 14 -19 Tower Street, 20 - 24, 43, Piel Cottage, R.N.L.I, Piel Street, 2 -12 Marine Terrace, Roa Island House, Former Roa Island Hotel & Flat 1 & 2, 1 Roa Island Road, Roa Island Boating Club Ltd, The Bosuns Locker, Flat Roa Island House, Villa Marina, Roa Island, Station House, Sea Shell, Kingsmead, The Coach House, Concle Inn, Waver Farm, Station Bungalow, Beacon Point Caravan Park, Overton House, Cliff House, Rampside Hall, West Barn, East Barn, Bay View Cottage, Rampside Village Hall, Bow Windows Farm Cottage, Bow Windows Farm House, Clarkes Arms, Mort Bank Cottage, Calm Seas, Sea Cottage, 2, 2a, 3, 4, 5, 6, 6a, 7, 8, 8a, 9, 10, 12, 14, 16, 18, 19, 21, 23, 24, 25, 26, 28, 30, 31, 33, 35, 37, 39, 39a, 41, 45, 47, 49, 53, 55, 61, 63, 65, 67, 83, 85, 87, 89, 103, 105, 111, 113, 115, 117, 119, 121, 123, 125, 127, 129, 131, 133, 135, 137, 139, 141, 143, 145 Rampside, 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 15, 19 Woodhill Crescent, 2, 3, 4, 5, 6, 7 Concle Terrace, 1, 3, 5, 7, 8, 9, 10, 12, 14, 14a, 16, 18, 20-30 (evens), Gate House, Hall Garth, 1, 3, 4, 7, 9 St Michaels Road, 1-7, 10, 12, 16, 18, 20, 22, 24, 26, 28, 30, 32 Bow Windows Avenue, New Holme Farm, Parkfield Villa, Eastwood Cottage, Eastwood House, The Old Vicarage, Parkfield Cottage, Rampside Road, Lin Dor, The Chalet, Rose Lea, Peasholmes Lane, Navarac, 2, 5, 6, St Michaels Road, 1-16 Waver Court, 3 Woodhill Crescent, Page Bank Farm, Oaklands, Rose Cottage, Page Bank Lane, Barrow in Furness all informed.

#### The Occupier, 6 St Michael's Road, Barrow-in-Furness

"I have no objection to the offshore development re gas storage.

However I strongly object to the particular site of the resulting gas facilities on shore. I believe that the proposed site is to be the south of the existing gas terminal. I feel that this is too close to residential development on health and hazard grounds. Rampside is rapidly becoming an industrial area.

I believe that some of the older parts of the gas terminal are now redundant. Would it not be better to use some of this existing site and also land to the EAST of this.

We also already suffer high pitched noise problems and fumes from the gas terminal any further development would exasperate this problem".

#### The Occupier, 3 Rampside, Barrow-in-Furness

"I'd like to strongly object to this planning application, on the basis of safety and noise.

This storage tank would mean we (Rampside Village) would be well inside a blast zone if any accident occurred, we are already in danger of serious damage if anything happened now and you are considering putting a storage facility about half a mile closer to the village, this is totally unacceptable.

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The noise from the gas terminal now is at an unacceptable level at times and you have received many complaints on this subject and nothing has been done to reduce the noise now so what chance have we got when this extension to the Terminal is built. In the summer at times you cannot even open your window at night because of the noise.

I stated again I strongly object to this Planning Application and would hope that the health and safety of the local people within the area is put before the profit of a big organisation who if the fact be known do not care about the area, only about profit.”

“The Occupier, 6 Woodhill Crescent, Rampside, Barrow in Furness

“I supported the building of the South GAS Terminal at Rampside as I believed it would increase U.K. gas reserves and I felt that there were safeguards for the local community. Despite the building of a second terminal I have been fairly happy with the landscaping & provision of wildlife habitat provided by Centrica. In my opinion there has been little detrimental effect on the local community of Rampside.

Unfortunately the current application gives me many concerns.

### SAFETY

The location on a large C.O.M.A.H. site has serious safety implications as according to the plans it will deal with up to 85 tonnes of gas & cover about 60,000 sq m. almost the size of the South Terminal itself

### VERACITY

It was said that the original terminal would have a finite life span, when Irish Sea Gas ran out the company would return & landscape all land. This condition would not be met if a storage facility & compression were to be built they would be permanent.

### HOUSING SAFETY

With the building of the original Terminal, a condition was that there was to be no building south of the terminal within a 1km. safety exclusion zone. Moorhead Cottages to the east came within this zone-- the planners allowed the company to buy these despite part of them being listed. The cottages have remained empty ever since. The location of the compression station is within the exclusion zone & is only 0.75 km. from houses in Rampside.

### WILDLIFE

Obviously building of two large gas terminals has already affected wildlife, but I consider Centrica has done a relatively good job in attracting wildlife back to the environs of the sites. However I do find it unacceptable that having attracted wildlife to new habitats, some of these habitats nearing maturity are to be destroyed. One tree planted pond will be seriously affected.

I am well aware that U.K. gas reserves are a matter of national concern & this seems an option to increase these slightly. However I feel the onshore location poses serious safety questions in that it concerns extending a C.O.M.A.H site which is already one of the largest in the county. The trust between Centrica & the villagers which has been built up over many

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years would be severely reduced if the safeguards promised in the original planning were to be completely disregarded. I certainly would like much more information on the long term viability of this current application. Gateway & Stag Energy have provided plenty of diagrams regarding the off shore facility, but almost nothing on the onshore part of the scheme which affects people & their houses. It came as a shock to someone who attends Centrica meetings to see the actual plans and see the size of the proposed development”.

W M Everett, 54 Hugh Street, Pimlico, London

“You may recall that I came to see you at the end of January.

We discussed our proposals for the Hoegh LNG Pipeline. One of the most important issues that arose was the need to make sure that our proposals should be planned and managed in association with those of any other companies seeking to install pipelines across Walney Island to the South Terminal. Whilst we acknowledge that the Planning Authority can't require planning permission to be implemented at the same time, we feel that in the best interests of the proper planning of the area, all applications should be considered together rather than in a piecemeal manner.

We remain extremely keen to work closely with the Offshore Gas Storage Project and we are concerned that their scheme may be considered by the Council before we have been able to co-ordinate our plans. For this reason, we wondered if the application mentioned above may perhaps be a little premature. We hope to construct our pipeline in 2010, the same year as their proposed construction, and we are keen to minimise the disturbance caused by construction by combining the two schemes. There are clearly significant environment and social benefits if we can coincide the construction phase of each development.

We are also concerned by the landscaping proposals in this application. We would wish to be sure to screen the construction effectively from Rampside village and from other viewpoints that may be affected in order the proposal complies with Policies D1 and D2 of the Barrow Borough Local Plan Review. We would hope that a combined plan would achieve this more effectively than the current proposal”.

The Occupier, Sanderlings, 18 Rampside, Barrow in Furness

“I called at the Town Hall yesterday to view the plans in connection with the above proposed developments and was met by a pile of documents at least a foot high which would probably take more than the allowed 21 days to read let alone assimilate - especially by the ordinary layman. One can but hope, therefore, that the town's planners and Rampside's Councillors, will seriously review every aspect of these very considerable applications, particularly with regard to the possibilities of all hazards relating to possible explosions, the good health of the local residents, and noise pollution.

The following are therefore my main worries regarding these applications : -

1. The proposed site of the land based development is closer to the village of Rampside than any of the previous developments. This brings all associated hazards closer to our village with all that that might presage for the future. When phase 1 was originally agreed a safety zone was established of one mile between any gas terminal developments and any properties within the village. That safety zone was set for a specific purpose - obviously to safeguard the residents of

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Rampside. What of that safeguard now - the safety zone will obviously be breached - has safety been cast to the winds merely to save the applicant's money. There is obviously some risk of explosion. If not, why would British Gas circulate all residents with instructions as to the actions they should take in the event of an emergency. It is obvious that the choice of site has been made for one reason only - it is the closest piece of land to where the proposed pipelines will emerge from the channel - therefore, it is British Gas' cheapest option, even if it will breach the safety zone. Why, if more money is spent couldn't the development take place nearer to the heart of the present terminal and so not increasing any risks to local residents? Another point I would make - although I appreciate that this has little to do with planning but, perhaps more to do with the morality of big business - when Phase 1 was developed we were promised, by the British Gas Officer who took the leading role in all meetings with local residents, that no future developments would come any closer to Rampside than the initial Phase 1. That promise was again mentioned when subsequent Phases were developed, on the basis that, British Gas had maintained their original promise to Rampside. It seems the applicant is happy to maintain such promises, as long as it suits them but, that if cost comes into the equation, then safety flies out of the window. Of course, the applicant only made this as a verbal promise, and, as far as I am aware, it was never put into writing.

- 2 It appears from the application that, there will be two new gas pipelines and one methanol pipeline. Do I understand correctly that this will be the first time that methanol has been brought ashore at Westfield Point? If so, what additional hazards, particularly of a health nature does this present us with? As the gas fields run dry, the gas being brought ashore will contain more and more contaminants which, presumably need to be removed from the gas before it is dispatched, for use, into the main pipeline. No doubt, the methanol will also need to be treated in some like manner. What happens to all the contaminants removed by way of all such processes of both cleansing and compressing these substances? I would like to be convinced, as I trust the planners and councillors will require to be convinced, on our behalf that, no additional contaminants both, as to type and quantity, will be released either into the atmosphere or into the sea. In this respect, I am particularly interested in any contaminant which it is at all likely to be of a toxic or carcinogenic nature.

Phase I, of the gas terminal was, it turns out, quite an innocuous development but, this was merely the foot in the door and, subsequent phases were far from innocuous. Reasonable noise limits were originally agreed but later operating requirements required that RB211 aeroplane engines be installed on site. That change made a considerable difference to local noise levels, particularly at nights - it is little wonder that British Gas bought out the properties at Moorhead. However, agreed noise limits were increased to accommodate those new levels. Now, returning to the newly proposed development. If this is to be sited closer to Rampside then any noise produced by way of the processing of either natural gas or methanol will also be closer to Rampside thus seriously increasing the risk of noise pollution. I would seek confirmation that this would not be the case

The foregoing represent my main objections to the proposed development and I can only repeat my hope that the Town's Planners and Councillors seriously review all the points which are raised by way of the various objections, and ensure that the town's residents do

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not suffer, in any way from, British Gas' need to undertake the work at the least possible cost to themselves".

### The Occupier, 127 Rampside, Barrow in Furness

"I wish to submit the following comments against the above connected Planning Applications.

#### Noise

The report covers the expected performance of the new Facility. The existing Rivers Facility has not to date been fully commissioned and the corresponding actual operating Noise levels measured. How can an accurate assessment be made of the combined noise levels from all Operating Facilities bearing in mind the concerns already raised to date?

#### Footpaths and Coastal Path

Can the Council confirm that all Footpaths will be open during the construction Phase of this Project?. It is noted that AMEC have stated that the Coastal Path will be diverted over the Pipe Line during construction and steps will be provide - what about Wheelchair and Cyclist access?

#### Local Population

Supplementary Information provided indicates the nearest occupied property relates to the Caravan Park - 600m. Taking account of the statement that "the location of the pipelines has not yet been determined and could be anywhere within the site boundary" it would appear that certain caravans will be well within 600m? Can you please confirm?

#### Wildlife

Having scoured the documents available on line it does not appear that a detailed report has been produced on the impact on Wildlife around the construction and Operation of the Onshore Facility. Please advise if such a Report exists. The main concerns relate to the devastation of the established Woodland and Copse around the Pond to the South and adjacent to the existing Facility. This area contains a wide range of Wildlife from Kingfishers, a large variety of ducks to the large Fish population within the Pond. The boundary for the new Facility and Site Establishment lies adjacent to this pond - what measures will be in place to limit disturbance to the wildlife and contamination of the Pond?

The outlet to the sea from the Pond further South would appear to lie directly in line with the proposed Pipe route and Cutting / Spoil area. What provision is being made to re-route or maintain this outlet bearing in mind that Elvers utilise this for access to the Pond?

#### General

In order to inform local residents of the Proposed Storage of Gas within the Irish Sea an Overview was provided at Rampside Village Hall. This gave a detailed explanation of the method of storage etc... but did not provide any details of the Land based facility. Is there to be a future Overview of the Onshore Facility?

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If necessary and appropriate I would be willing to address the Planning Committee Meeting in relation to these Planning Applications”.

The Occupier, Rampside Hall, Rampside, Barrow in Furness

“I have a number of concerns regarding this application particularly its siting at option 3 and hope you will take into account my objections.

### 1. Re safety

According to the Gateway Hazardous Substances Statement- the outer hazard zone extends to 325m

The distance to the nearest point of the caravan site at Rampside (which is occupied virtually all year) is 580m and to the nearest housing (Woodhill Cresc) is 740m. Is this sufficient safety margin, especially considering the close proximity of SMT/NMT/Rivers and would a major explosion cause damage also to these facilities, resulting in further explosions and potential release of the extremely hazardous substances kept at these plants?

I understand that Moorhead Cottages(1.1km from SMT) were purchased by British Gas as this housing was thought to be too close to its facility The Rampside caravan site is only half this distance.

### 2. Re noise

Site selection option 2 is considered too close to Roosecote, approx 2km away, whereas, this facility will be only 580m from the caravan site and 750m from housing.

According to the design statement this facility will be a `low noise impact development'- can gas really be compressed `quietly', bearing in mind the intrusive noise that sometimes come from the compressors at NMT 1.5km away

The additional noise from the Rivers facility is as yet unknown.

### 3. Environmental

Option 2 site requires loss of a substantial area of mature woodland, which is a scarce and valuable resource for wildlife in this area.

Furthermore this woodland provides a significant noise and visual barrier from SMT/NMT

### 4. Topography

SMT and NMT are relatively low lying with an area of higher ground between these and Rampside. After this higher ground the land falls away towards Rampside increasing potential problems.

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### 5. Leisure

The Cumbria Coastal Path/Cistercian Way is a popular leisure amenity, used throughout the year. When this facility is finished this will add substantially further to the industrialization of this previously beautiful peaceful and greenfield area. During construction (2008-2011) the planning statement refers to 'maintenance of passage for vehicles, ships and pedestrians' I am only able to find passing reference (on one of the plans) to the construction of a temporary bridge and steps to allow passage of pedestrians. If this application is successful I hope that continuous access will be possible including for pushchairs and bicycles.

I hope you will take into account my objections.

### CONSULTATIONS:

#### County Archaeologist

"The Environmental Statement indicates that the proposed pipeline lies in an area of archaeological potential. Walney Island was a focus for activity during the prehistoric period and Mesolithic flint implements and Neolithic and Bronze Age pottery have been revealed nearby (Historic Environment Record no. 2616). Furthermore, archaeological monitoring of the pipeline to the north of the proposed route identified remains of medieval agricultural activity. It is therefore considered likely that archaeological remains survive on the route and that they would be damaged or destroyed by the proposed development.

I broadly agree with the proposed archaeological mitigation scheme as outlined in the Environmental Statement. Existing medieval agricultural remains and field boundaries should be recorded, topsoil removal along the proposed pipeline route should be archaeologically monitored and any ground works of the pipeline should be the subject of an archaeological watching brief. In addition to the archaeological mitigation measures mentioned in the Environmental Statement, I consider that the area of the gas compression station is the subject of an archaeological evaluation and, where appropriate a recording programme. This work should be commissioned and undertaken at the expense of the developer and can be secured through the inclusion of a negative condition (PPG16, para. 30) in any planning consent. I suggest the following form of words based on the model given in PPG16.

*No development shall commence within the site 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 by the applicant and approved by the Planning Authority.*

*This written scheme will include the following components:*

- i) The recording of existing upstanding medieval agricultural remains and field boundaries affected by the proposed development;*
- ii) An archaeological watching brief to be undertaken during the course of the ground works of the proposed pipeline;*
- iii) An archaeological evaluation in the site of the proposed gas compression station and, where appropriate, an archaeological recording programme the scope of*

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*which will be dependant upon the results of the evaluation;*

- iv) *Where appropriate, a programme of post-excavation analysis, the preparation of a site archive for deposition at a suitable store, and publication of the results in a suitable journal.*

*(Reasons: To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains)*

I would also suggest that you advise the applicant that such archaeological investigations are liable to involve some financial outlay. I trust this recommendation is acceptable.”

## Environmental Health

“B1 - standard noise conditions will apply relating to similar units in the area:

Noise from the development must not cause the existing background noise level (measured as the LA90 (10 minutes) to be exceeded at any neighbouring noise sensitive locations. Tonal noise will result in a 5dB addition to that noise (Definition in: Appendix E “Noise Procedure Specification, Publication 140”, The Engineering Equipment and Materials User Association). [Note: the noise is measured 3.5m from any reflective surface, other than the ground, at a height of between 1.2 and 1.5m.]”

## Environmental Health dated 7.5.08

"I would recommend the following conditions:

1. During normal operation of the Gas Compression Station (GCS), the following conditions shall apply to noise arising from the Stag Energy operations:

a) Between the hours of 07.00 and 22.00, everyday, the background (L90) level shall not exceed 37 dB(A) at any point one metre from the façade of any occupied building except in the event of infrequent operations when the L90 shall not exceed 42 dB(A).

b) Between the hours of 22.00 and 07.00, everyday, the background (L90) level shall not exceed 37 dB(A) at any point one metre from the façade of any occupied building.

Levels in a) and b) shall be reduced by 5 dB(A) when the noise is impulsive or where pure tones predominate.

2. Before the development hereby permitted commences, a scheme shall be submitted to and approved by the local planning authority, which specifies the provisions to be made for the controlling of noise emanating from the site. The scheme should include a programme for commissioning tests and periodic environmental noise monitoring and where appropriate noise modelling to demonstrate the free field rating level of 30 dB(A).

3. Before development is commenced, a scheme shall be submitted to and approved in writing by the planning authority making provision for a Construction Method Statement to control any adverse impact of the construction stage of the development upon the amenity of the public and nearby occupiers. The Construction Method statement shall include details of:

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- a) Dust management controls;
- b) Measures for minimising the impact of noise and vibration arising from construction activities;

The development shall thereafter be carried out in accordance with the approved scheme and statement.

Hours - Construction Phase:

Limited Hours of any piling operations to:  
8:00am - 6:00pm Monday to Friday ONLY

Limited Hours of noisy construction works to:  
7:00am - 7:00pm Monday to Friday  
8:00am - 1:00pm Saturday

No noisy activities on Sunday or Bank Holidays.

'Noisy Construction' is defined as audible or perceived at any noise sensitive dwelling".

Natural England – dated 11.2.08

"The application is in the vicinity of and within land which forms part of Morecambe Bay SAC, SPA and Ramsar sites. The location of the proposal in relation to this European Site means that the application must be determined in accordance with the requirements of the Conservation (Natural Habitats &c) Regulations 1994 (the *Habitat Regulations*) in particular Regulations 48 and 49. Part I B of *ODPM Circular 06/2005 - Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System* describes the procedure for the consideration of plans and projects that may affect European and Ramsar sites.

Based on the information provided, Natural England has no objection to the proposed development. It is our view that, either alone or in combination with other plans or projects, it would not be likely to have a significant effect on the interest features of the Morecambe Bay SAC, SPA and Ramsar site or any of the features of special scientific interest of the South Walney and Piel Channel Flats Site of Special Scientific Interest (SSSI). Our detailed reasoning behind this view is set out below:

The Gateway Gas Storage Project Onshore Environmental Statement has addressed potential impacts and provided mitigation for the following interest features:

### SAC

- ♦ Mudflats and sandflats not covered by seawater at low tide
- ♦ Glasswort *Salicornia* spp. and other annuals colonising mud and sand (Pioneer saltmarsh).
- ♦ Atlantic salt meadows *Glauco-Puccinellietalia* (Saltmarsh).

### SPA

- Internationally important populations of regularly occurring Annex 1 species.
- An internationally important assemblage of waterfowl and seabirds.
- Internationally important populations of regularly occurring migratory species.

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### Key sub-features

- ♦ Intertidal boulder and cobble skew communities
- ♦ Subtidal boulder and cobble skew communities
- ♦ Brittlestar bed communities
- ♦ Intertidal boulder clay communities
- ♦ Coastal lagoon communities
- ♦ Intertidal mudflat and sandflat communities
- ♦ Pioneer saltmarsh communities
- ♦ Saltmarsh communities

### Ramsar:

The site is a staging area for migratory waterfowl including internationally important numbers of passage ringed plover *Charadrius hiaticula*

### Assemblages of international importance:

#### Species with peak counts in winter

223709 waterfowl (5 year peak mean 1998 – 2002/3)

Species/populations occurring at levels of international importance during the breeding season:

#### Species with peak counts in spring/autumn:

#### Species with peak counts in winter.

In addition, *Sabellaria aveolata* reefs, a priority BAP Habitat and Annex 1 species protected under the Habitats Regulations 1994, have been considered.

The Environmental Statement provides acceptable mitigation, including monitoring of recovery for those interest features affected by the proposal such that Natural England can conclude no likely significant effect on the European marine site in the long term.

Natural England advises the following planning conditions to ensure that the integrity of the European marine site is maintained:

- ♦ Works are carried out in accordance with the mitigation methods set out in the Onshore Environmental Statement,
- ♦ Consultation with Natural England should be maintained throughout the life of the project, including monitoring of recovery,
- ♦ Beach profiles should be restored to original levels to ensure continuity of coastal processes.

Part I B of *ODPM Circular 06/2005 Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System* describes the procedure for the consideration of plans and projects that may affect European and Ramsar sites. We have attached Figure 1 from this Circular which summarises the procedure”.

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Natural England – dated 18.3.08

Apologies for the disjointed Natural England response to this application. Corrie Bruemmer has asked for further consideration regarding the great crested newt mitigation. The following paragraphs are copied from an earlier response to you from her:

"In regards to section 1.3.2 "In consideration of this [that EPS area material consideration under PPS9], and in consultation with Natural England, a pragmatic and mutually agreeable approach is to be adopted ...."

We CANNOT agree or endorse this approach. We need to clearly advise them that PPS9 requires that surveys are undertaken prior to determining the planning application. This is planning policy and not part of any legislation, so they can decide to ignore this and make the decision to determine the application before all the relevant information has been submitted. Normally, NE would object to this. We definitely cannot agree to this or endorse it.

As to the mitigation plan itself: I have not read it word for word, but it seems to cover the relevant issues. The fine details need to be agreed with our licensing section in any case, when (if) they apply for a GCN EPS licence.

Just a couple of points though:

1.4.6 They say that experienced ecologists have drawn up the plans. It would be useful if they could give the names of these ecologists.

2.7.1 "Until a full presence/absence survey is undertaken in April 2008..." If they find GCN during the presence/absence survey, they will need to extend the survey in order to be able to undertake a population size assessment. I found no reference in the mitigation plan in regards to survey methods (although I might have missed that). The survey needs to be undertaken in accordance to the GCN mitigation guidelines, e.g. 3 methods for absence/presence surveys etc.

Presumably they will be aware that surveying 19 ponds will require a lot of manpower. One of the reasons we need to see the survey upfront, is to ensure that it has been done properly.

#### 4.12 Timetable of Works

They haven't timetabled the survey in their schedule. The application for NE GCN licence is given as April. They definitely won't be able to apply for a EPS licence until the second half of April, as they will need to do at least 3 surveys after mid April if they find GCNs. And they cannot apply for the licence until they have completed the survey.

These are just a few minor points. Overall the mitigation looks ok, but as I said, I haven't looked at it in fine detail. "

Natural England maintains the position that developer should undertake surveys prior to Barrow Borough Council determining planning permission. If planning permission is granted without the full survey and any relevant license in place, this will be against Natural England's advice. Deferring the application hearing until the end of April would allow for the survey and license application and would still allow work in Walney Channel to be undertaken in summer months.

I understand also that Cumbria Wildlife Trust have recommended that works on Walney Island be timed for late summer to avoid disturbance to ground nesting birds. Natural England endorses this approach and suggests that planning permission, if granted, should be phased in 3 sections".

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Natural England – dated 19.3.08

“This letter confirms the advice contained with the email from Rosie Baynes (18<sup>th</sup> March 2008) and constitutes Natural England’s formal advice in relation to this issue.

PPS9 requires protected species survey information to be provided prior to determining the planning permission. As the presence/absence survey for great crested newts requires at least two surveys to be undertaken between the 15<sup>th</sup> of April and the 15<sup>th</sup> of May, this would not allow a full survey to be undertaken in time for the planning committee meeting on the 8<sup>th</sup> of April. In accordance with PPS9, Natural England’s standard advise in such situations would be to postpone the planning meeting until a survey and mitigation report can be submitted.

However, Natural England has been made aware that the April 8<sup>th</sup> 2008 planning decision is crucial to securing project funding for the proposal.

Seeing that the applicant has shown an understanding of the great crested newt guidelines in terms of survey and mitigation and has shown a commitment to undertake survey and mitigation works, Natural England would not pursue this matter any further, if the applicant submits an interim survey report together with a proposed mitigation plan in time for the planning meeting on the 8<sup>th</sup> April. This interim report must contain details of survey results for 2 of the necessary 4 survey visits (methodology to be consistent with the in English Nature’s Great-crested newt mitigation guidelines 2001 (ISBN 1 85716 568 3), with the further two visits to be undertaken between the 15<sup>th</sup> of April and 15<sup>th</sup> of May 2008.

Whilst Natural England deems the mitigation plan (dated March 2008) to be sufficient in terms of allowing the planning permission to be determined, we require the following sentence under 1.3.2 to be removed: “In consideration of this, and in consultation with Natural England (NE), a pragmatic and mutually agreeable approach is to be developed ....”

The applicant will be aware that if the presence/absence survey provides evidence of great crested newts, a European Protected Species Development Licence will be required before works potentially impacting on the newts can commence. As part of this licence application, any ponds containing great crested newts should be assessed for population size following the Great Crested Newt Mitigation Guidelines.

We apologise for the conflicting advice given arising from our initial oversight that the cables and pipelines pass close to ponds and surrounding terrestrial habitats which are suitable for great crested newts (GCN) and require protected species survey information. If you have any queries relating to the content of this letter, please contact the author at the above address”.

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Natural England – dated 7.5.08

As a result of Natural England's amended advice (19<sup>th</sup> March 2008), Amec Earth & Environmental undertook a GCN survey of the proposed Gateway pipeline corridor on behalf of Rudall Blanchard Associates, which was submitted at the end of April 2008.

Although NE feel the survey had some significant shortfalls, and that the unusually cold conditions may have compromised the ability to detect GCN, we feel that these surveys are sufficient to allow Barrow Borough Council to remove this issue as a potential stumbling block to the issuance of planning permission.

Natural England have reached this decision by assessing the above report in combination with the fact that Gateway Storage Company Ltd have submitted a full mitigation plan and that construction is not being undertaken until 2009. Therefore, in relation to this issue, NE advise that planning permission can be granted providing that the following planning conditions are imposed;

- That a revised GCN survey programme is agreed with Barrow Borough Council and Natural England within 1 month of the granting of consent. *This will supplement the 'snapshot' survey already undertaken, and will be used to fine-tune the mitigation proposals.*

Natural England would further recommend that BBC urge developers to work collaboratively where similar projects are proposed. It is our understanding that in addition to the Gateway pipeline, Bains Partners and Höegh LNG are proposing similar works along the same easement in 2009/2010. A joint approach would benefit developer and the environment alike, and would reduce the significance of future cumulative impact assessments.

Natural England – dated 14.5.08

"Thank you for your consultation dated 2 May 2008, received in this office on 2 May 2008.

This letter represents our consultation response under Regulation 48(3) of the *Habitats Regulations*<sup>1</sup> 1994. We have the following comments to make on this planning proposal:

The application is in the vicinity of land which forms part of Morecambe Bay SAC, SPA and Ramsar sites. The location of the proposal in relation to this European Site means that the application must be determined in accordance with the requirements of the Conservation (Natural Habitats &c) Regulations 1994 (the *Habitat Regulations*) in particular Regulations 48 and 49. Part I B of *ODPM Circular 06/2005 - Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System* describes the procedure for the consideration of plans and projects that may affect European and Ramsar sites.

Based on the information provided, Natural England has no objection to the proposed development amendment. It is our view that, either alone or in combination with other plans or projects, it would not be likely to have a significant effect on the interest features of the Morecambe Bay SAC, SPA and Ramsar site or any of the features of special

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scientific interest of the South Walney and Piel Channel Flats Site of Special Scientific Interest (SSSI). Our detailed reasoning behind this view is set out below:

The landscaping aspect of the application is outside the boundary of the designated site. The planting mix of locally native species for W8 woodland and traditional meadow seed mixture are locally typical and suitable for biodiversity enhancement.

Natural England is concerned that Gateway Gas, the Bains Partnership and Heogh Port Meridian be encouraged to time their projects so that construction coincides. It is important that work which affects the natural environment should be minimised in order to allow minimum disruption to habitats and maximum recovery”.

## Associated British Ports – dated 22.1.08

“Associated British Ports, Barrow, has been consulted by you regarding the above project. The proposed pipeline crosses the Barrow Statutory Harbour Area, and of particular concern to us, the main navigational shipping channel access to the port.

As the Statutory Harbour Authority and in the interests of safe navigation we have the following requirements:

1. The top of the upper most buried pipe is to be buried, between the toe lines of the navigation channel at a depth of not less than 11.8 metres below OD Newlyn, or 2 metres below the deepest current scour depth whichever is greater. The pipeline is not to rise from the extremities of the channel toe line at a slope greater than the Channel side slope design of 1:8. This was the depth agreed for the previous gas pipelines buried across the Walney Channel
2. The top of the pipeline is to be adequately back filled by an overlay of 1 metre of sand, further overlaid by 1 metre of stone armour scour protection, to give a clear depth of water of 9.8 metres below OD Newlyn.
3. The Harbour Authority is to be provided with Hydrographic Surveys of the working area around the channel and tidal flats, immediately prior to commencement of dredging works, on completion of the pipe lay works and at 6 months after completion of the pipe lay works to identify any scour or siltation effects.
4. During dredging there is to be no `side casting' or storage of dredge material on the inter-tidal flats or into the navigation channel for subsequent lifting or back filling,, to prevent migration of spoil. Adequate measures must be taken to prevent run off of silt on breakout from the inter-tidal flats.
5. Adequate measures are to be taken to ensure that there is no collapse of the training wall to the south of the channel when it is trenched through. Such a collapse could result in a serious ingress of material into the channel and serious consideration should be given to sheet piling the trench in the vicinity of the training wall. The training wall is to be restored to a good and functional condition on completion of works.
6. The pipeline owners are to restore any loss of navigational depths shown, by comparative surveys, to have been caused by these works after due account is made for natural siltation.
7. The pipeline owners are to provide the Harbour Authority with an `as laid' profile of the pipeline crossing of the Walney Channel, to show actual lay depths of the pipes and

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levels of back fill, including the stone armour level, below OD Newlyn on completion of works.

8. The pipeline is to be marked by two transit beacons in the vicinity of Pike Stones Bed Hollow. These beacons to be yellow steel piles surmounted by yellow cross top marks. The beacons are to be positions agreed with the Harbour Master and are to be lit. The front transit beacon is to be lit at a height of 3.5 metres above Mean High Water Springs (MHWS) and the rear transit beacon lit at a height of 4.5 metres above MHWS. The light characteristics will be as agreed by sanction from Trinity House, the General Lighthouse Authority for England. ABP Barrow, the Local Lighthouse Authority will apply for such sanction.

9. The Harbour Master at Barrow is to be advised at least 14 days before works commence within the Harbour Area and Walney Channel in order that appropriate Notice(s) to Mariners can be promulgated.

10. Communications are to be maintained with the Harbour Master at Barrow throughout the duration of works in the Harbour Area between Walney Island and the Westfield Point to Roa Island landfall.

11. At no point is the buoyed navigation channel (known as the Walney Channel) to be obstructed without the written agreement of the Harbour Master. Such agreement, whilst possibly subject to certain conditions, timescales or timing will not be unreasonably held.

12. ABP Barrow has intention to seek an indemnity from the pipeline owners against possible loss of depth in the Walney Channel. Such an indemnity was issued for the previous gas pipeline crossings of the Walney Channel”.

#### Associated British Ports 13.3.08 (response to the applicant copied to this Authority)

“I refer to your e-mail to me of 11 March and the request for clarification of some of the conditions that we requested when responding to Barrow Borough Council’s consultation on your application for planning permission. (My letter to Barrow Borough Council dated 22 January 2008 refers).

In response to you queries raised in your e mail:

1) I can assure you that ABP Barrow will give best possible co-operation in allowing dredging operations and pipe pulling that will effectively close the Walney Channel for some periods to some/all shipping. We will of course have to insist that the Channel is cleared on some occasions to allow the public right of navigation. We will require adequate co-operation from the dredging and pipe laying contractors on those occasions. Three other pipeline crossings of the Walney Channel have been constructed and no serious impairment to navigation occurred. I see no reason why this should not be the case during the Gateway gas pipeline construction given adequate communication and cooperation between the construction contractors and ABP.

2) Requested condition 4 of my letter to Barrow Borough Council says, “During dredging there is to be no 'side casting' or storage of dredge material on the inter-tidal flats or into the navigation channel for subsequent lifting or back filling, to prevent migration of spoil. Adequate measures must be taken to prevent run off of silt on breakout from the inter-tidal flats”.

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The purpose of that condition is to prevent excessive spoil migration into the navigation Channel. Some spreading of spoil atop the inter-tidal flats is not of concern to us as a Statutory Harbour Authority. In practice a view will need to be formed on the risk of significant spoil migration into the navigation Channel. We will form that view taking the following into consideration:

- It is the area closest to the main navigation Channel that creates greatest risk of spoil migration as the closer to the Channel spoil is 'side cast' the lesser the distance tidal suspended spoil has to travel into the Channel.
- The inter-tidal flats are covered over a large area by larger spring tides to a considerable depth but they stay largely shallowly covered or dry during neaps.
- The predicted heights of tide between the time of excavation and backfilling post pipe lay.
- The duration of the period of 'side cast' storage.
- The depth of the excavation.
- The height of the slope of the naturally formed bank up to the nearly level inter-tidal flats. I would suggest that we agree a distance from the toe line of the Channel (on each side) where no 'side casting' or storage of dredge material occurs. This agreement is probably best made by the contractor and ourselves in discussion. I have some (if slightly dated) Lidar data on heights of the bank slope and inter-tidal flats. ABP will be able to form a view of where to 'draw a line' on each side of the Channel where we believe risk of excessive spoil migration is reasonably small.

3) Please be aware that the training wall extends below mean high water springs.

4) It may not be necessary to install pipeline marker beacons if the Gateway gas pipelines closely follow the route of the Calder (also known as "Rivers") gas pipeline as the existent beacons may well adequately mark the Gateway pipelines. Once final plans are drawn up I will be able to advise you on this matter".

### Associated British Ports – dated 23.4.08

In my letter to you of 22 January 2008 Associated British Ports, Barrow stipulated the following requirement:

1. The top of the upper most buried pipe is to be buried, between the toe lines of the navigation channel at a depth of not less than 11.8 metres below OD Newlyn, or 2 metres below the deepest current scour depth whichever is greater. The pipeline is not to rise from the extremities of the channel toe line at a slope greater than the Channel side slope design of 1:8. This was the depth agreed for the previous gas pipelines buried across the Walney Channel.

Following meetings with BAE SYSTEMS I have now been formally advised of a possible future requirement for deeper draught submarines to safely navigate in the Walney Channel. It is therefore prudent to increase the depth of burial of the pipeline to 12.8 metres below OD Newlyn. This condition should be a condition of planning consent for the Gateway Gas pipeline.

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Cumbria Wildlife Trust – dated 18.2.08

“The EIA stresses the importance of the area for wintering bird assemblages in the Piel Channel and surrounding areas, but plays down the importance of breeding birds on Walney Island, leading to a potentially damaging start date for pipe laying (May). Gateway’s Ecological Impact Assessment suggests that the proposed pipeline area on Walney, is unlikely to support breeding skylarks.

Having visited the pipeline site we have found areas of tussocky, rough pasture that are likely to support skylarks and furthermore we have confirmed that the proposed pipeline

lies across areas used by breeding lapwing. At least one pair were recorded directly in the path of the pipeline in 2007 by Mike Douglas, the South Walney Warden, who also estimated that around ten pairs were nesting within an area that will lie in a zone 200m either side of the proposed pipeline. At least one pair of redshank also nested in the area in 2007.

The lapwing is a bird of conservation concern and is amber listed due to large declines in the twentieth century. In England and Wales the species has declined by 80% since 1960 (RSPB), while Cumbria has seen a decline in both lapwing abundance and distribution since 1972 (Stott et al 2002). The redshank is also amber listed and has shown ‘a fourfold reduction in distribution’ (Stott et al, 2002) in Cumbria since 1972.

The variety in sward height and the presence of tussocks in the wet fields surrounding the pipeline mean that the area is a good nesting ground for both species of wader. As a result of their presence, the beginning of trenching works should be delayed until later in the summer.

Lapwings begin egg laying in April on Walney and will continue laying eggs (after predation) and incubating until June. Redshank eggs have also hatched by the end of June (Cramp et al, 1983) and the chicks are mobile and are quickly lead from the nest. Redshanks are easily disturbed from their nests and will therefore have to be considered even if not in the direct path of the pipeline. Trenching should therefore not commence before the end of June.

Another issue that should be raised is that of great crested newts, a species protected under the Conservation (Natural Habitat &c.) Regulations 1994 (Habitat Regulations). The EIA indicates that there is potential for great crested newts to be found in ponds on the east side of Walney Island and in ponds just to the south of the pipeline’s landfall on the mainland that will be undergo water loss due to trenching. The statement regarding great crested newts on page 30 of the submitted EIA indicates that:

*“In view of potential impacts on waterbodies, a full presence/absence survey of all potentially suitable waterbodies within 250m of the proposed pipeline route will be carried out at an appropriate time of year e.g. April/May 2008, to check for the presence of great crested newts....Should great crested newts be found within the survey area, or they are found within the study area during the construction phase, a planned avoidance/mitigation strategy will be agreed in consultation with Natural England and implemented under a European Protected Species Licence.”*

According to PPS9 and the English Nature Great Crested newt mitigation guidelines, this information should have been acquired prior to the application being submitted as the presence of protected species is a material consideration in determination of a planning

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application. Therefore the applicants should undertake a survey prior to determination of the application on ponds 1, 2 and 7-16 as well as Ditch 1 as recommended in the EIA. If great crested newts are present, this may mean that plans or management may have to change to ensure the ponds are maintained to ensure the protection of any newts found on site. Therefore the survey should be carried out prior to permission being granted.

We would therefore like to register an objection to the proposal, pending further consideration of breeding birds, adjustments to the timetable for trenching on Walney Island and submission of a great crested newt survey”.

#### Cumbria Wildlife Trust – dated 14.3.08

“I am writing to confirm we withdraw our objection to this application on the grounds of the working period affecting ground nesting birds. The change of date to works between July and September has been confirmed in a letter from Andrew Stacey.

I am also writing to say that we have seen the great crested newt mitigation plan and it is certainly adequate and comprehensive. However, I have spoken with Corrie Bruemmer, the great crested newt species expert at Natural England and we are both unhappy that this application will be going to committee without a great crested newt survey prior to the application being determined. A simple presence/absence survey can be carried out according to Natural England’s guidance on the sites in the next four weeks which would establish whether the sites are indeed great crested newt sites.

As we commented in our previous letter (dated 18<sup>th</sup> Feb), according to Natural England’s protected species guidance and PPS9 the presence of great crested newts should be ascertained prior to an application being determined and it is bad practice not to obtain this information prior to determination. We therefore cannot yet withdraw our objection to the application because of the lack of a great crested newt survey”.

#### Centrica plc

“We are instructed by Centrica plc to submit a holding objection to the above planning application by Gateway. As you will be aware, the on-shore elements of the proposals relate to land immediately adjacent to the Morecombe South Terminal which is owned and operated by Hydrocarbon Resources Limited (HRL), a wholly owned subsidiary of Centrica plc. The proposal by Gateway will also involve connections into the South Terminal.

We are currently discussing certain elements of the scheme with Gateway and would like to reserve the right to comment further on the application proposals. We understand from the applicant’s agent, Keith Dalton, that you are prepared to extend the consultation period to 29 February 2008 to receive these comments.

In the meantime, my client’s records show that Notice should have been served on the Holker Estate as a tenant with a lease in the land of over 7 years unexpired and their agricultural tenant. We have made Gateway aware of this and can provide further detail on request.”

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On behalf of Centrica – dated 11.3.08

“Further to our letter dated 30 January 2008, we are instructed by our client Centrica plc to withdraw the holding objection to the above planning application by Gateway.

Certain landscaping elements of the scheme submitted have now been amended to our clients satisfaction”.

### Cumbria County Council

That no objection be raised to the application, subject to the implementation of the recommended conditions set out in Annex 1, and satisfactory resolution of the matters set out below:

- the Borough Council must ensure that the views of Natural England are fully considered in terms of the impact of the development upon the Morecambe Bay Site of Special Scientific Interest (SSSI)/Ramsar Site, Special Protection Area (SPA), and Special Area of Conservation (SAC), the Duddon Estuary Site of Special Scientific Interest (SSSI)/ SPA and Ramsar Site, and the South Walney and Piel Channel Flats Site of Special Scientific Interest (SSSI). There is also a need to consider an Appropriate Assessment to ascertain any significant environmental effects;
- a condition should be included to ensure that a detailed landscaping scheme, to reflect the conceptual scheme as far as possible, is drawn up and agreed by Barrow Borough Council prior to any development work commencing;
- a condition should be attached to ensure any landscape elements that are disturbed as a result of pipe laying are reinstated once the pipe has been laid;
- the applicant should be advised that archaeological investigations are liable to involve some financial outlay;
- a condition should be attached requiring submission of detailed proposals to show: methods of applying for temporary closures of any public rights of way routes to protect public safety during construction; an indication to what standard rights of way routes will be reinstated and how any disturbance to the surface of the route would be rectified after construction, and what level of provision will be put in to protect users on the crossing of the access track; how public safety would be addressed.
- A condition should be attached to ensure sufficient parking facilities are to be provided for vehicles generated by the construction of the development.
- The measures identified in the Traffic Management Plan contained in the Transport Assessment as secured via either a Section 106 or Section 278 Agreement.

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### Annex 1

No development shall commence within the site 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 by the applicant and approved by the local planning authority

The written scheme will include the following components:

- i) The recording of existing medieval agricultural remains and field boundaries affected by the proposed development;
- ii) An archaeological watching brief to be undertaken during the course of the ground works of the proposed pipeline;
- iii) An archaeological evaluation in the site of the proposed GCS and, where appropriate, an archaeological recording programme the scope of which will be dependant upon the results of the evaluation
- v) Where appropriate, a programme of post-excavation analysis, the preparation of a site archive for deposition at a suitable store, and publication of the results in a suitable journal.

Before any development takes place, a plan shall be submitted for the prior approval of the local planning authority reserving adequate land for the parking of vehicles engaged in construction operations associated with the development hereby approved, and that land, including vehicular access thereto, shall be used for or be kept available for these purposes at all times until completion of the construction works.

### Environment Agency – dated 29.2.08

“The Agency has no objection to the proposed development and requests the inclusion of the following planning conditions:

#### CONDITION

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority detailing how this unsuspected contamination shall be dealt with.

#### REASON

To prevent pollution of the water environment.

#### CONDITION

Any facilities for the storage of oils, fuels or chemicals on the onshore facility shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the banded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest

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tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

### REASON

To prevent pollution of the water environment.

The pipeline is proposed to pass very close to the existing landfill site at South Walney operated by Cumbria Waste Management, care must be taken to investigate any excavations for landfill gas and leachate and the company must have measures in place to deal with these occurrences during the construction phase.

The proposals for the cutting of the pipeline through Walney Channel must include an appropriate method of disposal for the dredged material if material is to be disposed of on land. Waste being disposed of from the cutting of the pipeline trench across Walney Island and the mainland must go to an appropriately authorised site of disposal/recycling etc.

If waste is to be imported for construction purposes, levelling, land raise etc, this activity may require the registration as an exempt activity, please advise the Agency of the proposed means of site preparation.

The onshore facility must include structures to deal with foul (if appropriate) and surface water in the proper manner (disposal of clean surface water only to suitable soakaways - porosity and location must be checked, foul to the foul sewer or on site treatment facility with associated disposal option). If the new facility is to tie into the existing drainage systems, checks must be carried out to ascertain whether the infrastructure can accept more flows.

If surface water from any car parking areas is to be discharged to Walney Channel, it must be passed through an oil interceptor in order to prevent to pollution of the environment.

Any works to the watercourses within or adjacent to the site which involve infilling, diversion, culverting or which may otherwise restrict flow, require the prior formal consent of the Agency under Section 23 of the Land Drainage Act 1991. Culverting other than for access purposes is unlikely to receive Consent, without full mitigation for loss of flood storage and habitats. The applicant should note that the Agency has a period of two months to determine a valid application for Land Drainage Consent. We would advise that this period is taken into account when planning works which require such consent.

Natural England, in their response to Barrow BC (11/2/08 Ref SD 26/2 Gen) have advised that this application, either alone or in combination would not be likely to have a significant effect on the interest features of Morecambe Bay SAC, SPA and RAMSAR as long as the works are carried out in accordance with the mitigation measures set out in the Environmental Statement, with the beach profiles restored to original levels.

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As a result of the above we can not offer any further biodiversity comments in respect of requirements under the Conservation (Natural Habitats & c.) Regulations 1994 (Habitats Regulations), and Countryside and Rights of Way Act 2000 (CROW).

There are two main aspects of the development that have the potential to impact on migratory salmonids. The export and import pipelines will be trenched and installed during 2009 and 2010. The Environmental Statement states that: *“Sediment disturbance from pipe and cable laying operations. Migrating salmon and sea-trout could potentially be affected by sediment plumes from inshore pipeline and cable laying and burial operations. These operations, however, have been timed to avoid the period when adult salmonids are migrating to their natal rivers, which is usually between November and January.*

We consider that these timings are incorrect, as most salmon and sea trout have already entered the river systems by November. As a response, we would draw the developer's attention to avoiding the period July to October to avoid disturbing migrating salmonids. Consideration should be given to migrating smolts in the spring, as well as returning adults in the autumn. Ideal period for the pipe installation in order to avoid disturbance to migrating adult salmonids would be November to March. Work in July to October should be avoided as this is when most fish are moving from the open sea towards the estuaries

Reference is made to the use of seawater for hydro testing. An abstraction licence may be necessary. Our guidance is that abstractions from the sea are not licensable unless they are clearly in a dock, channel, creek, bay, estuary or arm of the sea. Therefore, we seek confirmation as to where the water required for the hydro testing will be abstracted from and the maximum daily quantity that will be abstracted. Depending upon the point and quantity of abstraction, it may be that the impacts of abstraction will need to be assessed in relation to the biological environment etc. regardless of whether an abstraction licence is required. If the applicant intends to use a private source of supply for dust suppression they may need an abstraction licence. The proposed source of supply and abstraction quantities should be confirmed. The applicant has considered a number of consents that may be applicable but not 'abstraction licences'. The applicant should consider whether the requirement for an abstraction licence applies to any element of this application. The Agency's Water Resources section should be contacted for advice on this matter.

The applicant has been advised that the proposed development will most probably require a PPC permit as the activity is listed under Section 1.2 of Schedule 1 of the PPC Regulations 2000. Depending on the quantities of natural gas stored on site this may also be subject to the Control of Major Accident Hazard Regulations 1999 (COMAH). It seems probable at this stage, that the site would be managed by Hydrocarbon Resources Limited (HRL) as they operate the adjacent north, south and Rivers Gas terminals and HRL would vary the existing PPC permit to include this activity.

The air dispersion modelling undertaken for the gas terminals and Roosecote power station has indicated that there is the potential for breaches of air quality objectives in this area for nitrogen oxides. An ambient air quality monitoring programme is being conducted by HRL at present and this will give us real data to assess the air quality objectives in this area. It does not appear that Gateway has modelled the emissions from the existing installation in combination with the predicted emissions from their installation. This issue would be needed to be addressed during the variation stage of the PPC permit to ensure that there were no breaches of the Air Quality standards. An application for a permit variation would also require an assessment under the Habitats Regulations.

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The PPC permit would require the operator to use Best Available Technology (BAT) to minimise any noise issues on site.

If the proposed final land form is approved then the 160,000 m<sup>3</sup> of cut and fill material would not be regarded as waste and so could be deposited as suggested. A Site Waste Management Plan will be required.”

Natural England- dated 18.2.08

“This letter confirms the advice contained with the email from Rosie Baynes (18<sup>th</sup> March 2008) and constitutes Natural England's formal advice in relation to this issue. PPS9 requires protected species survey information to be provided prior to determining the planning permission. As the presence/absence survey for great crested newts requires at least two surveys to be undertaken between the 15<sup>th</sup> of April and the 15<sup>th</sup> of May, this would not allow a full survey to be undertaken in time for the planning committee meeting on the 8<sup>th</sup> of April. In accordance with PPS9, Natural England's standard advise in such situations would be to postpone the planning meeting until a survey and mitigation report can be submitted.

However, Natural England has been made aware that the April 8<sup>th</sup> 2008 planning decision is crucial to securing project funding for the proposal.

Seeing that the applicant has shown an understanding of the great crested newt guidelines in terms of survey and mitigation and has shown a commitment to undertake survey and mitigation works, Natural England would not pursue this matter any further, if the applicant submits an interim survey report together with a proposed mitigation plan in time for the planning meeting on the 8<sup>th</sup> April. This interim report must contain details of survey results for 2 of the necessary 4 survey visits (methodology to be consistent with the in English Nature's Great-crested newt mitigation guidelines 2001 (ISBN 1 85716 568 3), with the further two visits to be undertaken between the 15<sup>th</sup> of April and 15<sup>th</sup> of May 2008.

Whilst Natural England deems the mitigation plan (dated March 2008) to be sufficient in terms of allowing the planning permission to be determined, we require the following sentence under 1.3.2 to be removed: "In consideration of this, and in consultation with Natural England (NE), a pragmatic and mutually agreeable approach is to be developed ....".

The applicant will be aware that if the presence/absence survey provides evidence of great crested newts, a European Protected Species Development Licence will be required before works potentially impacting on the newts can commence. As part of this licence application, any ponds containing great crested newts should be assessed for population size following the Great Crested Newt Mitigation Guidelines.

We apologise for the conflicting advice given arising from our initial oversight that the cables and pipelines pass close to ponds and surrounding terrestrial habitats which are suitable for great crested newts (GCN) and require protected species survey information.

If you have any queries relating to the content of this letter, please contact the author at the above address”.

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### Health & Safety Executive

“The HSE advice refers to the proposed development construction of a gas compression station (GCS), landscaping, access roads, ancillary development and temporary construction facilities at South Morecambe Gas Terminal, Rampsing Road, Barrow-in-Furness, input into PADHI+ on 14 March 2008 by Barrow-in-Furness Borough Council.

The Health and Safety Executive (HSE) is a statutory consultee for certain developments within the Consultation Distance of major Hazard sites/pipelines. This consultation, which is for such a development and also within at least one Consultation Distance, has been considered using PADHI+, HSE’s planning advice software tool, based on the details input by Barrow Barrow-in-Furness Borough Council. Only the installations, complexes and pipelines considered by Barrow-in-Furness Borough Council during the PADHI+ process have been taken into account in determining HSE’s advice. Consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

This advice is produced on behalf of the Head of the Hazardous Installations Directorate, HSE.”

### **OFFICERS REPORT:**

#### OVERVIEW

Members may be aware that as a result of the diminishing stocks of North Sea gas, the UK has an increasing reliance upon imported gas. This is currently from a number of regions such as Scandinavia but there is increasing reliance upon Eastern Europe and the Middle East, regions which are seen by central government as being politically unstable, leading to uncertainty about future supply. Within the next 10 years the dependence upon imported gas is likely to rise to 80%, and the UK, compared to other European countries, is seen as being vulnerable to shortages in supply. This is due not only to increased home demand due to the reduction in the use of fossil fuels, but also due to a relatively low amount of storage capacity beyond the actual pipe network itself. Efforts are now being made to establish a significant increase in the domestic storage capacity for natural gas.

The application is supported by an Environmental Statement (ES), which describes the proposals, their main effects on the environment, and the measures developed to mitigate any adverse environmental effects. A separate application for Hazardous Substances Consent has also been submitted to the authority but a decision on that application has been delayed due to the Health & Safety Executive being unable to provide a response within the same timeframe.

This submission forms part of a larger development, incorporating offshore and onshore elements, that involves the storage of natural gas in man made caverns created beneath the Irish Sea, southwest of Walney and some 24km off the Fylde coastline. The offshore element consists of a total of 20 caverns, each one having a well head and being connected by a “ring main” pipeline. These offshore works are subject to licensing and permissions from various central government agencies.

The onshore facilities consist of three elements for which permission is being sought from this authority. The caverns would be connected via a series of pipelines and power cables across the southern end of Walney, and across Piel Channel, to a Gas Compression

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Station (GCS) located just south of the South Morecambe Terminal (SMT). In turn, the GCS would also be connected into the national gas pipeline network via the adjacent South Terminal. The GCS, which would contain the plant and machinery, would occupy approximately 5 hectares, with the addition of the construction and landscaping areas extending the area of the on shore installation to 25 hectares.

## SITE

The GCS site is located to the south of the SMT but within the existing boundary fencing, and is accessed via the existing internal road network for the gas terminals from Rampside Road. Part of this area was previously used by Burlington Resources as a lay down site for the construction of the Rivers Terminal and associated infrastructure, and consists of hard standings. The rest of the site consists of reinstated pasture land to the west under which several pipelines and cables run, and woodland to the south, which was previously introduced as a landscape screen with the previous Terminal applications.

The local landscape is dominated by the adjacent gas terminals although the overall character of the area beyond the eastern and southern boundaries is one of managed grazing land. The nearest settlement is Rampside, whilst there is also a mobile home site which forms a northern extension to the main settlement. A ridge runs along the east side of the application site, whilst there is a lower ridge along the southern boundary. The latter was created from the excavated spoil associated with the Rivers pipeline development, and was part of a reinstatement scheme of landscaping. A number of public footpaths, one being part of the Cumbria Coastal Way, run within the vicinity of the site boundaries.

The proposed route of the pipelines runs parallel with that of the Rivers scheme, and crosses the southern part of the island between the former landfill site and South End Caravan Park, entering under Piel Channel adjacent to Snab Point on the eastern side of the island. This area is predominantly managed grazing land with only a scattering of development south of Biggar Village.

## Gas Compression Station

The general plant and equipment varies in height between 3-19 metres, buildings could be up to 8 metres high, and a flare stack of up to 40 metres, although the supporting documentation stresses that these are the "worse case scenario" and the final layout could be significantly less. The company intend to put the final design out to contract once consent is granted. However, it is these figures which form the basis of the Environmental Statement submitted with the application. Other onshore works include various landscape mitigation measures, incorporating woodland planting and screen bunding, access roads and lay down areas for pipework during the construction period.

The purpose of the GCS would be to stabilise the gas flow and pressure, and pump in either direction according to demand. For example, during periods of low demand (e.g. summer), gas would be transferred from the national grid out to the caverns, and when demand is high, such as during cold spells, the gas is retrieved from the caverns, processed and pressure adjusted, and pumped into the national grid. Should consent be granted the company would hope to commence construction on the GCS in 2008 and complete commissioning in 2011. The caverns would be created 2009-2013, with the first scheduled to be ready by 2011.

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### Pipeline

On shore, the GCS would be connected to the adjacent terminal via an 1100mm pipeline to the national gas network, and via two power cables to Roosecote power station. One would provide power to the GCS; the other would be a high voltage (HV) link which would power the offshore facility. In turn, the GCS would be linked to the offshore caverns via a series of carbon steel pipelines (2 x 900mm for the transfer of gas, 1 x 100mm for discharging methanol into the gas to dry it as it leaves the caverns) and the HV cable power supply. These would be set in a single trench onshore, but become two trenches under the sea bed. Across Walney the pipeline would sit 2 metres deep within a 4 metre wide trench. During construction, a 30 metre corridor would be operated in order to allow for the temporary storage of spoil, a lay down area for the pipes, and a temporary access road. The trench would be backfilled and the route suitably reinstated.

To cross Piel Channel, a different method is necessary. In addition to planning permission, the works involved for the laying of the pipes and cable underneath Piel Channel requires prior agreement of the methodology with the Barrow Port harbour master in order to minimise the impact upon shipping movements. The basis of the operation is to open cut a trench and then haul strings of pipeline through it, using winches and other plant positioned on the east side of Walney. The trench would be backfilled with rock and gravel in a manner that ensures that the pipeline is protected and that shipping is not endangered. The HV cable linking to the off shore facility would sit in the pipeline trench, with installation intended to be at the same time as the pipes. There is a contingency plan in the operation for a separate installation should operational circumstances dictate. A barge would be loaded with three long sections of cable and moored mid channel. The cable would then be winched in both directions and when these reach landfall, the cable ends on the barge are joined and the cable over boarded into the prepared trench. As with the pipeline, the trench would be suitably back filled, dependent upon location under the channel or across land.

All of the above operations will require some form of temporary construction site, six on the mainland, and two winch sites on Walney, their exact location being determined by the pipeline/cable route.

### POLICY BACKGROUND

Whilst aspects of this application touch upon the majority of government issued PPS and PPG documents, I consider that it is more appropriate to summarise the main points here. Members should be aware that references in this report to the Development Plan relate to policies found within the RSS, the Structure Plan, and the Saved policies from the Barrow local plan review.

#### PPS1 Delivering Sustainable Development;

PPS1 sets out the governments commitment to sustainable development based upon a strong economy balanced against the protection of the environment and the prudent use of natural resources. Emphasis is given to the re use of existing buildings or previously used land in preference to greenfield sites. Planning Authorities are required to recognise that economic development can provide opportunities for social benefits and environmental enhancements, to have regard to the wider regional and national benefits in the assessment of local schemes, and encourage high standards of design.

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### PPS7 Sustainable Development in Rural Areas;

PPS7 seeks to encourage a “rural renaissance” and refers to Planning Authorities having regard to rural social and economic issues, respecting ecological matters, and the character of the countryside. National and internationally designated areas are afforded the highest level of protection, and any proposals in such areas should be subject to intense scrutiny. Where considered acceptable, conditions must be used to minimise any potential adverse impact.

### PPS9 Biodiversity & Geological Conservation;

This document is closely linked to PPS7 in that it provides for the protection of bio diversity and other natural features. Authorities are required to give appropriate weight to designated areas and protected species with the aim of planning decisions being to prevent harm to such interests. Where proposals require a specific site and no reasonable alternatives are available, planning authorities should ensure that suitable mitigation measures are put in place such as planning conditions or section 106 obligations. Where adverse impacts are likely, the wider benefits of the scheme must outweigh that adverse impact. Development on brownfield sites that exhibit local ecological interests should aim to retain or incorporate such interests within the overall scheme.

### PPG20 Coastal Planning;

The introduction to the PPG states that “it is the role of the planning system to reconcile development requirements with the need to protect, conserve and, where appropriate, improve the landscape, environmental quality, wildlife habitats and recreational opportunities of the coast”. Reference is made to several types of development that require a coastal location including energy generation such as power stations and oil and gas terminals. Again, a balance of national interest against environmental impact must be considered in the determination of such applications.

### PPS23 Planning & Pollution Control;

“The planning system plays a key role in protecting and improving the natural environment, public health and safety, and amenity, for example by attaching mitigating conditions to allow developments which would otherwise not be environmentally acceptable to proceed, and preventing harmful development which cannot be made acceptable even through conditions” (para 9). Pollution issues are material considerations, although separate legislation for pollution control exists, including the potential for pollution and the sensitivity of the area, which should be assessed against the economic and social benefits of the development, and the environmental improvements that could form part of any mitigation package.

### PPG24 Noise;

This identifies how planning authorities should best employ their powers to minimise potentially adverse impacts from noise, which is a valid material consideration, including duration, nature, and times of noise generation. Regard should be given to sensitive neighbouring uses and compatibility between neighbouring uses. Advice is also given on recommended noise ranges for day and night and authorities are asked to ensure that

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developments do not cause unacceptable degrees of noise with advice to consider suitable conditions where appropriate.

## Regional Guidance

The current regional guidance is the Regional Spatial Strategy (RSS) for the North West, previously called RPG13. Its replacement, the North West Plan is in draft form but as it has been through its examination in public is a material policy document. The RSS has four core principles, which are the efficient use of land, enhancing the quality of life, promoting good design, and sustainable economic growth. Policy SD3 identifies Barrow as a Key Town and thus a focus for development, whilst SD7 relates to the region's coast. Emphasis is placed upon respecting and acting upon the coastal environment, the wise use of resources, and anticipation of support for off shore activity. Energy and off shore mineral extraction are identified as having a major contribution to the regional economy. Several other policies highlight the need for development proposals to enhance economic prosperity, and whilst a balance should be struck with environmental issues, accepting that some off shore related facilities require coastal sites. In the latter case preference is given to developed coastal locations subject to compatibility with other Plan policies.

The North West Plan provides guidance as to how planning authorities should shape their plans and strategies. Locally, development should be concentrated within Barrow as an aid to economic diversification. Policy RDF4 refers to enhancing the economic importance of the coast with development requiring a coastal location to be directed to areas of developed coast, policy EM6 refers to recognition of opportunities for onshore hydrocarbon processing.

## Cumbria/Lake District Joint Structure Plan (JSP).

The JSP replicates central principles of sustainable development with the sequential approach to site selection in policies ST1-ST3. Major development proposals are referred to in policy ST4 with criteria stating that benefits must outweigh any detrimental effects, the project complies with national standards, best practices must be employed, and independent verification is obtained as necessary.

In policy ST10, Barrow in Furness is identified as a Key Service Centre with the highest priority given to the regeneration of the economy. The JSP also includes several policies that are seeking to protect the environmental character of the general countryside with specific mention of areas of national and international designation. Policy EM15 identifies that business and employment opportunities will be encouraged where they are of a scale and type sympathetic to the character of the area within which they are proposed. E34 only supports development within nationally and internationally designated areas of conservation (such as SSSIs) where there are imperative reasons of overriding public interest, including those of a social or economic nature. Where consent is granted, suitable mitigation to minimize environmental impacts should form part of any scheme.

Policies E36 and E37 both give similar protection to County designations, and to those areas that have the unique character, appearance and ecology of Cumbria's landscapes. Policy E39 gives support for developments that include measures to upgrade enhance or restore natural elements of biodiversity, landscape, and amenity value, with woodland creation encouraged by policy E40. The JSP identifies the application site as being within an area of "Developed Coast" stating that in such cases, the scheme should sustain and regenerate coastal communities. Finally, policies C42 and C43 relate to issues that should

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be addressed with regard to flood risk areas and to coastal defences. Suitable assessments are required and development should avoid areas of flood risk, coastal erosion or unstable land, and not prejudice coastal or flood defences, nor the ability of operating authorities to maintain them.

## Barrow Local Plan Review (LPR)

Under the 2004 Act, the majority of policies within the local plan were “Saved” until formal adoption of the Local Development Framework. The relevant policies are reproduced above, but it is prudent to consider their broad implications here. Policy A6 refers to industrial development within rural areas, and lists criteria that should be complied with. These relate to the potential relationship with neighbours arising from issues such as noise, smell, emissions, traffic and operating hours, the presence of suitable site facilities, compatibility with the surrounding scale and character, and minimal impact upon agricultural land.

Policy A8 notes that guidance from the HSE will be sought on proposals near hazardous installations, with policy A9 giving a list of criteria relating to separation distances, any risks to surrounding uses, visual aspects, and the effect upon surrounding uses. In policy A11 it is stated that greenfield sites will be resisted for industrial schemes, unless no alternatives are available, although there is recognition of potential expansion of the power station and gas terminal sites, the acceptability of which would depend upon the environmental remediation proposed.

Policy A12 makes specific mention of the land within the vicinity of the gas terminals identifying that the area has a special character for energy related projects and development contrary to the interests of such a use will be resisted. Policy D46 identifies the windfarm potential of the adjacent land. In more general terms, policies D1 and D2 recognise the need to protect the countryside but accept that certain developments have specific locational needs which will be allowed subject to minimal impact upon environmental matters. D7 provides a similar approach to coastal locations for those schemes proven to have significant socio- economic benefit, although various criteria are identified against which the application should be judged.

Environmentally sensitive sites receive protection through policies D9- D13 inclusive, and it is important to recognise that overall, these policies seek to minimise the impacts of developments for which no realistic alternative location exists, rather than seeking to resist them in principle. The policies suggest that this can be achieved through several means, including where appropriate, habitat mitigation, restoration, or replacement. Policies D27- D31 inclusive continues this theme with specific reference to trees and landscaping. General issues relating to pollution are raised in policy D55, with more specific subject matter raised in policies D58-D60 (noise), and D63-D64 (light).

## Port Area Action Plan

Although of limited weight at its current stage, and despite the application site being beyond the AAP boundary, there is reference in the document to the need to protect existing views of significance over Roosecote Sands and Walney.

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### ISSUES

All development below the low water mark is exempt from normal planning controls and requires permissions and licensing from other agencies. Issues to be considered by this Authority therefore relate to the onshore facility and to the route of the pipeline from west Walney through to this facility.

### Location

National guidance, together with the Development Plan, seeks to promote sustainable development by minimising the uptake of greenfield land and, in the case of major schemes of regional or national significance, the use of sequential assessments to direct development to the most appropriate locations. Where a project has site specific requirements and is of significant socio-economic benefit, any impacts are required to be minimised through suitable mitigation measures using best practises, and evidence of why other sites were discounted.

Barrow was chosen as the location for the GCS based upon a number of factors. Firstly, the geological conditions in the Irish Sea suit the offshore storage facility, secondly the proximity to the existing gas terminals offers access to existing infrastructure including the national grid, and thirdly, the pipeline route to the nearest facility at Fleetwood had to be discounted due to the higher ecological value of the area through which the pipeline would have to have travelled.

The site for the GCS is adjacent to the SMT where it can connect into the relevant infrastructure, but it also offers a relatively direct route for the pipelines connected to the caverns. This route would run parallel to the existing pipelines from other gas fields in the Irish Sea, and was chosen for a number of reasons. The route avoids populated areas and also prevents crossing of existing pipelines and cables in shallower water where the risk of scour is higher. It also avoids isolated areas of high ecological importance, and enables the sharing of common landfalls on Walney and the mainland. It was previously used as the contractor's area for the Rivers scheme; hence it retains some hard surfacing and is not considered to be greenfield. The two alternative positions were to the east of the SMT on grazing land, i.e. a greenfield location, which is sequentially inferior. The other option was a site to the north east of Roosecote power station which is closer to residential zones and together with the prevailing wind, offers a lower threshold for any additional noise from the project above the level set for the Rivers Terminal.

Whilst this site is outside of the recognised urban boundary, the character of the immediate area, which contains a significant investment in gas processing infrastructure, means that the proposed GCS would not be an isolated development but could be seen as an extension of the current South Terminal. There is an operational intent to use part of the existing access road from the A5087, and any additional roads and parking areas are likely to be temporary during the construction phase. I am therefore satisfied that this is the most appropriate location for what could be considered a significant inward investment to the town as well as having implications for future national energy policies. I find no conflict with JSP policy ST3 or with LPR Saved policies A11, D1 and D2.

### Ecology

The proposed site of the GCS displays evidence of the earlier gas terminal developments, and consists mainly of previously used land that was used as part of the contractor's compound for the Rivers Terminal. Some bunding formed from the pipeline spoil abuts the southern site boundary, and is of little ecological value based upon the ES criteria. Grazing

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land to the west, between the footpath and the proposed footprint of the GCS, is also identified as having limited value due to its previous agricultural management. This land sits over a number of established pipelines and cables and it is within part of this area that the proposed pipe and cable links for the Gateway project would run. The existing presence of pipes and cables in this location, and the fact that the area offers a natural route from the Channel to the Terminals has resulted in an initial objection from Centrica and the subsequent amendment of the landscaping model that was initially submitted. Mixed screen planting within a bunded area was shown in the vicinity of the western boundary, but was likely to be lost to future maintenance and any further installations of pipe and cable. The intention is to return the land to grazing use following removal of any temporary spoil.

The submitted landscaping model also identifies that part of a copse of trees along the northern site boundary, and planted some 15 years ago as part of the screening for the SMT, would be lost to the GCS footprint. However, it is noted that the remaining area on the western edge, and also including a large pond, would be retained. In order to compensate for the tree loss, the landscape model has three main aims;

- Increase biodiversity around the GCS
- Complement and enhance the existing landscape
- Provide visual screening.

To achieve this, the model proposes to create additional habitats in the form of new wildflower meadow, the provision of a reseeded programme for the grazed area temporarily displaced by the pipes and cables laid to the west of the site, and the introduction of mixed native species woodland on the bunded area to the southern boundary. Bird and bat nesting boxes will be provided within some of the woodland.

There are potentially greater ecological issues raised by the proposed route across Walney and across Piel Channel, which consist of a wider mix of habitats than can be found around the GCS site. The habitat of the route across Walney is predominantly managed agricultural grassland, with maritime grasses on the coast, and no significant plant species were recorded. Hedgerows are scarce on Walney, and the few recorded examples are of limited species variety. However, where their temporary removal is necessary for the pipeline installation, there are opportunities for a more species rich replacement as part of an overall mitigation strategy.

The installation of the pipeline and cable will follow recognised industry standards. A 30 metre wide construction corridor will be created around the trench route and suitably fenced off. Within the corridor there would be separate storage facilities for displaced turf and grasses, topsoil, and subsoil, so that they can be restored over the trench with minimum impact upon their composition and structure. Ponds and ditches will be protected by fencing and restrictions to the work area, but where impact is detected vegetation would be removed retained in a temporary habitat and then returned as part of the final mitigation plan.

The ES notes the lack of any substantial hedgerows within the trench route but where some disturbance would take place mitigation would involve replanting with suitable native species to enhance that habitat, together with the repair of any breaches in the stone and earth banks that form many of the field boundaries within the route. As a comprehensive site restoration package is being proposed I am satisfied that the overland route across Walney will not cause conflict with Saved policies D1 and D2 of the local plan review, nor with policies E35 and E37 of the Structure Plan.

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There are instances of ditches, ponds and marshy areas that may contain important wildlife, an issue that has been raised by both CWT and Natural England in their responses. Accordingly, the applicants have had to carry out additional species surveys to assess the potential for the presence of great crested newts during April to May, although the poor weather, particularly the relative low temperatures had impeded this survey period. It is likely that prior to any construction works, the pipe route will need to be resurveyed, and the results agreed with Natural England in accordance with the guidance found in PPS9.

The potential for impact upon the presence of various breeds of nesting birds within the grassland area and within the vicinity of the two island landfalls has also been identified by consultees and mitigation measures will be required to prevent their disturbance. These measures will need to include seasonal restrictions upon construction works, together with mitigation measures during those works. Similar measures were undertaken during the previous pipeline developments.

The ES identifies four characteristic habitats within Piel Channel, these being sand and mud flats, sand flats with eelgrass (*Zostera*) communities, salt marsh, and boulder/cobble skears. The report also recognises the areas importance in supporting birdlife, with 17 nationally and regionally important species being recorded.

There is reference to the fact that the Rivers pipeline route has not completely returned to its original ecological state, and as the Gateway scheme would closely follow this route, the potential impact upon the channel will be less than if it was across a previously untouched section. The estimate is that some 5% of the total channel area would be affected by the Gateway project construction. However, a programme of mitigation is put forward to minimise the impact upon the identified marine habitats and other ecological interests within the channel.

The sand flat and salt marsh habitats are seen as fragile in that most of the fauna population live within the top 10-15 cm of the sediment bed, an area that will be considerably disturbed by the trenching works. Tidal currents offer a naturally occurring method of mitigation, but further works are proposed. Sediment removed from the trench will be stockpiled and reused once the pipe and cable is installed. This will minimise the loss of those species that will help to re-colonise the site. The trench route and work corridor will be clearly marked to avoid trespass outside of its boundaries, and all debris and equipment will be removed once the installation is complete. To alleviate any major impact upon the salt marsh, the first 50 metres from the landward fringe would be removed, stored and maintained, and then re established once the trench has been completed. Similarly, the top 30cm of eelgrass within those beds directly affected by the route would be removed and subsequently returned. No impact upon the boulder skewer is anticipated as there are no beds within the route vicinity, and any deposition of sediment is only likely to be temporary in nature. An annual monitoring programme to assess the re-establishment of the habitats will also be implemented.

Piel Channel forms part of Morecambe Bay which provides ideal conditions all year round for breeding, roosting & feeding birds. The Bay supports nationally important numbers of breeding pairs in the summer and one of the largest populations of over wintering birds in North West England. Shelduck, Oystercatchers and various species of waders are identified as the main colonies affected by the trench route across the Channel.

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The impact upon these populations relates to direct disturbance and to the potential removal of food sources. Disturbances can be visual and audible, although temporary for the duration of the construction period. Members will note the concerns of CWT regarding what they consider to be a short coming in the ES. The Trust identify that no account has been taken of the potential for nesting birds within the grassland habitat of Walney, for which there is evidence from the local Reserve Warden. I have suggested a suitable condition to limit the timing of these onshore works.

The Method Statement within the ES proposes that the works across the Channel shall take place between March and September only, therefore avoiding the recognised period for over wintering and migrating waterfowl. The pipeline route avoids any of the main concentrations of bird activity with sufficient distance for disturbance to be kept to a minimum. Some reduction in food supply is anticipated due to the disturbance of the surface sediments. The impact is considered negligible due to the relative area involved being a small percentage of the overall Channel resources, quoted as being 2.5% as the worst case scenario. CWT and Natural England have not objected to this assertion.

### Visual Issues

The ES contains a visual assessment of the proposal, using best practise methods of selecting common viewpoints within a 5km radius of the main site. The report suggests that the landscape condition and quality varies within the study area, ranging from the rural land to the east (“medium”), the industrial hinterland between the docks and the GCS site, (“poor”), and the channel and Walney (“good”). It concludes that the overall landscape sensitivity, taking account of the landscape elements, condition and quality, and sensitivity to change should be classed as Medium.

Three distinct elements of the GCS are highlighted, these being the 40m high vent stack, a 19m high element of plant, and a 6m high workshop. These are worst case scenario figures, as the final specification and layout will not be known until the relevant tenders are returned.

The visual assessment used 6 viewpoints looking;

- west from Leece
- north from Rampside
- east from Biggar
- southeast from Cavendish Dock
- from the adjacent Cistercian Way
- east from Walney nature reserve

Whilst the immediate coastal area adjacent to the GCS is relatively flat, there are some undulating ridges to the east and to the south, some being natural topographical features, some forming bunds that originate from displaced spoil associated with the Rivers terminal scheme. These offer some limited screening of the GCS, but it is proposed to use the spoil from the GCS to expand the bunds, mainly along the southern boundary to improve the level of visual and acoustic screening. This bund will be landscaped to create a wooded area as part of a comprehensive landscaping package for the immediate area, as discussed above.

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The conclusion of the visual assessment is that, with the exception of the adjacent footpaths, the natural topography and vegetation, together with the proposed landscaping and earthworks will serve to screen all but the extreme elements of the GCS in casual views. It identifies that the onshore facility will have some impact upon users of the footpaths, appearing as a "prominent element".

Total screening of the facility is unrealistic and this impact upon walkers can be considered to be a negative aspect of the development. Overall, the visual impact is tempered by the immediate proximity to the South and North Terminals which occupy larger areas, are of a much greater scale than the proposal, and thus dominate local views. The cumulative visual impact of the permanent elements of the project upon the wider aspects of landscape character and fabric is assessed as unlikely to be significant. The submitted visual assessment notes that whilst some negative effects will be experienced as a direct result of the temporary construction sites, the final remediation and restoration schemes will negate any long term effects.

Such is the nature of the works for the installation of the pipeline and the development of the GCS, that a series of construction phases are proposed. Displaced material ("spoil"), that is removed from the pipe route and from the Channel trench will be temporarily stored adjacent to the work, as will spoil from the on shore facility. Provision is also required for the assembly of the pipe "strings" prior to winching into the trench. This area will include portable buildings, open storage of materials, access roads, and parking for vehicles. As the spoil areas and the pipe string assembly area are of a temporary nature, and reinstatement proposals form part of the application, I do not consider that, subject to a suitable condition attached to any consent, there are any significant visual issues likely to be raised relating to this temporary facet of the operation, and I accept the conclusion of the visual assessment. I find that there is no conflict with JSP Policy E37, or with LPR policies D1, D2, D7, and D9-13.

### Noise

PPG24 (Planning & Noise) recognises that industrial development creates noise, both operational and during construction, but not levels which could be deemed unacceptable, particularly when impacting upon neighbouring uses. The guidance highlights that it is important to take into account the various characteristics of the noise, i.e. tonal, irregular or impulse.

The ES addresses two aspects of noise associated with the development. Statutory measures to control construction site noise are found in the Environmental Protection Act 1990, and the Control of Pollution Act 1974. Contractors will have to adhere to BS5228, and the ES gives an undertaking by Gateway to agree method statements with contractors, and to undertake periodic noise monitoring. Such details can be finalised via a suitable condition.

The second aspect to the potential for noise comes from the operation of the GCS, and this has been provided by a specialist acoustics firm, Bureau Veritas (BV). As previously stated in my report, the final content, layout, and design of the facility are yet to be finalised. Consequently the noise section of the ES is not a full technical noise assessment, but is a design and noise control philosophy giving recommendations to

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minimise environmental noise impact. It has focused on suggesting design limits for the main items of plant and describing the types of noise control measures that will have to be implemented.

The principal element is to address the combined noise levels with the GCS operating in tandem with the other three terminals. Although the Rivers terminal is not fully online, acoustic modelling has been carried out to reach a realistic level. There are a series of recommendations made;

- Main pipework to be underground
- Pre design specifications for plant and machinery will require;
  - a) Noise suppression on the compressor elements, including the building structure
  - b) Utilisation of low noise valves, pumps, and motor sets, including cooling fans and heater elements.

I have had an independent report prepared on this subject matter by Hepworth Acoustics. This concludes that the applicant's consultants have provided a robust content and methodology to their report, and their response together with the comments of the environmental health officer, is reproduced in as Appendix A.

### Site Safety

Some industrial developments that involve the processing and storage of substances such as gas or oil require licensing by the Health & Safety Executive (HSE), under a series of EU Directives and the Control of Major Accident Hazards Regulations 2005 (COMAH). This requires the operator to produce (amongst others) pre operational safety reports and emergency plans for various scenarios before the HSE will approve and licence the site. Whilst some residents have expressed concerns about public safety, I remind Members that the purpose of the planning system is to determine proposals on land use issues and not to replicate other legislation. The licensing of the site, in order that it may commence operations, remains subject to HSE legislation. In addition the HSE will provide comments upon the current hazardous substances consent application currently before the Authority.

### Highways

A transport assessment has been submitted with the application, as part of the ES. This gives traffic forecasts for the GCS during the construction phase and during normal operation, and the construction traffic forecasts for the pipeline installation across S Walney. The forecast shows a daily peak of 116 HGV movements some time during April 2009 associated with the GCS. Worker traffic is somewhat more difficult to predict, but a worse case scenario indicates that at the peak of construction up to 150 people could be on site. The Walney site is expected to peak at 16 vehicles per day. Allowances can be made for car sharing and for the use of minibuses to move workers around. Realistically, the construction shift patterns (07.00 -19.00hours) are not likely to result in traffic movements coinciding with the local morning and evening peaks. Once commissioned and fully operational the GCS will employ up to 8 people, which will have an insignificant impact upon the local highway network.

The highway section of the ES proposes that the applicants enter into a Transport Management Plan, which would have several threads based upon the following broad headings;

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1. Designated preferred routes for HGVs with exceptional loads being subject to prior notice with the police and the highway authority
2. Designated operational times for vehicles
3. Road condition surveys before and after completion of the project
4. Physical measures such as temporary directional and speed warning signs
5. Encouragement of a green travel plan for construction workers.

Such a scheme could be achieved by a suitable "Grampian" condition.

### CONCLUSION

The application forms part of a major energy storage facility that has national implications due to the changing world map of energy production and distribution. The site stands adjacent to an existing gas terminal of much larger scale within a location that is dominated by the gas distribution industry. There is general support for this type of facility in this location through the various development plan documents, with caveats relating to environmental issues that should be satisfactorily addressed. The ES details all the likely environmental impacts arising from the proposal and, subject to the suggested conditions I consider that the application should be supported.

### **RECOMMENDATION:**

I recommend that Planning Permission be GRANTED, subject to the Standard Duration Limit, and the following conditions;

#### Condition No. 2

Unless the Planning Authority gives prior written agreement to any variation, the development hereby permitted shall not be commenced until there has been submitted to, and approved in writing by the Planning Authority, full details of the following:

- a) internal roads, loading and unloading areas;
- b) boundaries of the contractors working area(s) and vehicle car parks;
- c) the layout, design, external appearance and dimensions of all buildings, structures and boundary treatments;
- d) the location and proposed heights of topsoil and subsoil storage arising from all onshore construction works;
- e) facilities required for the storage of construction materials;
- f) details of all artificial lighting, including the direction and luminance;
- g) a plan to show the area to be defined as operational land.

The above requirements shall apply equally to those temporary measures required during the construction phase, and to all those buildings, items of plant and machinery, boundary treatments, and other structures necessary for the permanent development of the scheme hereby permitted, and the development shall thereafter be carried out in accordance with the approved details.

#### Reason

In order to ensure that the development shall be carried out in an orderly and satisfactory manner.

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### Condition No. 3

Work practices for the construction phase of the pipeline and cable installation and the construction of the gas compression station shall be carried out in strict accordance with the Construction Environmental Management Plan proposed in the Environmental Statement accompanying this application, except where varied by the conditions attached to the consent, unless the Planning Authority gives prior written consent to any variation.

### Reason

In order to minimise any potential adverse impact upon the environmental interests of the area.

### Condition No. 4

Within one calendar month of the date of this consent, the developer shall submit details of a survey to establish the presence of great crested newts along and within a 250 metre corridor of the pipe and cable route across Walney. If any evidence of any great crested newts is found, then the report shall include measures for their protection during development and for the retention of existing or provision of alternative habitat. These mitigation measures shall be permanently implemented in strict accordance with the approved details, unless the Planning Authority gives prior written approval for any variation.

### Reason

So as to safeguard recognised protected species of wildlife in the interests of nature conservation, and in order to accord with the Saved policy D12 of the Barrow local plan review 1996-2006.

### Condition No. 5

No development approved by this consent shall be commenced until a Traffic Management Plan as indicated within Section 6 of the Environmental Statement (Vol. 1) has been submitted to, and approved in writing by, the Planning Authority. The subsequently approved measures shall be completed in accordance with the approved details before any part the development is commenced, or in accordance with a scheme of phasing subject to prior written agreement with the Planning Authority.

### Reason

In order to minimise the environmental impacts of traffic associated with the development, and in the interests of highway safety.

### Condition No. 6

No development shall take place until details of the proposed measures for the protection and reinstatement of any public right of way affected by any works forming part of this consent have been submitted to, and approved in writing by, the Planning Authority.

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### Reason

In the interests of pedestrian safety, and in order to ensure the protection of the local footway network.

### Condition No. 7

Before the development hereby permitted commences, a scheme shall be submitted to and approved in writing by the planning authority, which specifies the provisions to be made for the controlling of noise emanating from the site during the operation of the facility and any associated infrastructure. The scheme should include a programme for commissioning tests and periodic environmental noise monitoring and where appropriate noise modelling to demonstrate the free field rating level of 30 dB(A).

### Reason

In order to minimise the potential for noise pollution, thereby conforming to Saved Barrow Local Plan policy D58.

### Condition No. 8

Before the development hereby permitted is commenced, a scheme shall be submitted to and approved in writing by the planning authority making provision for a Construction Method Statement to control any adverse impact of the construction stage of the development upon the amenity of the public and nearby occupiers. The Construction Method Statement shall include details of:

- a) All proposed dust management controls, and;
- b) All proposed measures for minimising the impact of noise and vibration arising from construction activities;

The development shall thereafter be carried out in accordance with the approved scheme and statement, unless the planning authority gives prior written agreement to any variation.

### Reason

In the interests of the amenities of the occupants of neighbouring properties and users of adjacent land.

### Condition No. 9

In addition to the measures agreed by virtue of conditions 7 and 8, during the construction phase the following restrictions shall apply;

Piling operations shall only take place between 8:00am - 6:00pm Monday to Friday and not at all on Saturday, Sunday, or Bank Holidays, and any other noisy construction works shall only take place during the hours of 7:00am - 7:00pm Monday to Friday, and 8:00am - 1:00pm on Saturday. There shall be no noisy activities on Sunday or Bank Holidays. 'Noisy Construction' is defined as audible or perceived at any noise sensitive dwelling.

### Reason

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In order to minimise the potential for noise pollution, thereby conforming to Saved Barrow Local Plan policy D58.

### Condition No. 10

Between the hours of 07.00 and 22.00, everyday, the background (L90) level shall not exceed 37 dB(A) at any point one metre from the façade of any occupied building except in the event of infrequent operations when the L90 shall not exceed 42 dB(A), and between the hours of 22.00 and 07.00, everyday, the background (L90) level shall not exceed 37 dB(A) at any point one metre from the façade of any occupied building. These noise levels shall be reduced by 5 dB(A) when the noise is impulsive or where pure tones predominate. In cases of emergency or foreseen circumstances such as plant failure, these noise levels may be exceeded, provided that all reasonably practical measures are taken to reduce the noise to the specified levels within the shortest practical time.

### Reason

In order to minimise the potential for noise pollution, thereby conforming to Saved Barrow Local Plan policy D58.

### Condition No. 11

Prior to the commencement of any development/ Prior to the beneficial occupation of any part of the development , a landscape scheme for the site, showing the trees, shrubs and hedgerows, including verges and other open spaces, together with details of any phasing of such a scheme must be submitted to and approved in writing by the Planning Authority. The scheme shall be submitted on a plan not greater than 1:500 in scale and shall contain details of numbers, locations and species of plants to be used. All planting and subsequent maintenance shall be to current British Standards. The approved scheme must subsequently be implemented by the end of the first planting season following initial beneficial occupation of the development or by such a programme as may be agreed in writing. Any trees or shrubs removed, dying being severely damaged or becoming seriously diseased within five years of planting shall be replaced by the landowner with trees or shrubs of a similar size and species to those originally required to be planted

### Reason

In the interests of the visual amenities of the area.

### Condition No.12

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following beneficial occupation of any part of the development, or in accordance with the phasing of the scheme as agreed in writing with the Planning Authority. And any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless the Planning Authority gives prior written consent to any variation.

### Reason

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In the interests of the visual amenities of the area.

### Condition No. 13

No development shall commence within the site 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 by the applicant and approved by the Planning Authority.

This written scheme will include the following components:

- . The recording of existing upstanding medieval agricultural remains and field boundaries affected by the proposed development;
- . An archaeological watching brief to be undertaken during the course of the ground works of the proposed pipeline;
- . An archaeological evaluation in the site of the proposed gas compression station and, where appropriate, an archaeological recording programme the scope of which will be dependant upon the results of the evaluation;
- . Where appropriate, a programme of post-excavation analysis, the preparation of a site archive for deposition at a suitable store, and publication of the results in a suitable journal.

### Reason

To afford reasonable opportunity for an examination to be made to determine the existence of any remains of archaeological interest within the site and for the examination and recording of such remains

### Condition No. 14

No development shall take place within the area of Piel Channel or the adjacent tidal flats as bounded by the High Water Mark, until the developer has submitted to the Planning Authority a written Method Statement, incorporating proposed timescales (which shall also meet the requirements of condition 17 attached to this consent) and any appropriate illustrative material, for all those works necessary for the preparation, construction, and subsequent maintenance of the proposed pipelines and cables. The Statement shall include proposals for the submission of hydrographic surveys at the following times: prior to works commencing, upon the completion of the pipe and cable laying works, and six months following the completion of those works. The works shall be carried out in accordance with the agreed details unless the Authority gives prior written consent to any variation.

### Reason

In order to ensure the safety and free flow of maritime traffic within Piel Channel.

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### Condition No. 15

The top of the uppermost buried pipe is to be buried, between the toe lines of the navigation channel, at a depth of not less than 12.8 metres below OD Newlyn or 2 metres below the deepest current scour depth, whichever is the greater, and shall not rise from the extremities of the channel toe line at a slope greater than the channel side slope design of 1:8

### Reason

In order to ensure the safety and free flow of all maritime traffic through the Channel.

### Condition No.16

Any onshore works associated with the installation of the pipes and cables across Walney Island, including site preparation, excavation, construction, remediation, and reinstatement, shall only take place during the months of July to September inclusive and at no other time unless the Planning Authority gives prior written consent to any variation.

### Reason

In the interests of protecting recognised ornithological interests of the area from undue disturbance.

### Condition No. 17

Any offshore works associated with the installation of the pipes and cables across Piel Channel and the adjoining salt marsh and mud flat, defined as the area below the high Water Mark, including site preparation, excavation, construction, and remediation shall only take place during the months of April to September inclusive and at no other time unless the Planning Authority gives prior written consent to any variation.

### Reason

To protect the wildlife species which are recognised as important nature interest features of Morecambe Bay SPA, SAC and Ramsar Site, and South Walney and Piel Channel Flats SSSI.

### Condition No. 18

Following commission of the gas compression station, there shall be no subsequent external storage of refuse or other waste materials, except within purpose built containers and no external storage of any other materials except within appropriately screened areas, details of which shall be subject to prior written agreement with the Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

### Reason

In the interests of the visual amenities of the area due to the proximity of the gas compression station to public footpaths.

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### Condition No. 19

Upon the cessation of the gas compression facility operation, the site operator shall submit to the Planning Authority for written agreement, a detailed decommissioning scheme which shall make provision for the removal of all plant and machinery, appropriate remediation of any contamination, the restoration and landscaping of the site, and a programme of phasing for all measures proposed, The subsequently approved scheme shall be fully implemented in accordance with the agreed details.

### Reason

To ensure a satisfactory standard of restoration and aftercare of the site, and in order to protect the visual amenities of the area.

### Condition No. 20

Any facilities for the storage of fuels, oil or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, details of which shall be submitted to the Planning Authority for approval. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there are multiple tankages, the compound should be at least equivalent to 110% of the capacity of the largest tank, or 25% of the total combined capacity of the interconnected tanks whichever is the greatest. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

### Reason

In order to minimise the potential for discharge of contaminated drainage or accidental spillages to underground strata or surface waters.

### Condition No. 21

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Planning Authority detailing how this unsuspected contamination shall be dealt with.

### Reason

To prevent pollution of the water environment.

### Condition No. 22

Any external lighting shall at all times be directed and shielded so as to minimise light spillage outside of the application site.

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### Reason

To minimise light pollution in accordance with Saved policy D63 of the Barrow Local Plan Review 1996-2006, and in order to protect the visual amenities of the area.

### Condition No. 23

If surface water drainage from any external parking, storage, and loading/unloading areas is to be drained into Walney Channel, it shall be passed through an appropriate interceptor designed and constructed to have a capacity and details compatible with the site being drained. Roof water shall not pass through the interceptor.

### Reason

In order to ensure that the site is adequately drained, and in order to control the potential for pollution of the water environment.

### Reasons for granting consent

The development hereby approved has been assessed against the Development Plan for the area, specifically the policies listed below, and material considerations, including third party representations. The Planning Authority concluded that the development, subject to the conditions imposed, would accord with the Development Plan and there were no other material considerations to justify a refusal of permission.

RSS for the North West; Policies SD3 and SD7.

Draft RSS (North West Plan); Policies RDF4 and EM6.

Cumbria Joint Structure Plan; Policies ST1-ST3, ST4, ST10, EM1, E34, E36, E3, E39, E40, C42, C43.

Saved Policies Barrow Local Plan Review; A6, A9, A11, A12, D1, D2, D46, D7, D9- D13, D27-D31, D55, D58-D60, D63-D64.

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### APPENDIX A.

The letter from Hepworth Acoustics that reviews the BV noise assessment for the Gas Compression Station on behalf of this Authority.

Our ref: 5174.1v1

26 March 2008

Graham E Barker  
Environmental Health Department  
BARROW BOROUGH COUNCIL  
Town Hall, Duke Street,  
Barrow-in-Furness  
Cumbria LA14 2LD

Dear Graham,

**Re: Gateway Gas Compression Station – Review of Bureau Veritas Technical Report**

Following your recent instructions, we have undertaken a desk based review of the noise report detailed below:

- Bureau Veritas Technical Report NSOX0501/1 Rev 0 'Gateway Gas Compression Station Noise Control Design' dated 12 December 2007: prepared by Nathan Thomas, Consulting Engineer and checked by Bernard Postlethwaite, Technical Director.

Our comments are provided in terms of the overall methodology, findings, recommendations and conclusions of the report rather than a paragraph by paragraph review of the document.

### **Comments on Report**

#### *Authors of the Report*

Bureau Veritas (BV) is a reputable firm with an established Acoustics & Vibration Group. Both the author and checker of the technical report are members of the Institute of Acoustics and are therefore suitably qualified to undertake the work. We note that the report has been checked at Technical Director level.

#### *Scope of Report*

The design of the gas compression station appears to be at an early stage and therefore the technical report is not a fully detailed noise impact assessment. Instead the report presents a design and noise control philosophy in order to minimise environmental noise impact. It would of course be unreasonable to require a developer to proceed with full detailed design prior to securing planning permission.

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The report reviews previous planning condition noise limits; includes results of some night-time noise monitoring; provides preliminary calculations of environmental noise levels; and concludes by suggesting a noise design limit for the development. In Sections 6 to 8 of the report the focus is on the need for effective noise control measures to be fully

incorporated as part of the detailed design of the gas compression station. Given the information available at this stage, we consider that this is a valid approach.

### *Noise-sensitive Locations.*

From the OS map, the nearest residential locations appear to be identified correctly in Section 2.

### *Noise Criteria*

In Section 4.1-4.2 there is a discussion on previous planning permission noise limits for the North and South Morecambe Terminals (SMT & NMT) and the Rivers Terminal. Various conversions and analyses are undertaken which are entirely logical and technically correct. In Section 4.1 reference is made to British Standards BS8233 and BS4142, and to WHO guidance. We confirm that these are relevant documents.

We note that the 1987 version of BS8233 is listed in the References section, rather than the updated 1999 version. However this has no bearing on the analysis and conclusions of the report.

### *Noise Survey*

In Section 5, a noise survey that was carried out during the early hours of 30 October 2007 is described.

The purpose of the noise survey was to establish the noise emissions from the SMT and NMT installations. In 5.1 it is stated that the survey was carried out between midnight and 05:00 hours, although the results reported in Table 1 are for 01:37 to 02:50 hours. We note that the SMT and NMT were operating normally and that the measurements were taken at two downwind residential locations.

In Table A1 noise levels of between 34-39 dB LAeq(5 min) are reported. It appears that some readings were affected by gusts of wind. This can be a common problem in exposed coastal locations where a wind component is required from the direction of the installation. In calmer periods (wind speeds 0.5 to 1 m/s) and excluding any gusts of wind and passing cars, the noise levels were 34-35 dB LAeq(5 min) . These are the values reported in Section 5.2 of the report. If there is no significant tonal component present (which would require the 5 dB(A) tonal correction to apply), these values are just within the free field noise rating value of 35 dB LAeq noise limit which is derived in Section 4.1 of the report from the extant noise condition for the NMT and SMT installations. However the survey data in the report does not include any 1/3 octave frequency analysis in the report, so it is not possible to check for any tonal components.

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### *Noise Calculations*

In Section 6 typical noise limits for individual items of plant are tabled (Table 6.2) and the levels used as a basis for carrying out preliminary calculations of likely noise levels at residential locations. The calculations have been calculated in accordance with the procedure in EEMUA 140. EEMUA 140 is a recognised methodology and is referenced in Part 2 of IPPC Horizontal Guidance Document H3. The predicted plant noise levels from the Gateway facility are shown to be 25-30 dB(A) at residential areas. These are very low levels of industrial noise. The report also considers the cumulative noise impact of the

Gateway development with the SMT, NMT and Rivers installations. The cumulative plant noise levels (in Table 6.3) are shown to be 36 – 37 dB LAeq noise at residential locations. The report states that these values are within the planning condition noise limit of 38 dB LAeq that was set for the Rivers Development. This assumes that there is no prominent tonal noise.

### *Noise Mitigation*

Section 7 deals with noise mitigation measures. The importance of incorporating adequate noise control measures during the detailed design phase of the project is described. In 7.1 it is stated that noise output data provided by suppliers will be assessed and that for major items of plant noise acceptance testing (off-site and on-site) will be carried out. The importance of avoiding tonal noise problems is also recognised.

We also note that the importance for assigning responsibility for noise control is acknowledged. An example of noise from pipework is cited. We also have experience of where disputes have arisen over who is responsible for noise control from piping systems. It is therefore reassuring that this has been flagged up at an early stage in the design process for the Gateway GCS installation. We note that for the Gateway development, it is proposed that most of the potentially noisy pipework will be buried. We confirm that this would be the most effective approach. In 7.3 it is stated that any exposed pipework from the compressor house will be acoustically lagged or enclosed. As compressor noise produces low frequency noise great care will be needed to ensure that any lagging does not result in 'negative attenuation' at low frequencies (as described in BS ISO 15665:2003 'Acoustics – acoustic insulation for pipes, valves and flanges').

Section 7 outlines noise control measures for gas and air compressors; pipework and control valves; air coolers; pumps and motors; nitrogen generator; and gas fired heaters. We confirm that the report identifies the main sources of noise and appropriate methods of noise attenuation are described.

The noise control measures outlined in the report would be in accordance with guidance on noise mitigation by engineering methods as described in para 13 of PPG 24 'Planning and Noise', 1994.

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### *Conclusions*

The BV report concludes that a feasible noise limit for controlling noise from the Gateway GCS would be a free-field rating level of 30 dB(A) at the nearest residential location. This would be a very low noise limit and would be below extant planning condition noise limits for the existing SMT, NMT and Rivers facilities. In our judgement, and based on the information provided, a noise rating limit of 30 dB(A) at the nearest dwelling would fully protect the amenity of local residents in relation to both noise from the Gateway GCS installation itself, and cumulative impact taking into account noise from the SMT, NMT and Rivers developments.

The proposed limit could form the basis of an appropriately worded noise planning condition in accordance with Model Condition 16/17 in Annex 4 of PPG 24. The report recognises that in order to achieve such a low level of noise in residential areas it is essential that a comprehensive scheme of noise mitigation measures is implemented. If the Council are minded to approve the development, we would recommend that a separate planning condition is attached that requires details of the noise control scheme to

be submitted to, and approved by, the local planning authority. This would be in accordance with Model Condition 13 in Annex 4 of PPG 24. The scheme should include a programme for commissioning tests and/or periodic environmental monitoring with the results made available to the local planning authority.

### **Concluding Comments**

We conclude that the approach and methodology used in the BV noise report is in accordance with relevant standards and procedures.

Because full details of the design are not available at this stage the BV report has focussed on suggesting design limits for the main items of plant and describing the types of noise control measures that will have to be implemented. On the basis of the assumptions made, BV calculate that the rating noise level from the Gateway GCS would be within the range 25-30 dBLAeq at the various residential locations identified. These are very low levels of industrial noise that would not give rise to any unacceptable noise impact on residential amenity.

However, if the Council are minded to grant planning permission, it will be necessary for appropriate noise conditions to be attached.