

<b>Planning Reference</b>	09/3380W
<b>Application Address:</b>	Hill Top Farm, Hole House, Warmingham, Crewe
<b>Proposal:</b>	Extension to ten temporary gas drilling compounds and ten permanent operational compounds; the development of two temporary mobile de-gassing facilities and the minor extension of the existing gas processing plant.
<b>Applicant:</b>	Energy de France Trading Gas Storage Ltd, 3 <sup>rd</sup> Floor Cardinal Place, 80 Victoria Street, London SW1E 5JL
<b>Application Type:</b>	Full
<b>Grid Reference:</b>	369927 361192
<b>Ward:</b>	Cholmondeley
<b>Earliest Determination Date</b>	25 November 2009
<b>Expiry Date:</b>	8 January 2009

**SUMMARY RECOMMENDATION:**

**Approve subject to conditions**

**MAIN ISSUES:**

**The safe and efficient construction and operation of the gas storage facility, and adequate mitigation for environmental disturbance.**

## **1. REASON FOR REFERRAL**

The application is a major mineral application.

## **2. DESCRIPTION OF SITE**

The Warmingham Brinefield is located 1km west of Warmingham, 3.5km south of Middlewich and 5km north of Crewe.

The Brinefield is located on Parkfield and Hill Top farms which are predominantly a mix of pasture and arable land, divided into medium to large fields by hedgerows and occasional hedgerow trees, relatively typical of the Cheshire Plain. This area is bounded to the west by the West Coast Railway Line and to the east by the River Wheelock, both of which run from north to south. The topography of the area rises steeply from the River Wheelock and forms a generally flat/slightly undulating plateau. Existing access tracks, brine wellhead infrastructure, gas wellheads, gas processing plant, compounds, car park and offices associated with the existing British Salt brine extraction at Hill Top Farm and the EDFT gas field at Hole House Farm are set within this landscape. Hedgerow improvements and a limited degree of new planting to help screen the existing brine and gas fields are beginning to become established. Generally the site infrastructure is not obvious from outside the site. Hill Top Farm lies within the site and Park House and Parkfield farms just outside the site boundary. Five public footpaths cross the site, Minshull Vernon FP8 and 13, and Warmingham FP's 4, 7 and 13. Access to the site is

taken from the existing access to the brine and gas fields off School Lane, Warmingham next to the Bears Paw Public House.

This current application covers a number of isolated areas within the brinefield, specifically ten existing brine well compounds to the south west of Hill Top Farm, an area for landscaping next to an approved manifold compound and a small extension to the south of the existing gas processing plant. These three areas extend to 20.5 ha within the total brinefield and gas site which extends beyond 100 ha.

### **3. DETAILS OF PROPOSAL**

This application, submitted on behalf of Energy de France Trading Gas Storage Ltd (EDFT), seeks a number of amendments and extensions to the existing planning permission (7/2008/CCC/15) granted in March 2009 for the conversion of brine cavities to gas storage, an extension to the gas processing plant and associated infrastructure. Extension to the 10 temporary de-brining compounds from 40m X 50m to 60m X 85m, and then on completion the 10 permanent gas storage compounds from 15m X 20m to 29m X 37m are sought, together with an extension to the gas processing plant of 10m X 160m, the removal of landscaping within the plant area and planting of replacement trees. Permission for the temporary location of two de-gassing facilities one to be located within each of the compounds is also sought.

### **4. RELEVANT HISTORY**

British Salt has operated the Warmingham Brinefield since 1975. They remove salt by solution mining, transporting it by pipeline to their works at Cledford Lane, Middlewich, for processing. Over a dozen completed cavities have been created since works commenced and other cavities are currently being formed by continued extraction under a 1999 permission (Review of Mineral Permission) which lasts until 2042.

EDFT currently operates the existing Gas Processing Plant at Hole House and stores significant quantities of gas at high pressure in four former brine cavities linked to it under a planning permission granted in 1995 (P/95/350). The four cavities lie on the southern part of the Warmingham Brinefield.

Planning permission (7/2007/CCC/13) was granted to British Salt in October 2008 for the creation of 11 new cavities and conversion of these and 10 existing cavities to gas storage on the Warmingham Brinefield, together with a new gas processing plant at Cledford Lane and pipelines linking the two sites together with a new connection to the national transmission grid.

A further planning permission (7/2008/CCC/15) was granted to EDFT for the conversion of the ten existing cavities referred to above together with associated infrastructure in March 2009. Several schemes and pre-commencement conditions required by the planning permission and associated Section 106 legal agreement have now been agreed in advance of works commencing. Agreement between the two companies will now lead to EDFT becoming the developer of the approved gas storage on this site.

## **5. POLICIES**

### **Regional Spatial Strategy**

The Regional Spatial Strategy (RSS) which replaces Regional Planning Guidance for the North West was adopted in September 2008. The RSS provides a framework for development and investment in the region for the next 15 to 20 years, together with a broad vision for the region that builds on National Policy Statements, Circulars and White Papers. Whilst the strategy should be read in its totality, the following policies are of relevance, DP1 Spatial Principles, DP4 Make the Best Use of Existing Resources and Infrastructure, DP7 Promote Environmental Quality, RDF2 Rural Areas and EM1 Integrated Enhancement and Protection of the Region's Environmental Assets.

### **Local Plan Policy**

The Cheshire Replacement Minerals Local Plan makes no provision for gas storage although the need to develop policies has been identified in the consultation paper for the Minerals Development Framework (Minerals Issues and Options Paper 2007).

The Crewe and Nantwich Replacement Local Plan is in conformity with and builds on to the other plans. It sets out local policies for the period up to 2011. Of particular relevance are policies NE2 Open Countryside, NE4 Nature Conservation and Habitats, NE9 Protected Species, NE17 Pollution Control, BE21 Hazardous Installations and E6 Employment Development Within Open Countryside.

### **Other Material Considerations**

Applications for planning permission should be determined in line with the development plan, unless material considerations indicate otherwise. Government Energy Policy is a material consideration and therefore should be accorded some weight in determining the application.

## **6. CONSULTATIONS (External to Planning)**

**Environment Agency:** No objection

**Highways:** No response

**Environmental Health:** No objection

**Landscape and Arboriculture:** No objection

**Public Rights of Way:** No objection subject to normal conditions protecting PRow.

**Ecology:** Comments on protected species, see officer appraisal.

## **7. VIEWS OF THE PARISH / TOWN COUNCIL**

Warmingham Parish Council have no comment on the proposal.

Minshull Vernon and District Parish Council have yet to respond.

## **8. OTHER REPRESENTATIONS**

The application has been advertised in the local press and by site notice and neighbours notified by letter; no representations have been received.

## **9. APPLICANT'S SUPPORTING INFORMATION:**

Design and Access Statement dated September 2009.

Planning Statement dated October 2009.

Protected Species Survey: Undertaken in connection with application 7/2008/CCC/15, supported by an Environmental Impact Assessment and Ecological Impact Assessment dated September 2008 and updated by Marches Ecology letter dated 26<sup>th</sup> November 2009. Great Crested Newt License issued by Natural England in September 2009, amended October 2009 and subject to further amendment dependant on outcome of this application.

## **10. OFFICER APPRAISAL**

### **Principle of Development**

The principle of utilising brine cavities for the storage of high pressure gas has been established by a number of planning permissions issued since 1995, the last and most relevant being 7/2008/CCC/15 granted in March 2009. The use of the site is therefore supported by planning policy and also Government Energy Policy as gas storage will aid energy security. This application seeks a number of small amendments to that permission.

Ten existing brine cavities are to be converted to gas storage. In order to convert the cavities a second borehole needs to be drilled into the cavity through which gas is introduced thereby displacing the brine which exits via an existing borehole to be fed by existing pipeline to the British Salt Cledford Works. This process known as de-brining will take approximately 9 months for each cavity (7 years overall). The drilling, already permitted, takes about 7 weeks to complete. The compound surrounding the boreholes is formed by stripping topsoil and subsoils and storing for partial reuse in bunds, with the area covered by geotextile and 450mm of compacted stone. The approved size of each compound is 40m by 50m, surrounded by security fencing. The operator has now indicated that they wish to increase the size of the compound to 60m by 85m, the justifications for which are firstly to accommodate a greater distance for safety reasons, between the existing brine borehole and the proposed additional gas borehole, and secondly it is now considered that the available space is insufficient for the type of drilling rig and equipment now proposed.

Whilst the brine borehole is in place, the exact location of each new gas borehole has yet to be determined, the applicant has therefore requested the orientation of the compounds be covered by condition; each can therefore be micro-sited by agreement.

Following conversion of the cavities the construction compound can be reduced in size to form the permanent operational compound. The existing permission identifies these as being 15m by 20m surrounded by 2.4m high security fencing. The operator is now applying to increase the size of these permanent compounds to 17m by 25m. The increased size is justified by complying with health and safety and COMAH regulations, and reflects the greater separation distance between the two boreholes sought at each compound. In addition a 6m wide surrounding stoned area is sought to enable access for servicing and maintenance. This increases the stoned area at each compound to 29m by 37m. The remaining area of temporary compound would be reinstated to agriculture using stored soils.

Since the previous permission in March 2009, revised industry standards have been introduced and the operators wish to implement that part that relates to separation distances between certain elements of plant. They are therefore requesting that the main plant area is expanded with the addition of a 10m wide strip to the south of the existing plant area which would allow proposed plant a larger working area. They also require the use of an area previously tree planted within the general plant area for expansion. The lost planting, which is not yet mature, would be compensated by the planting of a landscape strip to the east of the manifold compound and a hedge along the south edge of the compound.

A de-gassing facility is required to remove gas that may be suspended within the extracted brine. Such facilities have been previously approved on a borehole by borehole basis, however approval is now being sought for all ten boreholes. The facility consists of a mild steel circular tank mounted vertically on a steel frame, similar to an agricultural silo in appearance and measuring 3.5m in diameter and 5m in height above which lies a 6m vent pipe, 0.5 in diameter. The facility would be located over a contained impervious bund as protection from leakage. Two units are required and one would be moved to each individual compound as they are de-brined. The second unit would act as an overlap facility to enable continuous working. The equipment would be painted a dark green to reduce visual impact.

## **Ecology**

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- In the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- No satisfactory alternative and
- No detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- A requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- A licensing system administered by Natural England.

Local Plan Policy NR2 and 4 of the Congleton Borough Local Plan seeks to protect habitats and species protected by law.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species “Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where significant harm cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case the presence of great crested newts has been established during recent surveys carried out for application 7/2008/CCC/15, which includes all of the current application site, and as part of the conditions attached to that application further surveys undertaken immediately in advance of works commencing. A great crested newt master plan has been prepared for the whole brinefield site occupied by EDFT and licences have been issued by Natural England for the capture and relocation of newts within the past couple of months.

The proposed development would remove existing immature woodland and small sections of hedgerow, both would be more than replaced by further planting. The enlarged compounds would also reduce the amount of agricultural land, however this is of little value to newts. It is not considered that the habitat reduction would have a significant impact on the species and any disturbance would be adequately mitigated by specific habitat creation through the newt master plan and Environmental Action Plan for the site.

The location of the borehole compounds is fixed by previous operations, however, the micro-siting of the compounds can be controlled to limit any impact. There is no alternative general location for these compounds and positioned on agricultural land, as they are, offers least disturbance.

The existing license from Natural England will require slight amendment to accommodate any permission granted.

No mature trees with bat roost potential would be affected by the development. Badgers and water vole whilst present in the general area are not affected by the proposal, however a condition requiring further re-surveys in advance of works being undertaken on various parts of the site is considered appropriate.

## **Amenity**

The extension to the temporary and permanent compounds together with the extension to the plant area is not considered to be significant enough to affect local amenity. The changes proposed to the various compounds would not be obvious from outside the site.

Whilst there would be an element of reuse of stone on site as compounds were resized after de-brining, additional stone would nevertheless be required. Vehicles movements into and out of the site are conditioned to a maximum of 60 a day; the additional stone deliveries can be accommodated within this figure.

## **11. CONCLUSIONS**

The Hole House and Hill Top Farm gas storage facility at Warmingham plays an important part in the Governments Strategy to ensure secure energy supplies. This present application seeks to amend, by extension, a number of the working and operational compounds on site, partially to enable a greater choice of drilling rig and equipment and partially to conform to best practice and ensure adequate separation distances between various elements of plant on site.

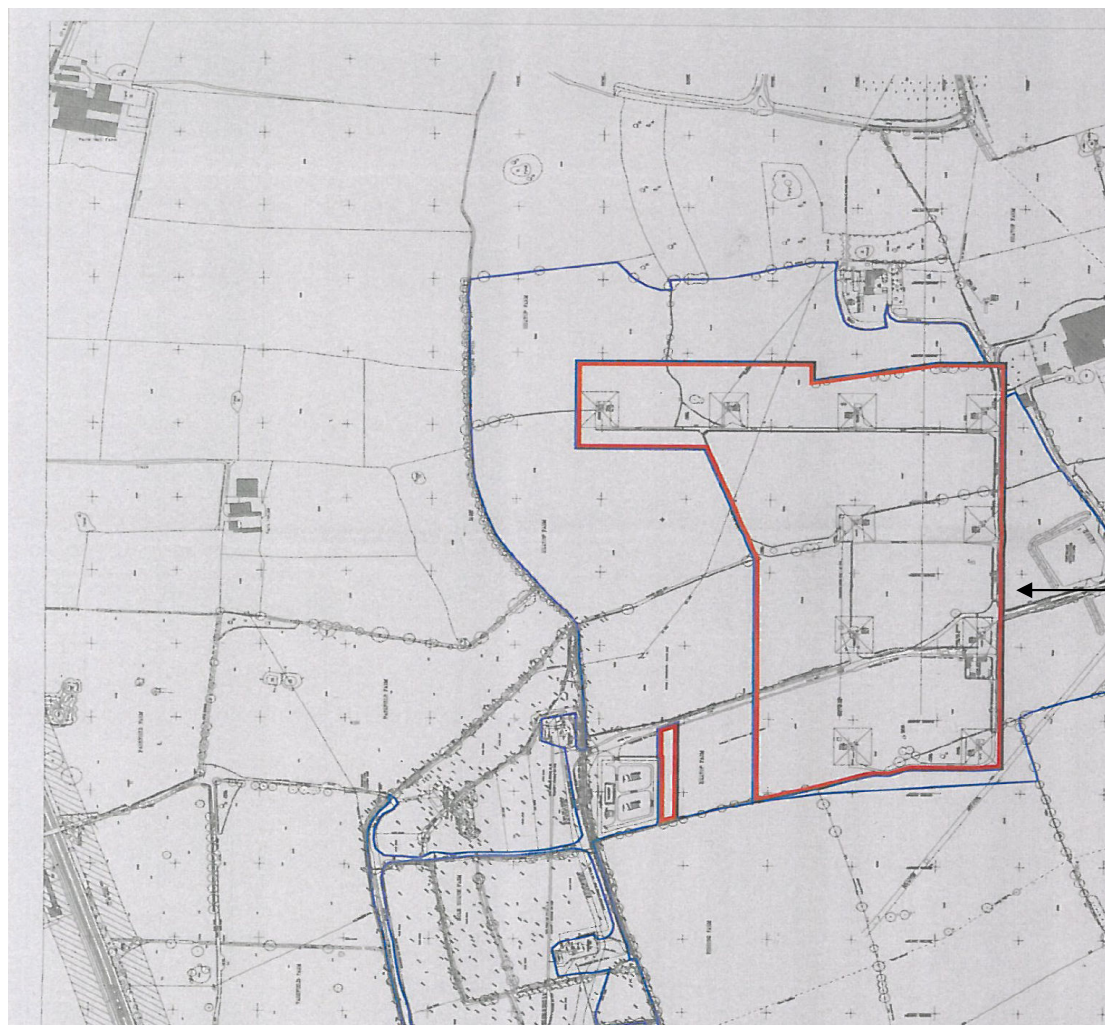
Whilst the increases proposed will result in the small loss of agricultural land, mainly pasture, together with some recently planted woodland and habitat, mitigation in the form of additional habitat creation and tree planting would adequately compensate.

## **12. RECOMMENDATIONS**

**APPROVE subject to the following conditions:-**

- 1. Standard time condition**
- 2. In accordance with submitted details and to comply with the wider requirements of 7/2008/CCC/15.**
- 3. Restoration of the site upon completion of gas storage**
- 4. Prior to the development of each borehole details of the alignment of the compound required shall be submitted and approved in writing by the Planning Authority.**
- 5. Details of soil handling and storage.**
- 6. Prior to work commencing on any of the compounds details of a restoration and landscaping scheme shall be submitted and approved in writing by the Planning Authority.**
- 7. All landscaping and aftercare shall be incorporated within the sites Environmental Action Plan.**
- 8. Protection for breeding birds.**
- 9. Prior to work commencing on any of the compounds the affected areas shall be resurveyed to establish the presence or otherwise of protected species.**

## LOCATION PLAN:



The Site