

THE KEUPER UNDERGROUND GAS STORAGE FACILITY ORDER 2017

NOTICE OF AUTHORISATION OF COMPULSORY ACQUISITION

The above order, made under the Planning Act 2008 by the Secretary of State for Business, Energy and Industrial Strategy and published on 15 March 2017, includes provision authorising the compulsory acquisition of land, existing rights over land, and of rights over land by creating new rights over it, as described in Schedule 1.

The order includes provision authorising the acquisition for the purpose of the construction and operation of an underground gas storage facility comprising 19 underground gas storage cavities with a working gas storage capacity of up to 500 million standard cubic metres (mcm) of natural gas, and with an import and export capability of up to 34mcm per day, on land at and surrounding the Holford Brinefield, north of Middlewich, Cheshire. The total gas stored on site, including 'cushion' gas will be up to 800,000 tonnes, with an operational period of up to 50 years. The project comprises: 19 gas storage cavities formed by controlled solution mining; 19 wellhead compound areas with associated equipment; a gas processing plant comprising equipment to enable gas to be transferred to and from the National Transmission System and the cavities; a permanent office / control and maintenance building, adjacent to the gas processing plant; temporary construction laydown areas and offices during the construction period; Underground brine, water, nitrogen and gas pipelines; two gas marshalling compounds; electrical supply connection and a new 132kV substation compound and supply cables; overhead cable diversion of existing overhead cables; a new highway access and site road network; landscaping and ecological mitigation works; connection to, use of and part upgrade to the existing water and brine infrastructure of INOVYN Enterprises Limited at Holford Brinefields, including use of an existing brine pipeline to Runcorn, a new pumping tank and surge vessel at Lostock works, recommissioning of Whitley pumping station and a new pipebridge and brine outfall at Runcorn; a new solution mining compound; and further works falling within the scope of the Environmental Impact Assessment and within the order limits.

The order authorises the construction, operation and maintenance of the proposed development and would, amongst other matters, make provision for the following within the order limits: the carrying out of works to streets; the formation and laying out of means of access or improvements to existing means of access; the temporary stopping up of streets; the discharge of water to any watercourse or any public sewer or drain; the survey and investigation of land; the temporary closure of, and works in and over the Weaver Navigation canal, at Runcorn; powers of compulsory acquisition for land and rights and the extinguishment of other rights over land; the extinguishment of the rights of, or removal or repositioning of apparatus belonging to statutory undertakers.

A copy of the order and supporting documentation, including the Secretary of State's decision letter (which includes the Secretary of State's statement of reasons for deciding to make the order), the Book of Reference, the Land Plans and the Environmental Statement, have been deposited at the locations stated in the table below and may be inspected free of charge at the times stated in the table below from 16 March 2017 until 7 May 2017.

Location	Address	Viewing Times
INOVYN Enterprises Limited, Holford Brinefield Office	Station Road, Lostock Gralam, Northwich, Cheshire, CW9 7TD	9am-4:30pm (Mon-Fri)
Northwich Library	86 Witton Street, Northwich, Cheshire, CW9 5DR	9am-5pm (Mon-Wed) 9am-7pm (Thurs-Fri) 9am-1pm (Saturday)
Cheshire West and Chester Council	Wyvern House, The Drummer, Winsford, CW7 1AH	8.30am-5pm (Mon-Fri)
Halton Direct Link	Concourse Level, Rutland House, Halton Lea, Runcorn, WA7 2ES	9am-5.30pm (Mon-Wed) 9am-7pm (Thur-Fri) 9am-1pm (Saturday)

A copy of the order and other relevant documentation is available online through the Planning Inspectorate's website at: <http://infrastructure.planninginspectorate.gov.uk/projects/north-west/Keuper-Gas-Storage-Project/>. Further information on the project and application can be obtained by visiting the project website, www.kgsp.co.uk.

A person aggrieved by the order may challenge the order only in accordance with section 118 of the Planning Act 2008, which stipulates that any proceeding must be brought by filing a claim form for judicial review before the end of the period of 6 weeks beginning with the day after the day on which the order was published (or, if later, the day on which the statement of reasons for making the order is published).

Once the provision in the order authorising compulsory acquisition comes into force, the Keuper Gas Storage Limited may acquire any of the land (including any existing rights and / or new rights) described in Schedule 1 below by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981. A statement on the effect of Parts 2 and 3 of that Act is set out in Schedule 2.

Any person who would be entitled to claim compensation if a general vesting declaration were executed is invited to give Keuper Gas Storage Limited at Runcorn Site HQ, South Parade, PO Box 9, Runcorn Cheshire WA7 4JE information about the person's name, address and interest in land, using a prescribed form. The prescribed form is set out in Schedule 3.

Keuper Gas Storage Limited

15th March 2017

SCHEDULE 1

DESCRIPTION OF THE LAND, EXISTING RIGHTS AND THE NEW RIGHTS

Keuper Gas Storage Limited may acquire compulsorily:

- (a) So much of the order land shown on the deposited Land Plans and described in the deposited Book of Reference, as is required for the authorised development or to facilitate it (see Articles 2 and 20 of the order); and
- (b) Such rights over the order land as are described in the deposited Book of Reference and shown on the deposited Land Plans, by creating them as well as by acquiring rights already in existence (see Article 22 of the order).

The extent of the order land (Plots are identified in the deposited Book of Reference and shown on the deposited Land Plans) and land or rights which may be acquired are summarised below:

Work	Summary Description of the Land	Summary of compulsory acquisition powers
Wellhead compounds	<p>Arable land situated west of Byley Lane (B5081) and north of Drakelow Lane; Plots 1.01 and 1.02 - approximately 2,500 square metres each.</p> <p>Arable land situated west of Byley Lane (B5081) and south of Drakelow Lane; Plot 1.03 - approximately 2,500 square metres.</p> <p>Arable land situated west of Byley Lane (B5081) and west of The Gables; Plot 2.01 - approximately 2,500 square metres.</p> <p>Arable land situated west of Byley Lane (B5081) and southwest of The Gables; Plots 2.02 and 2.03 – approximately 2,500 square metres each.</p> <p>Arable land situated south of Yatehouse Lane and east of Yatehouse Green Farm; Plots 3.01 and 3.02 - approximately 2,500 square metres each.</p> <p>Arable land situated north of Yatehouse Lane and Yew Tree Farm; Plot 4.01 - approximately 2,500 square metres.</p>	<p><i>Land to be Acquired Pursuant to Article 20 of the order:</i> All interests (Freehold of surface and subsurface)</p> <p><i>Private Rights to be extinguished Pursuant to Article 30 of the order:</i> All rights in surface and subsurface</p>
Cavity areas	<p>Arable land situated west of Byley Lane (B5081) and north of Drakelow Lane; Plot 1.04 - approximately 7,626 square metres and Plot 1.05 - approximately 7,311 square metres and Plot 1.06 - approximately 385 square metres and Plot 1.08 - approximately 1,778 square metres and Plot 1.09 - approximately 7,862 square metres and Plot 1.10 - approximately 1,369 square metres.</p> <p>Land situated west of Byley Lane (B5081) and forming part of Drakelow Lane; Plot 1.11 - approximately 1,241 square metres.</p> <p>Arable land situated west of Byley Lane (B5081) and south of Drakelow Lane; Plot 1.07 - approximately 7,105 square metres and Plot 1.12 - approximately 5,072 square metres and Plot 1.13 - approximately 484 square metres.</p> <p>Arable land situated west of Byley Lane (B5081) and west of The Gables; Plot 2.04 - approximately 7,929 square metres and Plot 2.07 – approximately 1,630 square metres and Plot 2.08 - approximately 5,126 square metres.</p> <p>Arable land situated west of Byley Lane (B5081) and southwest of The Gables; Plot 2.05 - approximately 4,932 square metres and Plot 2.06 - approximately 7,912 square metres and Plot 2.09 – approximately 10,240 square metres and Plot 2.10 - approximately 7,259 square metres.</p> <p>Arable land situated south of Yatehouse Lane and east of Yatehouse Green Farm; Plot 3.03 - approximately 8,704 square metres and Plot 3.04 - approximately 7,326 square metres and Plot 3.05 – approximately 6,220 square metres and Plot 3.06 – approximately 247 square metres and Plot 3.07 - approximately 7,845 square metres.</p> <p>Arable land situated north of Yatehouse Lane and Yew Tree Farm; Plot 4.02 - approximately 5,771 square metres and Plot 4.03 - approximately 7,562 square metres.</p>	<p><i>Land to be Acquired Pursuant to Articles 20 and 23 of the order:</i> All interests in subsoil (including Freehold of subsurface minerals)</p> <p><i>Private Rights to be extinguished Pursuant to Article 30 of the order:</i> All rights in subsurface</p>
Construction areas	<p>Arable land situated west of Byley Lane (B5081) and north of Drakelow Lane; Plot 1.04 - approximately 7,626 square metres and Plot 1.05 - approximately 7,311 square metres and Plot 1.06 - approximately 385 square metres and Plot 1.14 - approximately 23,955 square metres.</p> <p>Arable land situated west of Byley Lane (B5081) and south of Drakelow Lane;</p>	<p><i>New Rights to be Acquired in the Land Pursuant to Article 22 of the order:</i> The right in, over and under that land, for the undertaker to construct, operate etc. the authorised development and to</p>

	<p>Plot 1.07 - approximately 7,105 square metres and Plot 1.15 - approximately 3,967 square metres.</p> <p>Arable land situated west of Byley Lane (B5081) and west of The Gables; Plot 2.04 - approximately 7,929 square metres and Plot 2.11 – approximately 5,529 square metres and Plot 2.12 - approximately 177 square metres.</p> <p>Arable land situated west of Byley Lane (B5081) and southwest of The Gables; Plot 2.05 - approximately 4,932 square metres and Plot 2.06 - approximately 7,912 square metres and Plot 2.13 – approximately 16,830 square metres.</p> <p>Arable land situated south of Yatehouse Lane and east of Yatehouse Green Farm; Plot 3.03 - approximately 8,704 square metres and Plot 3.04 - approximately 7,326 square metres and Plot 3.08 – approximately 16,963 square metres and Plot 3.09 – approximately 170 square metres and Plot 3.10 - approximately 2,798 square metres.</p> <p>Arable land situated north of Yatehouse Lane and Yew Tree Farm; Plot 4.02 - approximately 5,771 square metres and Plot 4.04 - approximately 239 square metres.</p>	<p>enter at all times in order to:- Construct, use etc. pipes, wells and other apparatus; Use etc. pipelines for gas transmission, brine, water and nitrogen supply and have uninterrupted access to any un-built land; Construct, use etc. roadways and thereafter to enter, pass and repass etc. and improve the road or the junction; Construct, use etc. ground and aerial protective measures; Carry out soil tests, surveys, site inspections, make trial boreholes.</p>
Survey / Ecological Areas	<p>Arable land situated west of Byley Lane (B5081) and north of Drakelow Lane; Plot 1.04 - approximately 7,626 square metres and Plot 1.05 - approximately 7,311 square metres and Plot 1.06 - approximately 385 square metres and Plot 1.08 - approximately 1,778 square metres and Plot 1.09 - approximately 7,862 square metres and Plot 1.10 - approximately 1,369 square metres Plot 1.14 - approximately 23,955 square metres and Plot 1.16 – approximately 111,750 square metres and Plot 1.17 - approximately 84,530 square metres.</p> <p>Arable land situated west of Byley Lane (B5081) and south of Drakelow Lane; Plot 1.07 - approximately 7,105 square metres and Plot 1.12 - approximately 5,072 square metres and Plot 1.13 - approximately 484 square metres and Plot 1.15 - approximately 3,967 square metres and Plot 1.18 - approximately 712 square metres and Plot 1.19 - approximately 59,447 square metres.</p> <p>Arable land situated west of Byley Lane (B5081) and west of The Gables; Plot 2.04 - approximately 7,929 square metres and Plot 2.07 – approximately 1,630 square metres and Plot 2.08 - approximately 5,126 square metres and Plot 2.11 – approximately 5,529 square metres and Plot 2.12 - approximately 177 square metres and Plot 2.14 - approximately 11,950 square metres and Plot 2.15 - approximately 66,670 square metres.</p> <p>Arable land situated west of Byley Lane (B5081) and southwest of The Gables; Plot 2.05 - approximately 4,932 square metres and Plot 2.06 - approximately 7,912 square metres and Plot 2.09 – approximately 10,240 square metres and Plot 2.10 - approximately 7,259 square metres and Plot 2.13 – approximately 16,830 square metres and Plot 2.16 - approximately 301,724 square metres.</p> <p>Arable land situated south of Yatehouse Lane and east of Yatehouse Green Farm; Plot 3.03 - approximately 8,704 square metres and Plot 3.04 - approximately 7,326 square metres and Plot 3.05 – approximately 6,220 square metres and Plot 3.06 – approximately 247 square metres and Plot 3.07 - approximately 7,845 square metres and Plot 3.08 – approximately 16,963 square metres and Plot 3.09 – approximately 170 square metres and Plot 3.10 - approximately 2,798 square metres and Plot 3.11 - approximately 140,379 square metres.</p> <p>Arable land situated north of Yatehouse Lane and Yew Tree Farm; Plot 4.02 - approximately 5,771 square metres and Plot 4.03 - approximately 7,562 square metres and Plot 4.04 - approximately 239 square metres and Plot 4.05 – approximately 118,024 square metres and Plot 4.06 - approximately 22,918 square metres.</p>	<p><i>New Rights to be Acquired in the Land Pursuant to Article 22 of the order:</i> The right in, over and under that land, for the undertaker to construct, operate etc. the authorised development and to enter in order to:- Carry out soil tests, surveys etc.; Undertake ecological surveys; Undertake landscaping and habitat improvement works; Undertake works to decommission the authorised development and reinstate the land.</p>
Access road	<p>Driveway access to property off Yatehouse Lane; Plot 5.01 - approximately 1,850 square metres.</p>	<p><i>New Rights to be Acquired in the Land pursuant to Article 22 of the order:</i> The right in, over and under that land, for the undertaker to construct, operate etc. the authorised development and to enter etc. at all times in order to:- Construct, use etc. pass and repass with or without vehicles and to undertake works including tarmacking etc. or otherwise improve the road and or the junction alignment; Construct, use etc. conduits, pipes and other apparatus; Construct, use etc. ground and aerial protective measures.</p>

For all the land described above, the order includes powers to suspend or extinguish any private rights of way (as appropriate) and other rights so far as would be inconsistent with the exercise of powers under the order.

SCHEDULE 2
STATEMENT OF EFFECT OF PARTS 2 AND 3 OF THE COMPULSORY PURCHASE (VESTING DECLARATIONS) ACT
1981

Power to execute a general vesting declaration

1. Once the provision in the KEUPER UNDERGROUND GAS STORAGE FACILITY ORDER 2017 which authorises compulsory acquisition comes into force, the Keuper Gas Storage Limited (hereinafter called 'Prospective Purchaser') may acquire any of the land (including any existing rights and / or new rights) described in Schedule 1 above by executing a general vesting declaration under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 ("the Act"). This has the effect, subject to paragraphs 3 and 5 below, of vesting the land (including any existing rights and / or new rights) in the Prospective Purchaser at the end of the period mentioned in paragraph 2 below.

Notices concerning general vesting declaration

2. As soon as may be after the Prospective Purchaser execute a general vesting declaration, they must serve notice of it on every occupier of any of the land specified in the declaration (except land where there is one of the tenancies described in paragraph 4) and on every person who gives them information relating to the land in pursuance of the invitation contained in the notice of the authorisation of the compulsory acquisition. When the service of notices of the general vesting declaration is completed, a period specified in the declaration, of not less than three months, will begin to run. On the first day after the end of this period the land or rights described in the declaration will, subject to what is said in paragraphs 3 and 5, vest in the Prospective Purchaser together with the right to enter on the land and take possession of it. Every person on whom the Prospective Purchaser could have served a notice to treat in respect of his interest in the land (other than a tenant under one of the tenancies described in paragraph 4) will be entitled to claim compensation for the acquisition of his interest in the land, with interest on the compensation from the vesting date.
3. The "vesting date" for any land specified in a declaration will be the first day after the end of the period mentioned in paragraph 2 above, unless a counter-notice is served under Schedule A1 to the Act within that period. In such circumstances, the vesting date for the land which is the subject of the counter-notice will be determined in accordance with Schedule A1.

Modifications with respect to certain tenancies

4. In the case of certain tenancies, the position stated above is subject to modifications. The modifications apply where the tenancy is either a "minor tenancy", i.e. a tenancy for a year or a yearly tenancy or a lesser interest, or "a long tenancy which is about to expire". The latter expression means a tenancy granted for an interest greater than a minor tenancy but having on the vesting date a period still to run which is not more than the period specified in the declaration for this purpose (which must be more than a year). In calculating how long a tenancy has still to run, where any option to renew or to terminate it is available to either party, it shall be assumed that the landlord will take every opportunity open to him to terminate the tenancy while the tenant will use every opportunity to retain or renew his interest.
5. The modifications are that the Prospective Purchaser may not exercise the right of entry referred to in paragraph 2 in respect of land subject to a tenancy described in paragraph 4 unless they first serve notice to treat in respect of the tenancy and then serve every occupier of the land with a notice of their intention to enter and take possession after the period (not less than three months from the service of the notice) specified in the notice. The right of entry will be exercisable at the end of that period. The vesting of the land will be subject to the tenancy until the end of that period or until the tenancy comes to an end, whichever happens first.

Keuper Gas Storage Limited

15th March 2017

**SCHEDULE 3
FORM FOR GIVING INFORMATION
THE KEUPER UNDERGROUND GAS STORAGE FACILITY ORDER 2017**

To KEUPER GAS STORAGE LIMITED

[I] [We] being [a person] [persons] who, if a general vesting declaration were executed under section 4 of the Compulsory Purchase (Vesting Declarations) Act 1981 in respect of all the land comprised in the order cited above in respect of which notice to treat has not been given, would be entitled to claim compensation in respect of [all] [part of] that land, give you the following information, pursuant to section 134(7)(cza) of the Planning Act 2008.

1. Name and address of informant(s) (i)
.....
.....
 2. Land in which an interest is held by informant(s) (ii)
.....
.....
 3. Nature of interest (iii)
.....
.....
- Signed
[on behalf of]
Date

- (i) In the case of a joint interest insert the names and addresses of all the informants.
- (ii) The land should be described concisely.
- (iii) If the interest is leasehold, the date of commencement and length of term should be given. If the land is subject to a mortgage or other incumbrance, details should be given, e.g. name of building society and roll number.

Keuper Gas Storage Limited
15th March 2017