

Keuper Underground Gas Storage Facility Material Change 1 - EN0310001

Keuper Gas Storage Limited

Section 51 Advice Log Version: 14 July 2025

There is a statutory duty under [section 51 \(s51\) of the Planning Act 2008](#) for the Planning Inspectorate to record the advice that it gives in relation to an application or potential application, and to make this publicly available.

This document comprises a record of the advice that has been provided by the Inspectorate to the applicant (Keuper Gas Storage Limited) and their consultants during the pre-application stage. It will be updated by the Inspectorate after every interaction with the applicant during which s51 has been provided. The applicant will always be given the opportunity to comment on the Inspectorate's draft record of advice before it is published.

The applicant will use this Advice Log as the basis for demonstrating regard to section 51 advice within the application.

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Date of meeting	Meeting overview
24 January 2025	Inception meeting
17 February 2025	Email advice to applicant
14 July 2025	Project update meeting

Project name -s51 Advice Library	
Topic	Meeting date: 24 January 2025
Inception meeting	Inception meeting note
Topic	Email date: 17 February 2025
Consultation and publicity requirements	Regulations 10 to 14 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 (Changes to DCOs Regs) confirm the consultation and publicity requirements for a proposed application for a material change to a Development Consent Order (DCO). The Planning Inspectorate does not provide legal advice; therefore, you may wish to seek your own advice on this matter.
Requirement to submit an updated Environmental Statement	Regulation 17 of the Changes to DCO Regs lists the parts of the Environmental Impact Assessment Regulations (EIA Regs) that apply to applications for a material change. We note that Regulation 22 of the 2017 EIA Regs (Reg 18 of the 2009 EIA Regs) confirms that the applicant is required to submit an updated Environmental Statement (ES) with the application, to publicise the updated ES and to advise people how they can respond.
Preliminary Environmental Information (PEI) & Advice note seven	With regard to the scope of any Preliminary Environmental Information (PEI), the Planning Inspectorate provides general advice in section 8 of Advice Note Seven: Environmental Impact Assessment: process, preliminary environmental information and environmental statements . To clarify, the Scoping Opinion will advise what the updated ES should cover.
Topic	Meeting date: 14 July 2025
Good design	The Inspectorate advised the applicant to ensure the design approach is fully explained and justified demonstrating regard had to the National Policy Statements, as well as published advice on good design within submitted documents. Making this information fully available at the point of submission will front load the examination process (if required).

Statement of Engagement	<p>The Inspectorate advised where reference is made to the environmental statement (ES) to accompany the material change application the applicant may wish to amend the reference to the 'updated ES'. This would align with regulations 8(2)(b) and 22 of The Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 (EIA regs).</p> <p>Paragraph 2.6.1.4 of the statement of engagement references regulation 19 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011. The Inspectorate notes that this paragraph quotes a deadline of no less than 28 days for the receipt of representations. Regulation 17 confirms that an application for a material change shall be treated as a 'subsequent application' for the purposes of the EIA regs. As such the applicant may wish to refer to regulation 22(3) which sets out the requirements for notifying consultees and publishing an application for a material change where an updated environmental statement is provided with the application. Namely regulation 22(3)(a)(x) that states a deadline of no less than 30 days for receipt of representations. The Inspectorate highlighted a requirement in regulation 22(3)(b)(ii) to publish the notice of the application once in a national newspaper.</p>
Consultation	<p>The Inspectorate asked the applicant if it intends to make a request to the Secretary of State (SoS) under Regulation 10 of The Infrastructure Planning (Changes to, and Revocation of, Development Consent Orders) Regulations 2011 for permission to exclude certain parties from consultation. The applicant advised that this is not their current intention.</p> <p>The Inspectorate asked the applicant if it has engaged with the Health and Safety Executive (HSE) in relation to the proposed changes. The applicant advised that discussions have not yet commenced. The Inspectorate emphasised the importance of early engagement with HSE to assist a smoother examination in due course (if required). signposted the applicant to the Hynet North West Hydrogen Pipeline project where the HSE had engaged in multi-partite meetings. The Inspectorate further advised that presently it does not meet with the HSE to discuss strategic matters.</p>

<p>Hazardous substance consent and other consents</p>	<p>The Inspectorate asked the applicant when it intends to make an application to the relevant Local Planning Authority (LPA) Cheshire West for an amendment to the hazardous substance consent in accordance with The Planning (Hazardous Substances) Regulations 2015. The applicant advised that it plans to do so in the near future, ahead of the submission of the DCO application. The Inspectorate advised that doing this in good time would be beneficial to ensure that key discussion is had before the application is submitted to front load the examination process.</p> <p>The Inspectorate advised it is helpful to include a document “Consents and Licences Required Under Other Legislation” with applications to identify other consents and licences required, together with information on timescales.</p>
<p>The Planning and Infrastructure Bill</p>	<p>The applicant asked if The Inspectorate could offer advice as to whether there are any changes under the proposed Planning and Infrastructure Bill that could potentially impact the project. The Inspectorate advised that it is unable to provide advice at this juncture, but recommended the applicant keep abreast of developments as the bill moves through parliament towards Royal Assent.</p>