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STATUTORY INSTRUMENTS

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**2015 No. 1561**

**INFRASTRUCTURE PLANNING**

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

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

*Coming into force* - - *7th August 2015*

An application was made to the former Infrastructure Planning Commission in accordance with the Infrastructure Planning (Applications: Prescribed Forms and Procedures) Regulations 2009(1) for an order under sections 37, 114, 115, 120, 121, 122, 123, 142 and 149A of the Planning Act 2008(2) (“the 2008 Act”).

The application was examined by a Panel appointed by the Secretary of State pursuant to Chapter 2 of Part 6 of the 2008 Act(3), and the examination was carried out in accordance with Chapter 4 of Part 6 of the 2008 Act, and the Infrastructure Planning (Examination Procedure) Rules 2010(4) (“the 2010 Rules”).

The Panel, having considered the application with the documents that accompanied it, and the representations made and not withdrawn, has, in accordance with section 74 of the 2008 Act(5) made a report and recommendation to the Secretary of State.

The Secretary of State refused the application on 9th April 2013, but, pursuant to a judgment of the High Court of Justice ([2013] EWHC 17 (Admin)) dated 17th January 2014, the Secretary of State was required to re-decide the application. The Secretary of State then invited further representations from interested parties in accordance with rule 20(2) of the 2010 Rules.

The Secretary of State, having considered the report and recommendation of the Panel and further representations received (under rule 20(2) of the 2010 Rules and otherwise), and decided the application, has determined to make an Order giving effect to the proposals comprised in the application with modifications.

The Secretary of State, in exercise of the powers conferred by sections 103, 114, 115, 120, 122, 123, 142 and 149A of the 2008 Act, makes the following Order—

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(1) [S.I. 2009/2264](#), amended by [S.I. 2010/439](#), [602](#), [2012/635](#), [2654](#), [2732](#), [2013/522](#), [755](#).  
(2) [2008 c. 29](#). The relevant provisions of the Planning Act 2008 are amended by Chapter 6 of Part 6 of, and Schedule 13 to, the Localism Act [2011 \(c. 20\)](#), and by sections 22-27 of the Growth and Infrastructure Act [2013 \(c. 27\)](#) (see [S.I. 2013/1124](#) for transitional provisions).  
(3) Following the abolition of the Infrastructure Commission on 1st April 2012, a Panel appointed under section 61 of the 2008 Act is treated as if appointed by the Secretary of State by virtue of a direction given by the Secretary of State under section 129 of the Localism Act 2011.  
(4) [S.I. 2010/103](#), amended by [S.I. 2012/635](#).  
(5) Section 74 is amended by the Localism Act 2011, Schedule 13 paragraph 29(3) and Schedule 25 paragraph 1.