



Department  
of Energy &  
Climate Change

**Department of Energy & Climate Change**

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Your ref:

Our ref: FOI2015/16227, FOI2015/16226, FOI2015/16224, FOI2015/16223 &  
FOI2015/16768

26 August 2015

Dear Sir or Madam,

Thank you for your email messages of 30 July 2015, 31 July 2015 and 9 August 2015 where you requested the following information. As your requests are all related we are providing a response to them all together in this one letter.

**FOI2015/16223**

*I require you to furnish me with a copy of all communications between any and all members of this department, including Lord Bourne, and Halite Energy Group Limited, communications to include but not exclusive to all written correspondence, emails, fax, texts, telephone transcripts and minutes to meetings.*

**FOI2015/16226**

*I require you to provide me with a complete copy of the health and safety risk assessments carried out on behalf of Halite Energy Group Limited pertaining to gas storage and adjoining pipelines at Preesall, Lancashire.*

**FOI2015/16227**

*Why has no environmental impact survey been done at the address of Cumming Carr Farm through which you have granted powers of compulsory purchase in order for Halite Energy Group Limited to build a gas pipeline. The length of the planned route through this property alone is approximately one kilometre and i also understand that no such surveys have been carried out on neighbouring farms, please explain why?*



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**FOI2015/16224**

*I require you to provide me with a copy of the full environmental impact survey carried out on behalf of Halite Energy Group Limited pertaining to gas storage and adjoining pipelines at Preesall, Lancashire.*

**FOI2015/16768**

*In your Order granting development consent of the application by Hallite Energy Group Limited you give direction that deemed Hazardous Substances Consent be granted, however, you make no mention of what deemed Hazardous Substances might be. I require you to reveal exactly what these deemed Hazardous Substances are?*

Some of the information which you have requested constitutes environmental information for the purposes of the Environmental Information Regulations 2004 (EIRs). However, to the extent that the information requested is not environmental we have also considered your request under the Freedom of Information Act 2000 (FOIA). Accordingly, your request has been considered under the terms of FOIA and EIR.

Given the breadth of your request in FOI2015/16223 above, we have assumed that you are seeking information relating to the Preesall Underground Gas Storage Facility planning application. If our assumption is incorrect, we would be grateful if could reformulate the request to narrow down the specific type of information you are seeking. A copy of the information that can be disclosed (and that is not already in the public domain at: <http://infrastructure.planninginspectorate.gov.uk/projects/north-west/preesall-saltfield-underground-gas-storage/>.) is attached. Please note that some information has been redacted and is withheld in accordance with Section 40(2) of the Act which relates to personal data. Section 40(2) provides an absolute exemption for personal data which then falls to be dealt with under the Data Protection Act. Personal data of third parties can only be disclosed in accordance with the data protection principles. In particular, the first data protection principle requires that disclosure must be fair and lawful and must comply with one of the conditions in Schedule 2 of the Data Protection Act. We do not think that it is fair to release the personal data of junior members of staff or third parties and do not think that any of the relevant conditions apply.

We also hold information in respect of FOI2015/16223 relating to the legal challenge by Halite of the Secretary of State's original decision on the Preesall Underground Gas Storage Facility application. However, we believe this information falls within the legal professional privilege exemption in Section 42(1) of the Act; legal professional privilege attaches to the information as it is confidential communication between lawyers and clients and certain other information that is created for the purposes of litigation (e.g. defending the Secretary of State's original decision).



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Section 42 is subject to a public interest balance. It is recognised by the Tribunal and the Courts that there is a strong public interest in maintaining the confidentiality of legally privileged material. Doing so helps to safeguard the openness that is needed in all communications between a client and his/her lawyer which in turn helps to deliver full and frank legal advice. The Tribunal has held that equally strong countervailing considerations would need to be present to override the inbuilt public interest that exists in exempting such information from disclosure.

We have considered whether such strong countervailing considerations apply in this case but have concluded that they do not. In forming this view we have taken into account the large volume of information that is already in the public domain which promotes transparency and accountability. We do not believe that disclosure of the information (to which legal professional privilege applies) would materially add to promoting transparency or accountability. In any case, even if it could be said that such information might promote transparency and accountability we do not believe it (as a factor) amounts to a strong countervailing factor such that it equals or outweighs the inbuilt public interest in exempting the information from disclosure. In our view, disclosure of the information would undermine the Government's ability to seek full and frank legal advice and thus defend its legal interests. Accordingly it is our view that the public interest balance comes down in favour of exempting the information from disclosure.

In respect of your requests FOI2015/16226, FOI2015/16227 and FOI2015/16224 we have considered your requests in accordance with the EIRs. This is because the information within these requests falls, in our view, within the definition of 'environmental information' in the EIRs.

All the information you requested in respect of these requests is already in the public domain. It is available and is accessible to you at:

<http://infrastructure.planninginspectorate.gov.uk/projects/north-west/preesall-saltfield-underground-gas-storage/>

Specifically, in respect of FOI2015/16226, FOI2015/16227, FOI2015/16224 and FOI2015/16768 you will wish to be aware that:

- the Company's Health Impact Assessment is accessible at:  
<http://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN030001/2.%20Post-Submission/Application%20Documents/Other%20Documents/9.1.7%20Health%20Impact%20Assessment.pdf> ;
- an environmental impact assessment was carried out by Halite Energy Group, which can be found at the following link:



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<http://infrastructure.planninginspectorate.gov.uk/projects/north-west/preesall-saltfield-underground-gas-storage/?ipcsection=docs&stage=app&filter=Environmental+Statement>.

The impact assessment considered the impact of the proposed Development, including gas pipelines;

and

- paragraphs 4.47-4.49 of the decision letter dated 17 July 2015 accessible at <http://infrastructure.planningportal.gov.uk/document/3298602> sets out the basis of the Hazardous Substances Consent and confirms in paragraph 4.49(ii) that the hazardous substance being referred to is natural gas.

It should be noted that the above is not intended to be an exhaustive list of information relating to your requests. Other documents provided during the examination and redetermination processes and which are also publically accessible via the hyperlink above appear to fall within the scope of your request.

## Appeals Procedure

If you are dissatisfied with the handling of your requests, you have the right to ask for an internal review. Internal review requests should be submitted within 40 working days of the date of receipt of the response to your original letter and should be sent to the Information Rights Unit at:

Information Rights Unit (DECC shared service)  
Department for Business, Innovation & Skills  
1 Victoria Street  
London  
SW1H 0ET

E-mail: [foi@decc.gsi.gov.uk](mailto:foi@decc.gsi.gov.uk)

Please remember to quote the reference numbers above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

National Infrastructure Consents