

## CABINET

<b>Date of Meeting</b>	Tuesday, 25 <sup>th</sup> April 2023
<b>Report Subject</b>	HyNet Carbon Capture Project; The Council's Local Impact Report for the Proposed Cross Country Carbon Dioxide Pipeline and Continued Member Engagement
<b>Cabinet Member</b>	Cabinet Member for Planning, Public Health and Public Protection
<b>Report Author</b>	Chief Officer (Planning, Environment and Economy)
<b>Type of Report</b>	Operational

### **EXECUTIVE SUMMARY**

Liverpool Bay CCS (Carbon Capture Storage) Limited (the Developer) is proposing to construct and install a new carbon dioxide pipeline between Ince, near Stanlow, (Cheshire) and Flint, and repurpose an existing natural gas pipeline between Flint and Talacre (the 'Connah's Quay to Point of Ayr Pipeline'). This project is known as the HyNet North West Carbon Dioxide Pipeline and is considered to be a Nationally Significant Infrastructure Project (NSIP).

The consenting process is different for an NSIP compared to a traditional planning application for development which would be sought under the Town and Country Planning Act which the Local Planning Authority would determine. An application has been made under the Planning Act 2008 for a permission known as a Development Consent Order (DCO).

The application to construct and operate the proposed Carbon Dioxide Pipeline (the NSIP) has been submitted to the Planning Inspectorate (England) (PINS) who will administer the DCO Application on behalf of the Secretary of State (SoS) for Business, Energy, and Industrial Strategy (BEIS).

The examination of the NSIP proposal commenced on 20<sup>th</sup> March 2023. Part of the Local Authority's role to inform the decision making process is to produce a Local Impact Report to assist the Examining Authority (PINS) to make a recommendation to the Minister for BEIS.

This report seeks Cabinet's approval of the content of the Council's Local Impact Report which is appended to this report in draft form.

## RECOMMENDATIONS

1	Approve the content of attached draft Local Impact Report.
2	Any addendum to the Council's Local Impact Report that may be required be delegated to the Chief Officer for Planning, Environment and Economy in consultation with the Cabinet Member for Planning, Public Health and Public Protection.

## REPORT DETAILS

1.00	BACKGROUND
1.01	A report <sup>1</sup> was presented to Cabinet on 14 <sup>th</sup> March 2023 which provided an overview and update of the HyNet North West Carbon Dioxide Pipeline Project, and the consenting process. It also sought delegated authority to respond to matters associated with the Examination of the proposal, including the drafting of a Local Impact Report in consultation with the Cabinet Member for Planning, Public Health and Public Protection.
1.02	The Cabinet's Decision <sup>2</sup> was such that the Council's response to the Examining Authority with respect to the Local Impact Report on the HyNet Northwest Carbon Dioxide Pipeline be delegated to officers in consultation with the Cabinet.
	<b><i>Draft Local Impact Report</i></b>
1.03	As stated in paragraph 1.16 of the Cabinet Report dated 14 <sup>th</sup> March 2023, the Council's response on matters related to the Planning Act 2008 are an Executive function and are not a delegated function as stated within the Council's Scheme of Delegation.
1.03	A draft Local Impact Report has been appended for Cabinet approval.
1.04	The definition of a Local Impact Report is given in s60(3) of the 2008 Act as 'a report in writing giving details of the likely impact of the proposed development on the authority's area (or any part of that area)'. The Local Impact Report sets out the local perspective from a purely land-use planning consideration. It is considered that the matters that will arise during the examination are of a technical nature and more suited to officers to address and provide a response.
1.05	In producing a Local Impact Report, the Local Authority is not required to carry out its own consultation with the community. The report should consist of a statement of positive, neutral, and negative local impacts, but

<sup>1</sup> Cabinet Report 14<sup>th</sup> March 2023; page 197-202

<https://committeemeetings.flintshire.gov.uk/documents/g5312/Public%20reports%20pack%2014th-Mar-2023%2010.00%20Cabinet.pdf?T=10&LLL=0>

<sup>2</sup> Decision of the Cabinet, 14<sup>th</sup> March 2023, page 11-12

<https://committeemeetings.flintshire.gov.uk/documents/g5312/Decisions%2014th-Mar-2023%2010.00%20Cabinet.pdf?T=2&LLL=0>

	<p>it does not need to contain a balancing exercise between positive and negative planning impacts; nor does it need to take the form of a formal Planning Committee Report. The Examining Authority will carry out a balancing exercise of relevant impacts, and these will include those local impacts specifically reported in the Local Impact Report. The Local Impact Assessment is a matter of fact. The Local Planning Authority is not the decision maker.</p>
1.06	<p>Following the Preliminary Meeting held on 20<sup>th</sup> March 2023, the Examination timetable for the project has now been published<sup>3</sup> stating that a draft Local Impact Report is required to be submitted by Flintshire County Council by 17<sup>th</sup> April 2023 at Deadline 1. A final Local Authority Local Impact Report is required to be submitted at Deadline 1A on 26<sup>th</sup> April 2023 which allows sufficient time for the Cabinet to comment on the attached draft Local Impact Assessment and approve accordingly. This will allow Flintshire County Council to submit the Local Impact Report to the Examining Authority by the prescribed deadline to ensure that they have sufficient information in relation to any local issues that may be identified.</p>
1.05	<p>Failure to submit the Council's Local Impact Report by 26<sup>th</sup> April 2023 may result in the Examining Authority refusing to accept the Council's Impact report. Therefore, it is imperative that this deadline is met so that the content of the LIR can be considered by the Examining Authority when making a recommendation to the Secretary of State of BEIS.</p>
1.06	<p>On 21<sup>st</sup> March 2023, the applicant submitted a 'Notification of intention to submit a change request'<sup>4</sup> to the Examining Authority which outlines 18 proposed changes to the Draft Development Consent Order, nine of which are in Flintshire. The change request has arisen primarily in response to engagement with landowners and other key stakeholders. The change request is also intended to implement changes that the Applicant has identified through design work and engagement with potential contractors.</p> <p>These changes within Flintshire relate to: -</p> <ul style="list-style-type: none"> <li>- The relocation of Cornist Lane Blocked Valve Station to the south east by 120 metres;</li> <li>- Extending the Order Limits to Avoid a newly constructed slurry tank at New Bridge Farm;</li> <li>- Relocation of the Northop Hall Above Ground Installation to the west by 75 metres;</li> <li>- Extension to the construction working hours to include Saturday Morning workings</li> <li>- Increasing the order limits to provide additional space for a new private access track</li> <li>- Reduction of order limits to exclude a public right of way long the south bank of the River Dee</li> </ul>

<sup>3</sup> Examination Timetable at Annex A; page 37 onwards

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070007/EN070007-001395-HYCO%20-%20Rule%208%20FINAL.pdf>

<sup>4</sup> Notification of intention to submit a change request:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070007/EN070007-001390-D.7.5%20Notification%20of%20Intention%20to%20Submit%20a%20Change%20Request%20.pdf>

	<ul style="list-style-type: none"> <li>- Amendment to the access for the Shotton Lane Construction Compound near Ewloe for nature conservation interests</li> <li>- Minor changes in the categorisation of the legend on the land plans</li> </ul>
1.07	The Material Change Request was then subsequently submitted on 27 <sup>th</sup> March 2023. The Examining Authority has a maximum of 28 days to accept or reject this proposed Change Request. Should the Examining Authority accept them, there will be a period of further consultation which will allow the Council the opportunity to provide further comments in addition to the Local Impact Report, should it be deemed necessary.
1.08	It is uncertain if the Examining Authority will accept the Change Request. However, it is requested that any addendum that may be required to be provided by the Council to supplement the Local Impact Report, as a result of these proposed changes be delegated to the Chief Officer for Planning, Environment and Economy in consultation with the Cabinet Member for Planning, Public Health and Public Protection.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	<p><b>Revenue:</b> there are no implications for the approved revenue budget for the planning service for either the current financial year or for future financial years.</p> <p><b>Capital:</b> there are no implications for the approved capital programme for either the current financial year or for future financial years</p> <p><b>Human Resources:</b> there are no implications for additional capacity or for any change to current workforce structures or roles.</p>

<b>3.00</b>	<b>IMPACT ASSESSMENT AND RISK MANAGEMENT</b>
3.01	N/A

<b>4.00</b>	<b>CONSULTATIONS REQUIRED/CARRIED OUT</b>
4.01	The DCO process requires developer led pre-application consultation which has taken place.
4.02	The planning application for works and modifications at the Point of Ayr Terminal has now been submitted and the consultation period commenced on 14 <sup>th</sup> April 2023.
4.03	The planning application for the three blocked valve stations has also been submitted. However, the consultation on this application is pending due to the Change Request that has been requested for the DCO, and the potential change to the Cornist Lane Blocked Valve Station which would affect the application area of the planning application.

4.04	All consultations will be carried out in accordance with the Development Management Procedure Order.
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<b>5.00</b>	<b>APPENDICES</b>
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5.01	<p>Appendix 1: Development Consent Order Limit for the HyNet Carbon Dioxide Pipeline showing ward areas.</p> <p>Appendix 2: Draft Local Impact Report (LIR)</p> <p>Appendix 3: LIR Appendices</p>
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<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
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6.01	<p>Development Consent Order application documents:  <a href="https://infrastructure.planninginspectorate.gov.uk/projects/wales/hynet-carbon-dioxide-pipeline/?ipcsection=overview">https://infrastructure.planninginspectorate.gov.uk/projects/wales/hynet-carbon-dioxide-pipeline/?ipcsection=overview</a></p> <p>Advice notes on the Development Consent Order application process:  <a href="https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/">https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/</a></p> <p>Sign-up to HyNet’s newsletter to be kept up to date with all HyNet related projects: <a href="https://hynethub.co.uk/#signup">https://hynethub.co.uk/#signup</a></p>
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<b>7.00</b>	<b>CONTACT OFFICER DETAILS</b>
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7.01	<p><b>Contact Officer:</b> Hannah Parish, Planning Manager (Minerals and Waste)  <b>Telephone:</b> 01352 703253  <b>E-mail:</b> <a href="mailto:hannah.pariah@flintshire.gov.uk">hannah.pariah@flintshire.gov.uk</a></p>
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<b>8.00</b>	<b>GLOSSARY OF TERMS</b>
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8.01	<p>BEIS (Business, Energy, and Industrial Strategy)</p> <p>DCO (Development Consent Order)</p> <p>ExA (Examining Authority)</p> <p>LIR (Local Impact Report)</p> <p>NSIP (Nationally Strategic Infrastructure Project)</p> <p>PINS (Planning Inspectorate (England))</p> <p>SoS (Secretary of State)</p>
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