

**FLINTSHIRE COUNTY COUNCIL**

**REPORT TO:** **PLANNING COMMITTEE**

**DATE:** **10 JANUARY 2024**

**REPORT BY:** **CHIEF OFFICER (PLANNING, ENVIRONMENT AND ECONOMY)**

**SUBJECT:** **CONSTRUCTION AND OPERATION OF THE THREE BLOCK VALVE STATIONS (BVS) AT CORNIST LANE NEAR FLINT, PENTRE HALKYN AND LAND OFF RACECOURSE LANE, BABELL, FLINTSHIRE IN CONNECTION WITH THE WITH HYNET CARBON DIOXIDE PIPELINE PROPOSAL**

**APPLICATION NUMBER:** **FUL/000633/23**

**APPLICANT:** **LIVERPOOL BAY CCS LIMITED**

**SITE:** **LAND ADJACENT TO CORNIST LANE, FLINT, PENTRE HALKYN & BABELL**

**APPLICATION VALID DATE:** **07 JULY 2023**

**LOCAL MEMBERS:** **CLLR S JONES**  
**CLLR JS DAVIES**  
**CLLR MS M PERFECT**  
**CLLR MRS V PERFECT**  
**CLLR P CUNNINGHAM**  
**CLLR S COPPLE**

**TOWN/COMMUNITY COUNCIL:** **HALKYN COMMUNITY COUNCIL**  
**BRYNFORD COMMUNITY COUNCIL**  
**FLINT TOWN COUNCIL**  
**YSCEIFIOG COMMUNITY COUNCIL**

**REASON FOR COMMITTEE:** **SITE EXCEEDS SIZE OF SCHEME OF DELEGATION**

**SITE VISIT:** **NO**

## **1.00 SUMMARY**

- 1.01 This full application is for construction and operation of the three Block Valve Stations (BVS) at three separate sites at Cornist Lane near Flint, Pentre Halkyn (land off racecourse lane), and Babel, Flintshire in connection with the with HyNet carbon dioxide pipeline proposal.
- 1.02 These application sites are integral to the wider 'HyNet North West Carbon Dioxide Pipeline' project being progressed by Liverpool Bay CCS (Carbon Capture Storage) Limited (the Developer). The project is 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') before reaching the Point of Ayr Terminal.
- 1.03 The application relating to the Point of Ayr Terminal has also been submitted to the Flintshire County Council for determination under planning application reference FUL/000246/23 (scheduled to also be heard at this Committee). The application provides for demolition and construction works at the Point of Ayr Terminal, along with other related ancillary development.
- 1.04 The carbon dioxide pipeline is deemed a Nationally Significant Infrastructure Project (NSIP) under the Planning Act 2008 is currently under consideration by the Planning Inspectorate. The decision relating to these wider elements of the development was due in December 2023. The construction and operation of the cables seawards from the Mean High Water Springs (MHWS) mark through the marine environment will be covered by a separate Marine Licence application made to Natural Resources Wales (NRW). The offshore license for the storage of CO<sub>2</sub> is granted by the North Sea Transition Authority (formally the Oil and Gas Authority).
- 1.05 The subject of this application is also under consideration as part of the Nationally Significant Infrastructure Project (NSIP) regime. The applicant is of the view that as the Block Valve Stations proposed would be part of the carbon dioxide pipeline, that the block valve stations should rightly be considered as part of the wider project and therefore are also included in the application made to the Planning Inspectorate for Development Consent. However, Welsh Government concluded that in their view the three block valves would be considered to be 'associated development' which is not something which can be given development consent via the Nationally Significant Infrastructure Project (NSIP) regime. The reason why Welsh Government has taken this view is that the block valve stations are proposed on an existing pipeline that is being repurposed and not "constructed" and therefore should not fall within the definition of a Nationally Significant Infrastructure Project (NSIP). Therefore, this proposal is being considered under both Town and Country Planning Act and NSIP regimes in order to ensure that the correct procedure is followed and offer certainty to the applicant.
- 1.06 Block valves are used to isolate sections of pipeline for maintenance purposes or in the case of an emergency. Early detection systems installed along the pipeline would identify if a potential fault has occurred, and at what

location, following which the appropriate block valve would be remotely closed to isolate that section of pipeline. They are therefore an essential element of the overall project and their proposed locations have been determined on the basis of their suitable separation on the pipeline, the physical location of the existing pipeline and accessibility.

- 1.07 The application was accompanied by an Environmental Statement that was in accordance with the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 (EIA). The Environmental Statement considered the likely significant environmental effects resulting from the construction, operation (including maintenance) of the block valve stations. The submission has included numerous reports, plans and details which demonstrate that all impacts of the development have been considered.
- 1.08 A pre-application consultation was undertaken by the Applicant and the feedback received has been described in the Pre-Application Consultation Report which accompanies this planning application.
- 1.09 The application is recommended for approval subject to the conditions outlined below.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION, SUBJECT TO THE FOLLOWING: -**

- 2.01 The application is recommended for approval subject to the conditions outlined below:

Time limit for Commencement.

1. The development hereby permitted shall be begun before the expiration of 5 years from the date of this permission. Written notification of the date of commencement of any works on the site deemed to begin the development shall be sent to the Local Planning Authority within seven days of such commencement.

Development Phases

2. The operator shall notify the Local Planning Authority of the date of the material start of each phase of development in writing at least 5 working days prior to each phase. The phases of development shall comprise:
  - i) Construction;
  - ii) Operational (“Operational” is defined as the point when CO<sub>2</sub> is first received for offshore storage); and
  - iii) Decommissioning and Restoration.

Restriction on the Life of the Development

3. The operations hereby permitted shall cease at the site within 25 years from the date of the commencement of the Operational phase or by 2053, whichever the earlier. The dates of final cessation of operations and

completion of restoration in accordance with Condition 19 shall be notified in writing to the Local Planning Authority within one week of the said dates.

#### Compliance with the Approved Plans

4. Development at the site shall take place in accordance with the following plans and documents except where they are modified by the conditions on this decision notice .

The plans and documents comprising the Application are:

- Application Form
- Planning And Design & Access Statement (document Reference T.3.2) June 2023
  - Environmental Statement (Volume 1): Non-Technical Summary
  - Environmental Statement (Volume 2): Main Text
- Environmental Statement (Volume 3): Supporting Technical Appendices
- Environmental Statement (Volume 4): Supporting Figures and Plan
- Appendix A: Habitat Regulations Assessment – Information to Inform an Appropriate Assessment (document reference T.5.4)
- Appendix B: Need and Benefits (document reference D.5.5)
- Appendix C: Outline Surface Water Drainage Strategy (document reference T.5.6)
- Appendix D: Biodiversity Net Gain (BNG) Report (document reference T.5.2)
- Appendix E: Outline Construction Environmental Management Plan (oCEMP) (document reference T.5.1)
- Appendix F: Register of Environmental Actions and Commitments (REAC) (document reference T.5.3)
  - 70070865-T.2.7-SLP-Sheet 1 Rev B Overall BVS Location Plan
- 70070865-T.2.4-SLP-Sheet 1 Rev B Cornist Lane BVS Location Plan
  - 70070865-T.2.5-SLP-Sheet 1 Pentre Halkyn BVS Location Plan
  - 70070865-T.2.6-SLP-Sheet 1 Babel BVS Location Plan
- 70070865-T.2.4-LAY-Sheet 1 Rev B Cornist Lane BVS Site Preparation Layout
- 70070865-T.2.4-LAY-Sheet 2 Rev B Cornist Lane BVS Site Access Road Layout
- 70070865-T.2.4-LAY-Sheet 3 Rev B Cornist Lane BVS Proposed Layout Plan
- 70070865-T.2.4-LAY-Sheet 4\_BVS Rev B Cornist Lane BVS Landscape Layout
- 70070865-T.2.4-EL-Sheet 1 Rev B Cornist Lane BVS Proposed Elevations
- 70070865-T.2.5-LAY-Sheet 1 Pentre Halkyn BVS Site Preparation and Access Road Layout
- 70070865-T.2.5-LAY-Sheet 2 Pentre Halkyn BVS Proposed Layout Plan
- 70070865-T.2.5-LAY-Sheet 5\_BVS Rev B Pentre Halkyn BVS Landscape Layout
- 70070865-T.2.5-EL-Sheet 1 Pentre Halkyn BVS Proposed Elevations
- 70070865-T.2.6-LAY-Sheet 1 Babel BVS Site Preparation Layout
- 70070865-T.2.6-LAY-Sheet 2 Babel BVS Site Access Road Layout

- 70070865-T.2.6-LAY-Sheet 3 Babell BVS Proposed Layout
- 70070865-T.2.6-LAY-Sheet 4\_BVS Rev C Babell BVS Landscape Layout
- 70070865-T.2.6-EL-Sheet 1 Babell BVS Proposed Elevations

#### Detailed Design, Landscaping and Lighting Scheme

5. No development shall take place within the Construction phase (including ground works, vegetation clearance) on each site as outlined in Location Plans 70070865-T.2.4-SLP-Sheet 1 Rev B, 70070865-T.2.5-SLP-Sheet 1, 70070865-T.2.6-SLP-Sheet 1 until a detailed design, landscape and lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall provide details of:

- (a) Visual appearance of above ground structures;
- (b) The planting of trees, hedgerows and shrubs, to include the following;
  - i. The location, species, numbers, sizes and timing of the planting of trees, hedgerows and shrubs within the site;
  - ii. the methods of planting, protection, maintenance and replacement of trees, hedgerows, and shrubs within the site.
- (c) A sunlight assessment associated with mature planting; and
- (d) Lighting details including, height, light spill assessment, and times of illumination.

The scheme shall be implemented in accordance with the approved details.

#### Arboricultural Method Statement (AMS)

6. No development within shall take place until an updated Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority. The AMS shall adopt a precautionary approach to tree protection and include:

- (a) arboricultural monitoring;
- (b) tree protection fencing; and
- (c) temporary hard surfaces in RPAs.

The approved AMS shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

#### Site Access Points

7. No development shall take place (including, ground works, vegetation clearance) until the siting, layout and design of the means of access to the three site has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

The approved details shall be adhered to and implemented strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

#### Construction of the Site Access

8. The forming and construction of the three means of site access shall not commence unless and until the detailed design thereof has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

#### Visibility Splays

9. The stated visibility splays at the proposed points of access shall be made available and kept free from all obstructions for the duration of site construction works.

#### Construction Traffic Management Plan (CTMP)

10. No development shall take place until a Construction Traffic Management Plan (CTMP) addressing that phase of the development has been submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority.

The approved CTMP shall be adhered to and implemented strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

#### Construction Environment Management Plan (CEMP)

11. No development take place until a construction environment management plan (CEMP) addressing that phase of the development has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall refer to the submitted Register of Environmental Actions and Commitments (REAC document reference T.5.3) and the Outline Construction Management Plan (OCMP document reference T.5.1) and include, where relevant:

- any site-specific method statements required;
- corrective action and contingency plan procedures; management plans namely:
  - Biosecurity Management Plan;
  - Demolition Management Plan;
  - Dust Management Plan;
  - Flood Action Plan;
  - Groundwater Management and Monitoring Plan;
  - Intertidal INNS Management Plan
  - Lighting Management Plan
  - Materials Management Plan;
  - Noise and Vibration Management Plan;

- Sediment Management Plan;
- Odour Management Plan
- Soil Management Plan;
- Stakeholder Communications Plan;
- Surface Water Management and Monitoring Plan;
- Terrestrial INNS Management Plan and
- Worker Travel Plan.

The CEMP shall include all ecological and landscaping recommendations set out in the submitted Environmental Statement, providing a detailed programme of work and detailed specifications. It shall include, where relevant:

- (a) risk assessment of potentially damaging activities;
- (b) a programme and methodology for surveys required for protected species;
- (c) full details of ecological and landscape mitigation measures, including method statements and conservation plans as required for protected and priority species, and for habitat protection;
- (d) summary information (including annotated plans and schedules) should be provided to give an overview of requirements as well as detailed timetables and method statements and specifications to be adhered to;
- (e) details of landscape and ecological compliance monitoring.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

#### Landscape and Ecological Management Plan (LEMP)

12. Prior to the commencement of the Operational Phase a landscape and ecological management plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include all ecological and landscaping recommendations set out in the submitted Environmental Statement relating to the area of the development hereby approved, providing a detailed phased programme of work and detailed specifications. It shall include:
  - (a) full details of ecological and landscape mitigation measures during the operational stage including method statements as required for protected and priority species and details of all habitat protection, creation enhancement and management and soil management;
  - (b) summary information (including annotated plans and schedules) should be provided to give an overview of requirements as well as detailed timetables and method statements and specifications to be adhered; and
  - (c) details of landscape and ecological compliance monitoring and include any required measures to improve outcomes based on an agreed set of indicators for measuring net benefit.

The approved LEMP shall be adhered to and implemented strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

#### Operation and Maintenance Environment Management Plan (OMEMP)

13. Prior to commencement of the Operational phase an Operation and Maintenance Environment Management Plan (OMEMP) must be submitted to and approved in writing by the Local Planning Authority. The OMEMP shall refer to the submitted Register of Environmental Actions and Commitments (REAC).

The approved OMEMP shall be adhered to and implemented throughout the operational period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

#### Archaeological Mitigation Scheme

14. No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation, which has been submitted to and approved in writing by the Local Planning Authority.

The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance provided by the Chartered Institute for Archaeologists.

#### Unsuspected Contamination

15. If, during development, contamination not previously identified is found to be present at the sites then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. The remediation strategy shall be carried out as approved.

#### Surface Water Drainage

16. No infiltration of surface water drainage into the ground at the site is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

The development shall be carried out in accordance with the approved details.

## Hours of working (Construction)

17. The hours of working for site clearance and construction shall be 08:00 to 18:00 hrs Monday to Friday and 08:00 to 13:00 hrs Saturdays. No work to be undertaken on Sundays/Bank holidays.

## Restoration Scheme

18. A detailed scheme for the final restoration scheme of the sites for agricultural purposes shall be submitted to the Local Planning Authority for written approval no later than 23 years from the date of commencement of the Operational phase. The scheme shall include details of:
  - a) Phasing of the restoration, indicating location, extent and approximate timescale;
  - b) The removal, burial or other treatment of plant, structures, buildings, equipment, machinery, scrap and refuse, foundations, roadways, hardstandings, pipework, lagoons, signs and storage mounds except where any of these are required for the purposes of restoration, development and management of the site for nature conservation purposes or to maintain 3rd party access;
  - c) In the final phase, the sealing or other treatment as appropriate of the accesses to the site;
  - d) Identification of the species or habitat type of flora and fauna for which provision is to be made in the restoration, development and management of the site;
  - e) and outline aftercare scheme.

The restoration of the application sites shall be carried out in accordance with the scheme as submitted under this condition and approved by the Local Planning Authority and in accordance with any subsequent amendments to the scheme that are agreed in writing by the Local Planning Authority.

## Decommissioning Environmental Management Plan (DEMP)

19. A detailed scheme for the decommissioning of the sites shall be submitted to the Local Planning Authority for written approval no later than six months prior to the planned permanent cessation of operation of the authorised development. The Decommissioning Environmental Management Plan (DEMP) submitted must include:
  - (a) details of any below ground apparatus to be left in situ
  - (b) method statements for the decommissioning and dismantlement of above ground infrastructure;
  - (c) full details of measures to prevent harm to protected and priority species and habitats to include details of habitat protection and soil management;
  - (d) traffic management plan for the decommissioning works; and
  - (e) waste management plan for the decommissioning works.

Decommissioning of the authorised development must be implemented in accordance with the approved DEMP.

#### Early Cessation

20. In the event that the operations hereby approved cease for a period of greater than 12 months (or other period agreed in writing with the Local Planning Authority) prior to the date of expiration (as notified under Condition No.2) a revised restoration scheme shall be submitted in writing no later than 6 months from the end of the aforementioned period for the approval of the Local Planning Authority, and upon written approval, shall be implemented in full.

#### Aftercare

21. Prior to the implementation of the approved restoration scheme as required by condition 18, a detailed 5-year aftercare scheme for the management and maintenance of the habitats established and of the overall progressive restoration and development for nature conservation purposes of the site shall be submitted to the Local Planning Authority for approval.

The approved aftercare scheme shall be implemented in full and shall include proposals for:

- a) Replacement of trees and shrubs and areas of vegetation which die, become diseased, or are damaged;
- b) Maintenance of protective measures for young trees, shrubs and vegetation;
- c) Maintenance of means of enclosure;
- d) Maintenance of and installation of drainage and/or means of impoundment of water;
- e) Control of vegetation growth by mowing, cutting or other means as appropriate.
- f) Management and maintenance of calcareous grassland and other habitats
- g) A nature conservation compliance record statement.

### **3.00 CONSULTATIONS**

- 3.01 **Local Member Cllr S Jones** –Raised concerns relating to; lack of appropriate screening to mitigate the visual intrusion of the above ground aspects of the development, including the proposed location trees; lack of cladding in materials sympathetic to the local environment to reduce visual intrusion; and the access route to the Pentre Halkyn structure removing the existing access from the adjacent field limiting access for the tenant farmer.

Procedurally there were concerns that; incorrect details were provided for the address of the planning application, application being advertised as Pentre Halkyn not Brynford; and, incorrect siting of the block valve station on the submitted plans.

Further information was requested from the applicant regarding the concerns raised above.

**Local Member Cllr S Cople:** Requested that the application be presented at full committee due to the technical nature of the design and issues regarding construction activities.

**Local Member Cllr JS Davies:** No response at the time of writing.

**Local Member Cllr Ms M Perfect:** No response at the time of writing.

**Local Member Cllr Mrs V Perfect:** No response at the time of writing.

**Local Member Cllr P Cunningham:** No response at the time of writing.

**Halkyn Community Council:** No comment, unsure if the area of land is within the Halkyn Community Council administrative area.

**Brynford Community Council:** Requests further consideration is given to ensure that sufficient measures are provided to reduce the visual and noise impacts to adjacent properties.

**Ysceifiog Community Council:** No objection.

**Flint Town Council:** Support the application.

**Highways Development Management:** No objection. Request conditions relating to; development carried out in accordance with submitted plans; means of site access not commence unless and until the detailed design has been submitted; visibility splays at the proposed points of access shall be made available and free from obstructions for the duration of construction; no development to take place, including site clearance works, until a Full Construction Traffic Management Plan has been submitted and approved; and, no development take place, including site clearance works, until a Full Worker Travel Plan has been submitted.

**Highways Rights of Way:** No objection. Comment that there are no public rights of way directly affected by the proposed Block Valve Stations at application locations.

**Community and Business Protection:** No objection to the proposed development subject to the imposition of a conditions that require limitation of hours of working during construction; submission of a noise and vibration management plans; and, development carried out in accordance with the submitted dust management plans.

**Landscape and Tree Protection:** No objection subject to the imposition of a condition that requires the submission of an updated Landscape and Ecological Management Plan (LEMP) which provides full details of the landscaping indicatively proposed on current plans.

**Ecologist:** No objection to the proposed development subject to the imposition of conditions that requires the submission of further details that ensure no

unnecessary damage or disturbance to species and/ habitats and that the establishment and management of the landscape proposals provide the Net Benefits for Biodiversity (NBB) as required by PPW11.

**Drainage:** Advise that applicant would need to seek separate consent for surface water drainage in new development.

**Dwr Cymru/Welsh Water:** No objection to the proposed development.

**Wales & West Utilities:** No objection, provide advisory guidance and general conditions relating to works at Flint, Clwyd, CH6 5TS.

**Cyfoeth Naturiol Cymru/Natural Resources Wales:** No objection to the proposed development subject to the imposition of conditions in relation, to securing the Construction Environment Management Plan (CEMP), works to cease should unsuspected contamination occur, and there to be no unacceptable risk to controlled waters from a surface water drainage.

**Cadw:** No objection to the proposal. Provided a list of scheduled monuments and registered parks and gardens and a review of the assessment of these provided by the applicant.

**Llywodraeth Cymru/Welsh Government Transport:** No objection to the proposed development, advise that the Applicant should liaise with the North and Mid Wales Trunk Road Agency throughout the duration of construction of the Block Valve Stations (BVS) to avoid any potential conflicts with Construction Traffic and any other works on the Trunk Road Network.

**Ramblers Cymru:** No objection. Request that all footpaths e.g. Flint 39 (affected by drainage ditch at edge of Cornist site) are protected by appropriate conditions.

**Airbus:** No objection. Hawarden Aerodrome Safeguarding has assessed that the proposal does not conflict with the safeguarding criteria.

#### **4.00 PUBLICITY**

4.01 16 Neighbour Notifications were sent to adjoining/nearby properties and a Site Notice was displayed at each of the sites. The application was also advertised by way of notice published in the press.

4.02 Four responses have been received at the time of writing which raised the following concerns:

1. locations of the block valve stations being highly visible in their proposed locations, (in the case of Cornist Lane – located in the green belt);
2. structures located on prime agricultural land and would prevent traditional farming of the land;
3. development proposal causing worry and stress;
4. lack of sympathetic design, suggest cladding in local limestone;
5. location of mature woodland proposed to screen the built elements is not consistent with the present landscape and would detrimentally change the character of the area in the case of the (Brynford – Pentre Halkyn BVS);

6. loss of sunlight to some properties once the tree screening matures;
7. lack of consideration of detrimental visual amenity to local residents; and
8. concern of lack of adequate assessment of continual noise from the development and inadequate acoustic attenuation.

Procedurally concerns were raised that:

1. the address of one of the proposed developments was incorrectly stated as being Pentre Halkyn and;
2. misleading Pre-application Consultation (PAC) suggesting all works were underground.

## **5.00 SITE HISTORY**

There is no planning history associated the sites. It is understood that the sites have all been in agricultural use and not subject to any other development.

## **6.00 PLANNING POLICIES**

### **6.01 Flintshire Local Development Plan 2015 - 2030**

STR2: The Location of Development

STR3: Natural and Built Environment, Green Networks and Infrastructure

STR4: Principles of Sustainable Development, Design and Placemaking

STR6: Highways and Infrastructure

STR7: Economic Development, Enterprise and Employment

STR14: Climate Change and Environmental Protection

PC1: The Relationship of Development to Settlement Boundaries

PC2: General Requirements for Development

PC3: Design

PC4: Sustainability and Resilience of New Development

PC5: Transport and Accessibility

EN1: Sports, Recreation and Cultural Facilities

EN2: Green Infrastructure

EN3: Undeveloped Coast and Dee Estuary Corridor

EN4: Landscape Character

EN5: Area of Outstanding Natural Beauty

EN6: Sites of Biodiversity Importance

EN7: Development Affecting Trees, Woodlands and Hedgerows

EN8: Built Historic Environment and Listed Buildings

EN13: Renewable and Low Carbon Energy Development

EN14: Flood Risk

EN15: Water Resources

EN18: Pollution and Nuisance

EN19: Managing Waste Sustainably

### **Adopted Supplementary Planning Guidance (SPG)**

SPG3 Landscaping

SPG4 Trees and Development

SPG6 Listed Buildings

SPG8 Nature Conservation & Development

SPG8a Great Crested Newt Mitigation Requirements  
SPG28 Archaeology

**National**

Planning Policy Wales Edition 11, February 2021

Welsh Government 'Chief Planning Officers' letter dated 11 October 2023 updating Chapter 6 of Planning Policy Wales with regards to Net Benefit for Biodiversity

Future Wales – The National Plan 2040 Building Better Places (2020)

TAN 5: Nature Conservation & Planning

TAN 11: Noise

TAN 12: Design

TAN 15: Development and Flood Risk

TAN 18: Transport

TAN 21: Waste

TAN 23: Economic development

**7.00 PLANNING APPRAISAL**

**Location**

- 7.01 The Block Valve Stations are located on the repurposed 20 inch pipeline which would run from the Point of Ayr Terminal to an Above Ground Installation (AGI) at Flint, Flintshire. The pipeline currently transports natural gas and would be repurposed to transport carbon dioxide as part of the HyNet carbon capture and storage project.
- 7.02 The location of the block valve stations, and their compounds are dictated by the existing layout of the pipeline that it repurposes, there is therefore restricted scope for alternative locations. The proposed locations have been determined on the basis of their suitable separation on the pipeline and accessibility for maintenance.

**Cornist Lane**

- 7.03 Cornist Lane Block Valve Station is located in Flint Town Council Area, within an agricultural field in a rural area between the settlements of Flint and Pentre Halkyn. A new permanent access track would be created from Cornist Lane leading to the Block Valve Station across agricultural fields. A new gated access onto Cornist Lane would be formed. The Afon Nant-y-Flint is located approximately 300 metres to the west of the proposed Block Valve Station compound. An area of woodland is located along the line of the Afon Nant-y-Flint as well as along the section of Cornist Lane to the north of the site, this is designated as Coed y Cra Local Wildlife Site.
- 7.04 The closest properties to the proposed development is Bryn Awel approximately 130 metres to the north of the compound, and Spring Cott 310 metres to the north west of the compound.

## Pentre Halkyn

- 7.05 Pentre Halkyn Block Valve Station is located in Brynford Community Council area, within a rural area approximately 700 metres south of the village of Brynford. The Block Valve Station compound would be sited within an agricultural field with a new permanent access track created from the B5121 Allt Y Chwiler.
- 7.06 The closest properties to the proposed development are Glan Llyn Isaf approximately 120 metres to the north west of the compound, an unnamed property approximately 170 metres to the north east of the compound and The Barn / Groesfford Farm approximately 170 metres to the south of the block valve station compound.

## Babell

- 7.07 Babell Block Valve Station is located in the Ysceifiog Community Council area, on the outskirts of the settlement of Babell. The compound would be sited within an agricultural field with a new permanent access track created from Racecourse Lane, the majority of which would follow an existing access track.
- 7.08 The closest property to the proposed development is located approximately 250 metres to the east. A large sub-station containing several buildings and a pylon is located approximately 235 metres to the south.

## Proposed Development

- 7.09 Each Block Valve Station would be located within a compound, approximately 35 metres x 30 metres. The block valves would be installed below ground level, with limited above ground visible elements but will include a containerised kiosk which would be approximately 5 metres high, an electrical transformer and pipework associated with the block valve. The depth of block valve pit would depend on the location; however, the anticipated minimum depth would be approximately 1 metre.
- 7.10 The stations would not be manned but would be monitored and controlled remotely.
- 7.11 In summary, each station comprises:
- secure chain-link fencing up to 3 metres high incorporating a double access gate for vehicles;
  - security lighting, activated if required during a maintenance visits or in the event of an emergency; this includes perimeter lighting columns which would be up to 5 metres in height; and,
  - a new permanent access track which would connect to the local road network formed of crushed aggregate, up to 3 metres wide. New power and fibre optic telecommunication connections to the existing utility network would be contained within the access tracks.

### Inside the compound:

- containerised kiosk - approximately 5 metres high;
- crushed aggregate ground finish, with an area paved for parking for maintenance vehicles; and

- low lux or infrared/thermal CCTV cameras.

### **Main Planning Considerations**

- 7.12 The main planning considerations are principle of the development and need; landscape and arboricultural impacts; design of the proposals; ecological impacts; historic environment impacts; pollution and nuisance including noise, vibration and air quality; highways impacts (including Public Rights of Way); Net Benefit for Biodiversity; and, restoration.

### **Principle of the Development and Need**

- 7.13 The principle of the wider HyNet North West development is to reduce carbon dioxide (CO<sup>2</sup>) emissions from industry, homes and transport and support economic growth in the North West of England and North Wales. The project is based on the production of low carbon hydrogen. It includes the wider development of a new hydrogen production plant (proposed in Cheshire), hydrogen distribution pipelines, hydrogen storage and the creation of carbon capture and storage infrastructure. Carbon capture and storage prevents carbon dioxide entering the atmosphere by capturing it, compressing it and transporting it for safe, permanent storage. The construction and operation of the three Block Valve Stations, the subject of this application, is integral to this project.
- 7.14 International, National and Local policy is committed to reducing reliance on carbon emitting development. The Environment (Wales) Act 2016 sets a legal target of reducing greenhouse gas emissions in Wales by at least 80% in 2050. The Act also requires a series of interim targets (for 2020, 2030 and 2040) and carbon budgets. The Welsh Government subsequently in 2019 declared a climate emergency in order to coordinate action nationally and locally to help combat the threats of climate change.
- 7.15 Future Wales, The National Plan 2040 sets out the national development plan context for energy and provides specific policies for heat network and renewable energy development. Sustainable development and decarbonisation are common themes within the plan. It states, *“Future Wales together with Planning Policy Wales will ensure the planning system focuses on delivering a decarbonised and resilient Wales through the places we create, the energy we generate, the natural resources and materials we use and how we live and travel.”* Policy 17 is clear that the Welsh Government strongly supports the principle of developing renewable and low carbon energy from all technologies and at all scales to meet Wales’ future energy needs requiring that *“In determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales’ international commitments”*.
- 7.16 Planning Policy for Wales (11<sup>th</sup> Edition) para 5.7.7 states that the planning system should *‘optimise the location of new developments to allow for efficient use of resources’*.
- 7.17 Local Policy STR14 in the adopted Flintshire Local Development Plan further supports this national approach by encouraging environmentally acceptable renewable and zero/ low carbon energy generation. Whilst the Block Valve

Station proposal does not generate energy it does facilitate low carbon energy production and use, and therefore assists in achieving one of the policy aims.

- 7.18 In conclusion it is considered that this proposal assists to achieve these policy aims, targets and objectives.

### **Landscape and Arboricultural Impacts**

- 7.19 Policy EN4 of the Flintshire Local Development Plan requires that new development should not have a significant negative effect on the landscape's character and appearance, and landscaping and mitigation measures should aim to minimise the impact and, where feasible, improve the landscape.
- 7.20 The Babel, Pentre Halkyn and Cornist Block Valve Stations are all within open countryside settings and the development would have a degree of detrimental impact on the landscape. The Pentre Halkyn site is within the Halkyn Mountain and Holywell Common Historic Landscape Designation. The Environmental Statement attached to this application provides a detailed assessment of landscape and visual effects. It concludes that there will be some temporary short term significant effects on some landscape character areas during the construction period.
- 7.21 Once operational, it is concluded that the introduction of the development into the landscape will be perceptible. However, would form a very minor change within the context of the wider landscape character and only localised. As such there would be no significant effects on landscape character.

### **Landscaping**

- 7.22 Policy EN7 of the Flintshire Local Development Plan requires that impact of development on trees is only acceptable where it maximises their retention through sensitive design and if removal of trees is necessary, suitable replacements are provided elsewhere.
- 7.23 It is important to note that due to the existing layout of the pipeline there is restricted scope for locating the block valve stations and their compounds. Given their locations are dictated by the location of the existing pipeline, the layout does not necessarily follow field boundaries. A specific landscaping strategy has been developed at each of the proposed block valve site locations to take account of their individual setting.
- 7.24 At Cornist Lane, the position of this development is on the north-eastern flank of the hill and will be clearly visible, as an elevated feature in the landscape from the nearby footpath and from a field gateway on the lane. Of the three Block Valve Stations, this one at Cornist Lane has potentially the most impact and there is only limited landscaping shown. One area of concern is the open drainage channel going into the woodland and more details are required about how the trees would be safeguarded.
- 7.25 At Babel, the position of this development is set back from the narrow Racecourse Lane down a fenced access track. To the north of the proposed site there is a High Voltage overhead line with associated nearby pylon and a

electricity sub-station, these existing features detract from the visual appearance of the landscape. The assessed viewpoints will afford very limited views of the Block Valve Station during construction and operation. The hedge is shown to be removed on the Tree Removal and Protection Plan whereas the landscape layout shows the same stretch of hedge retained. The layout was commented to be unsympathetic to the existing landscape however the orientation and position of the development is unchangeable and the access route is considered to be acceptable.

- 7.26 At Pentre Halkyn, the siting of the development compound takes advantage of the surrounding landform, making use of the wooded bank to the east to ensure it is not prominent. The native hedges are dense and provide good low level screening even in winter. Features G117 and part of G114 (Tree Removal and Protection Plan) are shown to be removed when the proposed access track could be situated slightly further south of these hedges and be retained. The roadside hedgerows provide good screening towards the site, nevertheless, the landscape plan shows additional native screen planting behind the hedge. The width of the screening indicated is approximately 8 metres and appears to include the roadside hedge. This is a very limited space to obtain dense layered screening using native planting that will be almost exclusively deciduous. The proposed planting includes a Native Triple Staggered Hedgerow on the south and east of the compound but not the most visible western boundary.
- 7.27 The applicant advised that the extent of new landscaping at each of the sites is influenced by a number of factors including; engineering constraints of the existing pipeline; ensuring safe operation; and maintenance of the agricultural use of land by the landowners.
- 7.28 Concerns were communicated to the Authority in the consultation period from local residents regarding inadequate planting, location of planting, type of planting, and concern of the loss of sunlight associated with mature planting. These concerns were focused on the Pentre Halkyn Block Valve Station site.
- 7.29 In conclusion, the proposed landscaping does not sufficiently mitigate the visual impacts of the compounds, whereas a modest amount of additional tree, shrub and hedge planting would help better integrate the compounds in the landscape.
- 7.30 For the development to be acceptable therefore, a Landscape and Ecological Management Plan (LEMP) will be required that reconsiders the planting at each of the Block Valve Stations, but I am content that this can be dealt with by a suitable condition. This condition will include details of the final landscaping proposed and involve consultation with the community council where necessary. It is considered with the imposition of this condition the specific landscaping and planting concerns can be addressed and the proposal be in accordance with Policy EN4 and of the Flintshire Local Development Plan.

### **Design of the Proposals**

- 7.31 Policy PC12 of the Flintshire Local Development Plan requires that new development should enhance the site and its surroundings in terms of its siting, layout, scale, height, design, density, use of materials and landscaping, and ensure that new materials are appropriate, durable, and sympathetic to

the character and context of the site.

- 7.32 None of the sites are within the Area of Outstanding Natural Beauty (AONB) however they are they are close to this designation and the lighting would affect the setting of the designation. The Dark Night Skies Supplementary Planning Guidance gives useful advice on how to reduce glare, design appropriate lighting to safeguard wildlife and reduce the impact on the night sky. The application documents suggest that the height of the lighting has been lowered to reduce the impact on the surrounding area, it may be that further alterations can be made to reduce any impact to a minimum.
- 7.33 Concerns were communicated in the consultation period that the industrial style structures would look out of place in a rural area. A request was made that the above ground development be clad in materials sympathetic to the local environment such as local limestone.
- 7.34 The design intention of the proposed kiosk buildings are to provide a visual association with other functional buildings, including steel framed sheds of a comparable scale (or larger), in the wider agricultural landscape. A range of measures have been applied to reduces visual impacts associated with the introduction of these structures. These include:
- Reducing the height and overall dimensions of the facilities and the structures as much as reasonably practicable.
  - Lighting columns have been reduced in height from 8m to 5m following comments received in the consultation process.
  - As far as practicable, apparatus and infrastructure associated with the facilities have been located underground or within kiosks, reducing the visible presence of infrastructure.
  - Commitment made to colour the perimeter fencing, kiosks and lighting columns with a muted green paint chosen to assimilate with natural landscape elements.
  - Permanent access tracks to the facilities will be surfaced using compacted stone rather than tarmac, which will provide a less urbanising surface more appropriate to the rural setting of most above-ground facilities.
  - Aggregate surfacing for facilities will be locally sourced to assimilate with local materials and to soften the appearance.
- 7.35 It is recognised that there are limited opportunities to further reduce the scale, height and impact of the proposed compounds and above ground structures. It is not considered reasonable to require additional cladding of the kiosks given the temporary nature of these structures. It will be necessary to require that final details of the design are submitted prior to commencement of the development which will include a lighting scheme to ensure appropriate assimilation in the landscape and to be in accordance with PC3 of the Flintshire Local Development Plan.

### **Ecological Impacts**

- 7.36 Policy EN6 of the Flintshire Local Development Plan requires that development proposals that could have a significant negative effect on designated local sites or those with biodiversity and/or geological interest, including priority species, will only be permitted if: a) the need for development outweighs the site's ecological

or geological importance; b) there are no reasonable alternative locations; and c) effective mitigation measures are implemented to minimise harm and ensure no overall reduction in biodiversity value. If mitigation is not possible, compensation measures should be provided to create, restore, and enhance biodiversity.

- 7.37 The internationally designated site of Halkyn Mountain Special Area Conservation is located between the three proposed Block Valve Stations (Babell, 700 metres west, Pentre Halkyn, 651 metres south and Cornist Lane, 2.15 kilometres east) this has also been addressed in the information submitted with this application.
- 7.38 The ecological surveys undertaken are considered acceptable and proportionate to the development proposals. Key habitats present are hedgerows, mature trees and small pockets of woodland and neutral grassland. Coed y Cra Wildlife site adjoins the Cornist Lane site and would not be directly impacted but a surface water drainage channel is proposed at its northern end. The majority of impacts will be temporary construction impacts involving species poor agricultural grassland which will be reinstated.
- 7.39 Following submission of acceptable plans and schemes, and implementation of these throughout the life of the development, the proposal is considered in accordance with local and national policy and complies with policies EN6 of the Flintshire Local Development Plan.

#### **Net Benefit for Biodiversity (NBB)**

- 7.40 In autumn 2019 a Chief Planning Officer letter provided guidance on the application of the Environment (Wales) Act Section 6 duty with regard to securing biodiversity enhancement which stated that if this could not be achieved, permission for the development should be refused.
- 7.41 At the time of assessing the impacts of the proposed development in terms of net benefits for biodiversity there was no metric in the Welsh planning system in order to quantify benefit. To address Net Benefit for Biodiversity the applicant has proposed enhancement habitats will be reinstated at all the Block Valve Station locations. Native species rich hedgerow is proposed to be created at the locations totalling 0.38 km.
- 7.42 Welsh Government more recently reasserted their position with the publication of a letter dated 11 October 2023 to all Chief Planning Officers to pre-empt the publication of PPW12 with this updated chapter 6 to be implemented with 'immediate effect'.
- 7.43 The current guidance with regard to Net Benefit for Biodiversity is as follows:

*“Planning authorities must follow a step- wise approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for. Enhancement must be secured by delivering a biodiversity benefit primarily on site or immediately adjacent to the site, over and above that required to mitigate or compensate for any negative impact....”*

*..... a scheme of enhancements must be provided to ensure a net benefit for biodiversity. Where biodiversity enhancement proportionate to the scale and nature of the development is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission. Enhancement measures could include on-site, locally relevant, habitat creation and/or could be part of the development itself favouring the use of native species using biodiverse nature-based solutions..."*

- 7.44 There is an opportunity to further secure Net Benefit for Biodiversity in the future submission to the Landscape and Ecological Plan and this would be welcomed.

### **Historic Environment**

- 7.45 Policy EN8 states that development proposals affecting listed buildings and their setting will only be permitted only where the historic interest is preserved. The Babell site is within 200 metres of the Plas Newydd listed building and as such the impact on the setting of that building would need to be carefully considered.
- 7.46 Following consultation it is concluded that the proposed development would have no more than a slight effect on the way the above designated historic assets are experienced, understood, and appreciated. Consequently, the proposed development would have no more than a minor adverse impact on the settings of any of the above designated historic assets.
- 7.47 Archaeological mitigation, which includes specific areas of watching brief and strip/map/excavate works, have been identified. It is proposed to ensure that any below ground archaeology is recorded and preserved. The implementation of this written scheme of investigation would be secured through condition. It is therefore considered that the development would accord with Policy EN8.

### **Pollution and Nuisance**

- 7.48 Policy EN18 of the Flintshire Local Development Plan states that development which would create an increased risk of noise, vibration, odour, dust, light or other pollution or hazard will only be permitted if it would not unacceptably harm general amenity or living conditions; and would not impose significant restrictions on the use or development of surrounding land.

#### Noise and Vibration

- 7.49 In terms of noise and vibration the assessment indicates that during the operational stage of the Block Valve Stations they will have a "low adverse impact" on any nearby residential properties. Therefore, it is predicted that no mitigation measures would be required at the Block Valve Stations when they are in operation. The assessment also details predicted impacts on nearby residential properties during the construction phase for the site. The vast majority of properties taken into consideration indicate a negligible/low adverse impact during the construction phase without mitigation being implemented. However, there are a small number of properties that are predicted to have medium/high adverse impacts due to noise. Hours of construction would be conditioned, and

construction would be carried out in accordance with the Construction Environmental Management Plan that would be required to be submitted prior to the commencement of development.

#### Air Quality

- 7.50 Assessment in terms of air quality indicates that during the operational stage of the proposal the process would generally have a "negligible/low impact" on any nearby residential properties. No mitigation measures would be required when the site is in operation. With regard to gaseous emissions, there are no sensitive receptors within the odour risk zones and it is concluded that there is no risk of odours or health effects to the local population. Therefore, it is predicted that no mitigation measures will be required when the site is in operation.
- 7.51 The assessment also details predicted impacts on nearby residential properties during the construction phase for the site. The vast majority of properties taken into consideration indicate a predominantly negligible/low risk during the construction phase. However, there are a small number of properties that are predicted to have medium risk impacts specifically due to dust.
- 7.52 It is considered that the proposal would be acceptable in terms of pollution and nuisance, protecting neighbour amenity, subject to imposition of a number of conditions. These conditions relate to restriction on construction hours, submission of a Noise and Vibration Management Plan, submission of a Dust Management Plan, which is included as part of the Construction Environment Management Plan (CEMP) condition. With these conditions imposed the development is in accordance with policy EN18.

#### **Highways (including Public Rights of Way)**

- 7.53 Policy STR6 of the Flintshire Local Development Plan states that an 'essential element in planning for sustainable places is to ensure that the physical and social infrastructure exists'. Highways, walking and cycling and public transport improvements and are all considerations in this regard.
- 7.54 Concerns were communicated in the consultation period that the proposed access route to the building would remove existing access from the adjacent field for a local tenant farmer. The gateway is currently used for dairy cows to access pasture.
- 7.55 The Applicant confirmed that the site is an active agricultural business and is currently used for dairy pasture confirm that access would be maintained for the tenant farmer to the field from the B5121 during construction and operation of the development. Provision can be made along the line of the access track for a crossing point between the field units to the north and south of the site, most likely at a point close to the access to the B5121. The Applicant will continue to work with the landowner, and any relevant agricultural tenant, to ensure disruption to the current farm operations are minimised.
- 7.56 Should planning permission be granted the submission of conditions will be necessary. These relate to; development carried out in accordance with submitted plans; means of site access shall not commence unless and until the

detailed; visibility splays at the proposed points of access shall be made available; no development to take place until a Full Construction Traffic Management Plan: and, no development take place, including site clearance works, until a Full Worker Travel Plan has been submitted.

#### Public Rights Of Way

- 7.57 There are no public rights of way directly affected by the proposed Block Valve Stations at any of the application locations.
- 7.58 In conclusion, with the imposition of drainage conditions as set out above and in the Construction Management Plan, it is considered that the development is acceptable in terms of highway impacts, protection of public footpaths and in accordance with Flintshire Local Development Plan policies PC5 and STR6.

#### **Restoration**

- 7.59 It is stated that the development would have a life of 25 years. To ensure effective restoration of the site it is necessary to limit the life of the development to 25 years from the date of the decision notice and impose conditions relating to submission detailed scheme for the final restoration, submission of a Decommissioning Environmental Management Plan (DEMP); ensure that restoration is provided on early cessation of the operation; the removal of Plant and Machinery and submission of detailed scheme for aftercare.
- 7.60 With appropriate restoration assessed in submission of schemes and plans it is considered that the proposal is in accordance with local and national policy and complies with polices EN2, EN4, EN6, EN11, EN14 and PC2 of the Flintshire Local Development Plan.

#### **Procedural Matters**

- 7.61 Concern was raised that the address of the planning application is shown as being located in Pentre Halkyn not Brynford and that this incorrect address has resulted in many residents disregarding consultation letters as residents thought a building in Pentre Halkyn would not concern them.
- 7.62 Resubmission of the plans with the amended address was considered, however, it was concluded that:
- the location is described as being on 'land off the B5123', which is the main road running through Brynford, leading to Lixwm in the south;
  - the application plans submitted show the precise location of the proposed development;
  - preapplication consultation with the local community issued letters to Brynford Community Council which were accompanied by a notice which showed the location of the site; and,
  - extensive consultation raise public awareness of the project has been carried out.
  - publicity of the planning application carried out by the local planning authority in accordance with the Development Management Procedure Order and the Environmental Impact Assessment Regulations and neighbour notification letters were dispatched to properties in the locality of the three location sites

- 7.63 Whilst it is disappointing that it is believed that the application location address was misleading, it is considered that sufficient consultation has been undertaken to ensure interested parties have had an opportunity to comment on the application. Further to this, the consultation period remained open for a further 3 months for additional responses to be received and considered by the Council. It is clear from this consultation responses that the local community are aware of the proposals.
- 7.64 Comment was received that the plans show either the structure to be in the incorrect location, or the gas pipeline markers in the field are located incorrectly. This was addressed to the applicant. They commented:

*“the existing pipeline runs in an east-west orientation, to the south of the Block Valve Station (BVS) location. The BVS has been located to the north of the pipeline for three main reasons i) by positioning in the northern area of the field it is possible to maximise the benefit of the screening provided by the woodland area to the north ii) it reduces loss of usable agricultural land, and iii) it maximises the distance from the overhead high voltage line to the south. As such it is necessary to provide short sections of ‘tie-in’ pipelines to connect to existing pipeline to the BVS. “*

## **8.00 CONCLUSION**

- 8.01 This proposal provides necessary infrastructure for the carbon pipeline wider project and the block valve compound and design measures are considered appropriate in terms of its effective operation.

There are no unacceptable impacts upon local amenity, ecology, or as a result of highways or drainage issues and is in accordance with the relevant LDP policy. It is recommended that the proposal is acceptable subject to the suggested conditions as outlined in paragraph 2.01.

### **Other Considerations**

- 8.02 The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.
- 8.03 The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.
- 8.04 The Council has had due regard to its public sector equality duty under the Equality Act 2010.
- 8.05 The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the achievement of wellbeing objectives as a result of the recommended decision.

**LIST OF BACKGROUND DOCUMENTS**

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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