

## CABINET

<b>Date of Meeting</b>	Tuesday, 14 <sup>th</sup> March 2023
<b>Report Subject</b>	HyNet Carbon Capture Project; Carbon Dioxide Pipeline and Consenting Process Update
<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 and an application has been made under the Planning Act 2008 for a permission known as a Development Consent Order (DCO) to construct and operate the proposed Carbon Dioxide Pipeline NSIP.

Integral to the HyNet North West project is the redevelopment and works at the Point of Ayr Gas Terminal, works between the Gas terminal and the Mean Low Water Spring mark, and the construction of three Blocked Valve Stations along the existing 'Connah's Quay to Point of Ayr Pipeline'. The developer will seek consent for these works under the Town and Country Planning Act 1990.

The report seeks delegated authority to allow officers to respond to matters arising during the examination of the NSIP, represent the Council in the hearings, provide a response on the Statement of Common Ground, answer questions that arise, and to provide a Local Impact Report.

This report provides details with regards to the project, the two consenting processes and the role of the Local Planning Authority.

## RECOMMENDATION

1	<p>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 Member for Planning, Public Health and Public Protection.</p> <p>Responses relating to providing comments on the Statement of Common Ground, providing Written Representations, addressing questions and any matters arising as part of the subsequent Examination and during hearing sessions will be delegated to the Chief Officer for Planning, Environment and Economy.</p>
---	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## REPORT DETAILS

<b>1.00</b>	<b>BACKGROUND</b>
1.01	HyNet is an industrial decarbonisation project. The Northwest and North Wales region was selected by Government to lead the UK's industrial decarbonisation.
1.02	<p>From mid-2020's, if consented HyNet will:</p> <ul style="list-style-type: none"><li>▪ produce, store, and distribute low carbon hydrogen to replace fossil fuel consumption in transport and industry,</li><li>▪ capture and store carbon dioxide emissions from industry,</li><li>▪ Build new infrastructure and reuse pre-existing infrastructure</li></ul>
1.03	<p>Elements of the HyNet project that are proposed in North Wales comprise:</p> <ul style="list-style-type: none"><li>▪ Underground cross county pipeline to transport carbon dioxide (CO<sub>2</sub>) emissions by constructing a new carbon dioxide pipeline to connect to the existing underground gas pipeline from Point of Ayr,</li><li>▪ Compress and transport the CO<sub>2</sub> to permanent storage in depleted gas cavities in the Liverpool Bay area by modifications at the existing Point of Ayr Oil and Gas Terminal.</li></ul>
1.04	A blue hydrogen production plant is proposed at Stanlow in Cheshire. At present, the project does not propose to produce green hydrogen as currently, there is insufficient green energy available within the grid to produce green hydrogen. Therefore, the hydrogen would be produced by using fossil fuels. This project is part of the move towards decarbonisation, and would contribute to carbon reduction targets, as the proposal is to capture the carbon dioxide and transport the captured CO <sub>2</sub> .
1.05	If consented, the CO <sub>2</sub> would be captured and compressed, then transported in a pipeline under the sea to an offshore platform, located approximately 30km offshore in Liverpool Bay. The CO <sub>2</sub> would be transported to the Point of Ayr Terminal, compressed, injected and stored. The proposed new pipeline would be buried underground at a minimum of 1.2 metres. Above ground installations are proposed for the maintenance and operation of the pipeline. 'Block valves' are also proposed to allow isolation of sections of the pipeline.

1.06	If consented, the entire new build pipeline would take approximately 12 months to construct. There would typically be 1-2 months of construction at a particular location. Once installed, land would be reinstated the land as close as possible to its original condition. For much of the pipeline construction, an open trench technique would be used. In more complex areas, methods such as horizontal directional drilling or auger boring would be used.
	<b>Consenting Process</b>
1.07	As the Proposed Development constitutes a Nationally Significant Infrastructure Project (NSIP), an application has been made under the Planning Act 2008 for a permission known as a Development Consent Order (DCO) to construct and operate the proposed Carbon Dioxide Pipeline. As the DCO / NSIP process is not devolved to the Welsh Government, the DCO Application 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).
1.08	The DCO application covers full length of the pipeline (new build and existing in terms of the change of use of the existing pipeline, and the construction of the new pipeline. The application also includes three Block Valve Stations (BVSs) on the existing pipeline.
1.09	Two inspectors have now been appointed as the Examining Authority who will examine the DCO Application and make a recommendation to the SoS, who will then decide on whether development consent should be granted, or not.
1.10	The Local Planning Authority are not the decision maker for the DCO application; however, we have a role to play as a stakeholder.
1.11	The Local Planning Authority's role includes: <ul style="list-style-type: none"> <li>• Pre-examination/Examination stage <ul style="list-style-type: none"> <li>• Preparing a Local Impact Report</li> <li>• Providing an important local perspective</li> <li>• Written Representations and Statement of Common Ground</li> <li>• Attending and participating in hearing sessions</li> </ul> </li> <li>• Post consent: <ul style="list-style-type: none"> <li>• Discharging many of the requirements (akin to planning conditions) associated with the Pipeline if development consent is granted.</li> <li>• Enforcement</li> </ul> </li> </ul>
1.12	There are elements of the HyNet Northwest project that lies in Flintshire which cannot be consented through the DCO consent process as they are considered to be 'associated development' which is not included in the Planning Act 2008.
1.13	Works and modifications proposed at the Point of Ayr gas terminal, and cabling works from the terminal to the foreshore, along with the construction of three blocked valve stations along the existing pipeline route (at Cornist Lane, Pentre Halkyn, and Babell) are proposed to be applied for under the Town and Country Planning Act. Therefore, two

	planning applications are proposed to be submitted for Flintshire County Council's Planning Committee to determine.
	<b><i>Timescales</i></b>
1.14	The examination period for the DCO application is likely to start Spring 2023, Flintshire County Council will be required to produce a Local Impact Report, provide written representations, comment on the Statement of Common Ground and participate in the hearing sessions. The DCO Decision is likely to be Q4 2023. The planning applications for the modifications at the Point of Ayr Terminal, and consent for the three blocked valve stations are expected to be submitted early March 2023.
1.15	The project is in the pre-examination period and two Planning Inspectors have been appointed to be the Examining Authority. The Preliminary Meeting is likely to set place on 20 March. This meeting will start off the Examination Period where the Examining Authority will set out the deadlines for the various stages in the Examination and the deadlines for submissions of the Local Impact Report, any Written Representations, responses to questions and comments on the Statement of Common Ground.
1.16	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.
1.17	Due to the limited timescales prescribed with the Planning Act 2008 to respond to matters arising from the Examining Authority, and also to produce a Local Impact Report, it is necessary to raise this matter at Cabinet to seek a resolution to permit officers to respond to the various stages within the examination of the project on behalf of the Council.
1.18	The sole 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. 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.
1.19	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 it does not need to contain a balancing exercise between positives and negatives; nor does it need to take the form of a formal 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. Therefore, as the Local Authority is not the decision maker, it is requested that the matters arising from the Examining Authority, and the production of the Local Impact Report is delegated to Officers. The Local Impact Assessment is a matter of fact and of a technical nature, and more suited to officers to address and provide a response.

	<b>Member engagement</b>
1.20	A view on this matter is sought as to whether a corporate view on the project should be established. However, as the Local Planning Authority will be determining a planning application for the modifications at the Point of Ayr, and three blocked valve stations, care must be taken to avoid any risk of pre-determination of these planning applications which are an integral part of the project, but not permitted to be consented under the Planning Act 2008.
1.21	Should Members wish to be kept up to date with the HyNet project, they can sign up to receive electronic updates on the whole of the HyNet project. <a href="https://hynethub.co.uk/#signup">https://hynethub.co.uk/#signup</a>

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
-------------	------------------------------

2.01	<p><b>Revenue:</b> there are no implications for the approved revenue budget for this 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	Once the planning applications have been submitted for the proposed works and modifications at the Point of Ayr Terminal and the blocked valve stations, consultations will be carried out in accordance with the Development Management Procedure Order.

<b>5.00</b>	<b>APPENDICES</b>
-------------	-------------------

5.01	Appendix 1: Development Consent Order Limit for the HyNet Carbon Dioxide Pipeline showing ward areas.
------	-------------------------------------------------------------------------------------------------------

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<p>Short video of the proposals at the Point of Ayr Terminal  <a href="https://hynethub.co.uk/eni_poa_final_film.mp4">https://hynethub.co.uk/eni_poa_final_film.mp4</a></p> <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>
<b>7.00</b>	<b>CONTACT OFFICER DETAILS</b>
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.parish@flintshire.gov.uk">hannah.parish@flintshire.gov.uk</a></p>
<b>8.00</b>	<b>GLOSSARY OF TERMS</b>
8.01	<p>DCO (Development Consent Order)</p> <p>NSIP (Nationally Strategic Infrastructure Project)</p>