

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **WEDNESDAY, 2 FEBRUARY 2022**

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

SUBJECT: **SECTION 42 CONSULTATION OF THE PLANNING ACT 2008 - HYNET NORTH WEST PIPELINE AND CARBON CAPTURE STORAGE PROJECT**

1.00 REFERENCE NUMBER

1.01 A reference number will be assigned to the section 42 consultation when it is received on February 9th 2022.

2.00 SITE

2.01 Liverpool Bay CCS Limited (the Developer) is proposing to construct and install a new carbon dioxide pipeline between Ince, near Stanlow, (in Cheshire West and Chester) and Flint, and repurpose an existing natural gas pipeline between Flint and Talacre (this section of the pipeline is referred to as the 'Connah's Quay to Point of Ayr Pipeline'). This project is known as the HyNet North West Carbon Dioxide Pipeline.

2.02 A number of route options for the proposed new pipeline were presented within the Scoping Request and the non-statutory consultation that took place during the summer last year please refer to enclosures. However, the preferred single route will be presented when the Developer undertakes their statutory consultation in February 2022.

3.00 APPLICATION VALID DATE

3.01 The statutory consultation period is expected to commence for a period of six weeks from 9 February until 22 March 2022.

4.00 PURPOSE OF REPORT

4.01 The report seeks delegated authority to respond to the anticipated consultation that will be made under Section 42 of the 2008 Planning Act in relation to the proposed HyNet North West carbon dioxide pipeline.

- 4.02 The Council, will be offered the opportunity by the Developer to comment on the Preliminary Environmental Information Report (PEIR) and other supporting documents for the proposal.
- 4.03 Due to the limited timescales prescribed within the Planning Act 2008 to make a response on this consultation, it is necessary to raise the matter at Committee to seek a resolution from Planning Committee to permit officer's to respond to the consultation on behalf of the Council, as such responses are not a delegated function as stated within the Council's Scheme of Delegation.

5.00 BACKGROUND

- 5.01 Liverpool Bay CCS Limited is proposing that carbon dioxide produced by existing industrial premises and future hydrogen producing facilities in North West England and North Wales, will be transported for off-shore storage via a pipeline (comprising a new-build pipeline and reuse of an existing pipeline) to depleted natural gas reservoirs in Liverpool Bay. See project schematic Figure 1.
- 5.02 As the Proposed Development constitutes a Nationally Significant Infrastructure Project (NSIP), the Applicant must make an application under the Planning Act 2008 for a permission known as a Development Consent Order (DCO) to construct and operate the Proposed Development. As the DCO / NSIP process is not devolved to the Welsh Government, the DCO Application will be 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). A single inspector or a panel of inspectors will be appointed to examine the DCO Application and make a recommendation to the SoS, who will then make a decision on whether or not to grant development consent.
- 5.03 The Planning Act 2008 requires consultation with statutory and non-statutory consultees in advance of an application being made. The Local Planning Authority will also be consulted on the proposal. Also, there is a duty to consult with people living in the vicinity of the Proposed Development before an application is submitted. The applicant will prepare a Statement of Community Consultation which sets out how it will undertake consultation and provide details about how to take part and how feedback will be used to shape the proposed design and mitigation measures that might be required.
- 5.04 Liverpool Bay CCS Limited will soon be at the stage where it wishes to consult on its proposals with a number of interested parties. A suite of consultation materials will be produced to inform people about the Project and its likely impacts. These include a Preliminary Environmental Information Report (PEIR) and Non-technical summary, as well as a Statement of Community Consultation and Consultation Questionnaire.

- 5.05 The requirements for applications to the Secretary of State for a DCO are set out in the Planning Act 2008, the accompanying Regulations and subsequent guidance issued by the Planning Inspectorate who are responsible for administering the application process. Under Section 42 of the Planning Act, the applicant is required to undertake formal and statutory consultation with a prescribed list of bodies, local authorities and those people with an interest in the land, or whose properties may potentially be affected by the operation of the proposed Project. The Statutory Consultation period for the project is anticipated to take place from 9 February and will conclude on 22 March 2022.
- 5.06 The purpose of the PEIR is to set out the findings of the Environmental Impact Assessment (EIA) to date in support of the pre-application consultation required under the Planning Act 2008. The EIA will then be finalised following the consultation, and reported in the Environmental Statement (ES) which will accompany the DCO and marine licence applications which are also required (which will be made to NRW). The DCO and marine licence applications are anticipated to be submitted in the summer of 2022.
- 5.07 The PEIR provides statutory consultees (those proscribed under the requirements of Planning Act 2008, such as Natural Resources Wales and local authorities), non-statutory consultees, and the local community, with the information which has been assembled in order to carry out an assessment of the potential environmental effects of the HyNet North West Carbon Dioxide Pipeline project.
- 5.08 The PEIR establishes the existing environment using the results of desktop study, site-specific surveys and consultation, as well as the methodology used within the EIA. The PEIR presents the potential impacts arising from the proposed new carbon dioxide pipeline, based on the baseline information gathered and the analysis in environmental assessments completed. Based on the outcomes of assessment, the PEIR then puts forward any potential mitigation measures that could prevent, minimise, reduce or offset potentially significant adverse effects.
- The Proposal***
- 5.09 The proposed carbon dioxide pipeline would comprise of two parts: the construction of a new underground pipeline which would be used for the purposes of transporting carbon dioxide, which would then connect with the existing Connah's Quay to Point of Ayr natural gas pipeline in Flint. This existing natural gas pipeline would be repurposed to transport carbon dioxide to the Point of Ayr terminal where it would be processed and transported and stored in depleted natural gas reservoirs in Liverpool Bay.

- 5.10 During their non-statutory consultation, the developer identified potential routes of the new pipeline through a staged approach of research and studies. They firstly considered wide 'corridors' where the pipeline could be located. See Figure 2 enclosed.
- 5.11 They then assessed various options within these corridors, scoring them against a set of criteria, to identify two potential route options for consultation. See Figure 3 and also other enclosed maps showing the route that was proposed for the Scoping Report and the non-statutory consultation. The non-statutory consultation undertaken in summer 2021 looked to gather views from the public on these routes proposals.
- 5.12 The anticipated statutory consultation will present a preferred single route which will have taken into account the views gathered from the non-statutory consultation and the Scoping exercise.

Main Issues

- 5.13 The main issues which will be reported on within the PEIR will include the proposed effects of the underground carbon dioxide pipeline and any required mitigation in relation to; air quality, climate change, cultural heritage, ecology, biodiversity, land and soils, landscape and visual impact, materials, mineral safeguarding and waste, noise and vibration, population and human health, traffic and transport, water resources and flood risk and any cumulative effects with other projects.
- 5.14 When the Council are consulted on the PEIR, an internal consultation will take place, to gather the views on the technical information presented in order to finalise a response to the Section 42 Consultation on behalf of the Council.

6.00 RECOMMENDATIONS

- 6.01 That the final response on the Section 42 Consultation for the HyNet (Preliminary Environmental Information Report) be delegated to officers in consultation with key local members affected by the route of the proposed new carbon dioxide pipeline and the existing pipeline, that terminates at the Point of Ayr gas terminal.
- 6.02 Following the submission of the DCO application, which is expected during the Summer 2022, the Council will be consulted again and requested to produce a Local Impact Report. The Planning Committee will be notified again at this subsequent stage of the DCO application and will have a subsequent opportunity to comment on the proposal and the contents of the Local Impact Report produced by the Council in relation to the submission.

LIST OF BACKGROUND DOCUMENTS

Development Consent Order Scoping Report Documentation and PINS scoping Opinion can be found via the Flintshire Planning Portal using the reference 063069:
https://digital.flintshire.gov.uk/FCC_Planning/Home/Details?refno=063069

Details of the HyNet project are also available on the following websites: www.hynet.co.uk and <https://hynethub.co.uk/>

National & Local Planning Policy

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