

OTHER CONSENTS AND LICENCES

HyNet Carbon Dioxide Pipeline DCO

Planning Act 2008

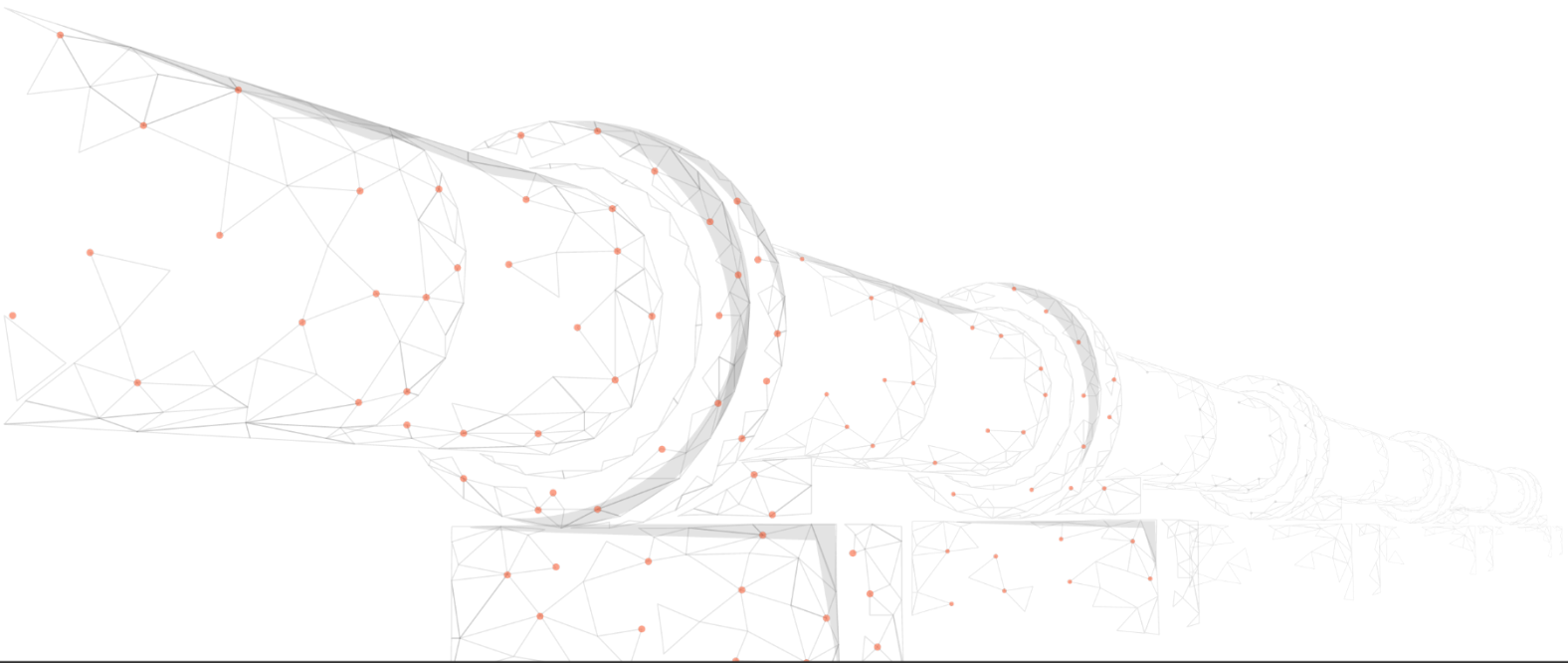
The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 – Regulation 5(2)(q)

Document Reference Number: D.5.2

Applicant: Liverpool Bay CCS Limited

PINS Reference: EN070007

English Version



REVISION: A

DATE: September 2022

DOCUMENT OWNER: WSP UK Limited

PUBLIC

QUALITY CONTROL

Issue/Revision	First Issue	Revision 1	Revision 2	Revision 3
Document Reference	D.5.2			
Revision	A			
Author Name and Sign	NC			
Approver Name and Sign	AV			
Document Owner	WSP UK Ltd			

TABLE OF CONTENTS

1. INTRODUCTION.....	1
1.1. Overview	1
1.2. Purpose of this document	1
2. OTHER CONSENTS, LICENCES AND PERMITS REQUIRED	2

TABLES

Table 2.1 – Other Consents, Licences and Permits	3
--------------------------------------------------	---

1. INTRODUCTION

1.1. OVERVIEW

- 1.1.1. This Other Consents and Licences document has been prepared on behalf of Liverpool Bay CCS Limited ('the Applicant') to support an application ('the Application') for a Development Consent Order ('DCO') that has been submitted to the Secretary of State ('SoS') for Business, Energy and Industrial Strategy ('BEIS') under Section 37 of the Planning Act 2008 (as amended) ('the PA 2008'). The Application relates to the CO₂ pipeline which constitutes the DCO Proposed Development.

1.2. PURPOSE OF THIS DOCUMENT

- 1.2.1. This document is prepared by WSP on behalf of the Applicant and provides a list of other consents, licences and permits that the Applicant may need to obtain to enable the construction, operation, maintenance and decommissioning of the DCO Proposed Development. These are *not* obtained as part of the DCO.
- 1.2.2. In accordance with Regulation 5 of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (the 'APFP Regulations'), this document is not a document required to accompany an application for Development Consent, however details of other consents, licences and permits are required to be detailed in the standard Application Form (**D.1.4**).
- 1.2.3. The requirement to provide this information is additionally referred to within Paragraph 45 of the Department for Communities and Local Government Application Form Guidance (Department for Communities and Local Government, 2013).
- 1.2.4. This document may be updated and resubmitted during the examination to demonstrate progress made on obtaining any other necessary consents, licences or permits.
- 1.2.5. This document has been prepared in accordance with the guidance above to provide the outlined information.

2. OTHER CONSENTS, LICENCES AND PERMITS REQUIRED

- 2.1.1. Information on the other consents, licences or permits that are, or may be, required in connection with the construction, operation, maintenance or decommissioning of the DCO Proposed Development is set out in **Table 2.1** below.
- 2.1.2. Decommissioning of the DCO Proposed Development is included within **Table 2.1** below, though these consents, licences or permits are not expected for some time in the future, by which time the permits required may be different or no longer needed.
- 2.1.3. **Table 2.1** is applied where other consents, licences or permits are required in both England and Wales.
- 2.1.4. The document will be updated by the Applicant, as required, during the examination of the Application by the Examining Authority (ExA) on behalf of the Secretary of State (SoS).

Table 2.1 – Other Consents, Licences and Permits

No	Consent, Licence, Permit	Relevant Body	Comments and Agreements	Anticipated Submission Date / Timescales
<u>CONSENTS, LICENCES AND PERMITS REQUIRED FOR THE DCO PROPOSED DEVELOPMENT IN ENGLAND AND WALES</u>				
<u>Construction</u>				
1.	The Control of Major Accident Hazards (COMAH) Regulations 2015	Health and Safety Executive / Environment Agency / NRW (as appropriate)	Carbon dioxide is not currently classified as a Dangerous Substance under COMAH.	Application(s) or notification(s) to be made, if required, by the Stanlow Site operator to reflect changes resulting from the new T&S System AGI.
2.	Construction Noise Consent – Section 61 of The Control of Pollution Act 1974	Local Planning Authority (Respective) – dependant on what administrative area specific works were in.	May be required during the construction of the DCO Proposed Development for certain activities.	Apply for prior to the start of construction (or prior to specific construction activities), if required.
3.	Building Regulations Approval – The Building Regulations 2010 (as amended)	Local Planning Authority (Respective) – dependant on what administrative area specific works were in.	AGIs and BVSs are classed as buildings so assumed this could apply.	Buildings Regulations Approval would be sought prior to and during the construction phase, if required.

No	Consent, Licence, Permit	Relevant Body	Comments and Agreements	Anticipated Submission Date / Timescales
4.	Pipeline Safety Notification - The Pipeline Safety Regulations 1996 (Regulation 20)	Health Safety Executive (HSE)		<p>No action required at present as carbon dioxide is out with the scope of PSR.</p> <p>If regulations are updated to bring carbon dioxide into scope, the HSE will be notified a minimum of 6 months prior to commencement of construction.</p>
5.	Fire Notice - The Regulatory Reform (Fire Safety) Order 2005.	Local fire and rescue authority (the Health and Safety Executive – HSE) has enforcement responsibility on construction sites.	A fire safety risk assessment in respect of work on construction sites and an action plan to be produced in relation to such assessments.	<p>Will be sought after the DCO has been made by the SoS in advance of construction activities in consultation with local fire and rescue authority and the HSE.</p> <p>Prior to start of construction of the Proposed DCO Development.</p>
6.	Notification of construction works under the Construction Design and Management ('CDM') Regulations (2015)	Health Safety Executive (HSE)		Would be applied for prior to the start of construction, or prior to specific construction activities, if required.

No	Consent, Licence, Permit	Relevant Body	Comments and Agreements	Anticipated Submission Date / Timescales
7.	Hazardous Waste Producer Registration (Hazardous Waste Regulations 2005 (Wales))	Natural Resource Wales (NRW)		Prior to commissioning, if required.
8.	Marine Licence	Natural Resource Wales (NRW)	Marine Licence for River Dee crossing.	Application to be made following DCO submission before determination.
Transport and Highways				
9.	Permit for Transport of Abnormal Loads. Road Vehicles (Authorisation of Special Type) (General) Order 2003, or under the Road Traffic Act 1988	Vehicle Certification Agency (VCA) - (the Executive Agency of the Department for Transport); National Highways; Local Highways Authority	Would be required to transport Abnormal Indivisible Loads (AILs) which fall outside standard practice or main DCO consent.	No action required at present. Applications will be submitted once the DCO has been made and by the appointed contractor, if required.
10.	Approvals from the relevant highway authorities and relevant planning authorities pursuant to the	Local Highway Authority or Local Planning Authority (as relevant)		No action required at present. Would be required prior to start of construction.

No	Consent, Licence, Permit	Relevant Body	Comments and Agreements	Anticipated Submission Date / Timescales
	requirements contained in the DCO consent.			
11.	Section 59 Highways Act 1980	Local Highway Authority (as relevant)	Recovery of expenses due to extraordinary traffic (agreement can be made between developer and LHA prior to extraordinary traffic/ damage or recovered afterwards by the LHA).	No action required at present. Would be required prior to start of construction.
Ecology				
12.	Consents to work in Sites of Special Scientific Interest ('SSSIs') under Regulation 28E of the Wildlife and Countryside Act 1981	Natural England ('NE')	River Dee is covered by a SSSI and the DCO Proposed Development runs adjacent to an SSSI in Wales (Deeside) - Buckley Newt SAC is the same boundary).	Post grant of DCO, prior to relevant works.
13.	District Level Licensing (DLL) for Great Crested Newts	Natural England ('NE')		Post grant of DCO, prior to relevant works.

No	Consent, Licence, Permit	Relevant Body	Comments and Agreements	Anticipated Submission Date / Timescales
14.	Class Licence under Wildlife and Countryside Act 1981 (as amended) Section 10(3)(c)	Natural England ('NE')		Application submission prior to start of construction, if required.
<u>Flood Risk and Drainage</u>				
15.	Permits pursuant to the Environmental Permitting (England and Wales) Regulations 2016 for Flood risk activities and Discharges to surface water and groundwater	Environment Agency ('EA') Natural Resources Wales ('NRW')	<p>Required for all temporary and permanent works within 8m of a main river or flood defence, or within 16m of a tidal river, flood defence of a tidal river or coastal water body.</p> <p>This will likely require an updated Water Framework Directive (WFD) assessment once more detail is known about the DCO Proposed Development.</p> <p>The EA have advised that flood modelling would not be required for temporary crossings, however, need to ensure that the capacity of any structure is commensurate with the</p>	Post grant of DCO, prior to relevant works.

No	Consent, Licence, Permit	Relevant Body	Comments and Agreements	Anticipated Submission Date / Timescales
			watercourse and needs to be compliant with the WFD.	
16.	Licence(s) to abstract water pursuant to Section 24 of the Water Resources Act 1991	Environment Agency ('EA')	This is for the proposed excavations of the entry and exit pits of the auger bores (where these intercept groundwater and dewatering is required) and also some sections of the pipeline trench (again where groundwater is intercepted). It's unclear currently whether all of this can be done under a single licence agreement or if multiple licences will be required – the EA have advised on the information they require to confirm and that discussions can be held.	Post grant of DCO, prior to relevant works.
17.	Consent(s) to discharge treated water to a watercourse pursuant to Section 166 of the Water Industry Act 1991	Environment Agency ('EA')	This is to permit the discharge of treated groundwater (abstracted for dewatering of excavations) to surface watercourses.	Post grant of DCO, prior to relevant works.

No	Consent, Licence, Permit	Relevant Body	Comments and Agreements	Anticipated Submission Date / Timescales
18.	Prohibition on Obstructions in Watercourses under Section 23 of the Land Drainage Act 1991	Local Lead Flood Authority (Flintshire County Council/ Cheshire West County Council)	Required for any changes to an ordinary watercourse (temporary or permanent). Including crossings, culverts, outfalls, discharges, temporary blockage for trenched crossings.	The requirement for consent is disapplied in the Draft DCO; the requirements include the need for detailed design of for any changes to an ordinary watercourse to be approved under the DCO.
19.	Consent(s) to discharge surface water to a sewer pursuant to Section 118 of the Water Industry Act 1991	Relevant sewerage undertaker	Required for any discharge of water to the sewer. This includes any water used in hydrostatic testing.	Post grant of DCO, prior to relevant works.
20.	Water Abstraction Licence (Water Resources Act 1991)	Natural Resource Wales (NRW)	Temporary licence required if abstracting more than 20m ³ /day over a period of less than 28 days.	Required during construction phase. Can be submitted post submission of DCO application.
21.	Flood Risk Activity Permit under Environmental Permitting England & Wales Regulations 2016	Natural Resource Wales (NRW)	Any works on or near main river, flood defence structure, on or near a sea defence or in a flood plain.	Post grant of DCO, prior to relevant works, as agreed with NRW via email 29/06/2022.

No	Consent, Licence, Permit	Relevant Body	Comments and Agreements	Anticipated Submission Date / Timescales
22.	Consent required under any byelaws for flood defence and drainage purposes under Schedule 25 Water Resources Act 1991	Natural Resource Wales (NRW)	Where any byelaws created under the powers in Schedule 25 may be breached.	Post grant of DCO, prior to relevant works.
23.	Consent to abstract or impound water under Regulations 9 & 10 Water Resources (Environmental Impact Assessment) Regulations 2003	Natural Resource Wales (NRW)	Does not apply if licence is required.	Post grant of DCO, prior to relevant works.
24.	Screening Assessment for permanent works in support of drainage consents under Water Resources (Environmental Impact Assessment) (England and Wales) Regulations 2003	Natural Resource Wales (NRW)	Where a project may be a 'relevant project' for the purposes of the Regulations.	Post grant of DCO, prior to relevant works.

No	Consent, Licence, Permit	Relevant Body	Comments and Agreements	Anticipated Submission Date / Timescales
25.	Foul Water Sewer Requisition (Water Industry Act 1991 and the Water Act 2003)	Dŵr Cymru/ Welsh Water		Welsh Water would submit the application after DCO is submitted.
<u>Decommissioning</u>				
26.	Marine Licence under the Marine and Coastal Access Act (2009)	Natural Resource Wales (NRW)		Prior to decommissioning.