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To the Applicant
(By email only)

Your Ref:

Our Ref: EN070007

Date: 31 October 2022

Dear Ms Corless

Planning Act 2008 (as amended) – Section 51

Application by Liverpool Bay CCS Limited for an Order Granting Development Consent for the HyNet Carbon Dioxide Pipeline

Advice following issue of decision to accept the application for examination

On 31 October 2022 the Secretary of State decided that the application for the above project satisfied the acceptance tests under section 55 of the Planning Act 2008 (PA2008). The Planning Inspectorate's (The Inspectorate) acceptance checklist and the application documents have been published and made available on the project page of our website.

In undertaking checks at the acceptance stage, the Inspectorate has made some initial observations in relation to the application. This letter comprises advice to the Applicant provided under section 51 of the PA2008 in respect of these initial observations. The Applicant should pay attention to its content and consider how appropriate action might be taken in response.

Consultees identified on a precautionary basis

Given the individual circumstances of this case, the Planning Inspectorate advises taking a precautionary approach to consultation under s42(1)(a) of PA2008 to ensure that all persons potentially affected by, or potentially likely to have an interest in the application are given the opportunity to participate fully in the Examination of the application. On this basis, the Applicant may wish to notify the bodies listed in Box 6 of the section 55 checklist and any relevant Community/Town councils when it serves notice of the accepted application under s56(2)(a) of the PA2008, unless there is a specific justification why this is not necessary.

The Inspectorate would refer to Advice Note Three: EIA Notification and Consultation, especially paragraph A2 (Applying the 'Relevance test of the APFP Regulations).

Works Plans Part 1 and 2 (Doc 2.4)

The Inspectorate notes that Article 6 of the draft Development Consent Order refers to limits of deviation on the Works Plans, however the Works Plans as submitted do not appear to depict limits of deviation. The Works Plans also appear not to include a centre line and start and end points of the scheme.

The Inspectorate also notes that there are discrepancies between the descriptions of the locations of the works described in the draft Development Order and the Works Plans.

The Applicant is advised to carry out a comprehensive review of the plans against the draft Development Consent Order to ensure all information provided is complete and accurate.

Book of Reference (Doc D4.3) and Land Plans (Doc D.2.2)

The Inspectorate notes that there are some discrepancies in the Book of Reference in relation to the Land Plans. These include duplicate plots (see sheet 6 of the Land Plans), plots listed on the incorrect sheets and some instances where reference points included in the Book of Reference do not appear on the Land Plans (see plot 1-8 in the Book of Reference). In some Land Plans there are plots which do not appear to have the correct shading. The Applicant should review the Land Plans to ensure all use categories/shading are correctly identified.

The Applicant is advised to carry out a comprehensive review of the plans against the Book of Reference and to ensure that the Land Plans are accessible.

The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009

The Inspectorate suggests that where a plan comprises three or more separate sheets a key plan is provided showing the relationship between the different sheets.

Access and Rights of Way Plans Part 1 and 2 (Doc D.2.5)

The Inspectorate notes that there are some discrepancies between the draft Development Consent order and the Access and Rights of Way Plans (see Ledger on sheet 8 and footpath 308/1 on sheet 15 of the Access and Rights of Way Plan).

The Applicant is advised to carry out a comprehensive review of the plans against the draft Development Consent Order.

Environmental Statement Appendix 18.5 Flood Consequences Assessment (Doc D.6.3.18.5)

Although the Flood Consequences Assessment is considered to be adequate at this stage, Annexes A to D appear to be missing. It is suggested that these documents are submitted as soon as possible, before the commencement of the Examination, so they are available with all other application documents in advance of submissions of Written Representations and Local Impact Reports.

Minor errors and omissions

There are minor errors and omissions, as reflected in Box 30 of the acceptance checklist.

The Applicant may wish to review the submitted Application to ensure all referenced annexes have been submitted and are referenced with the correct titles.

Please pay close attention to the advice set out in this letter and act on it accordingly. This will contribute towards a more efficient examination and give any future Examining Authority comfort that the documentation is complete and accurate.

We trust you find this advice helpful, however if you have any queries on these matters please do not hesitate to contact our office using the contact details at the head of this letter.

Yours sincerely

Karl-Jonas Johansson

Karl-Jonas Johansson
Case Manager

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