



National Infrastructure Planning
Temple Quay House
2 The Square
Bristol, BS1 6PN

Customer
Services: 0303 444 5000
Email: hynetco2pipeline@planninginspectorate.gov.uk

To all Interested Parties, Affected Persons,
Statutory Parties and Other Persons invited
to the Preliminary Meeting

Your Ref:

Our Ref: EN070007

Date: 12 July 2023

Dear Sir/ Madam

The Planning Act 2008 – Section 89

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

Request for Proposed Changes to the HyNet Carbon Dioxide Pipeline Development Consent Order Application

We are writing to inform you of the Procedural Decision made by the Examining Authority (ExA) following the Applicant's formal submission of Change Request (CR) 3 (CR3), dated 4 July 2023 [CR3-001]. This formal CR follows the Applicant's Notification of Intention to Submit Change Request 3 (NISCR3) letter of 20 June 2023 [REP4-270]. However, it includes changes not previously included within NISCR3, which the Applicant advises:

- are based on recent discussions with landowners; and
- result in the removal of land from the Order Limits with the support of the affected landowners.

The Applicant's formal CR letter sets out the proposed changes as:

- Change 1 - Removal of Shotton Lane Centralised Compound and reduction to Newbuild Infrastructure Boundary comprising:
 - removal of the Temporary Logistics and Construction Compound (Work No. 41A);
 - removal of the Temporary Working Area (Work No. 41D); and
 - the extension of the Temporary Access (Work No. 41B) to meet the Carbon Dioxide Pipeline Works (Work No. 41), to take account of the removal of the above works.

The ExA notes the effect of this change results in the removal of land from the Order Limits (specifically land parcels 18-08, 18-09, 18-12 and the partial removal of parcel 18-13).

- Change 2 – Change to Outline Surface Water Drainage Design and reduction to Newbuild Infrastructure Boundary at Ince Above Ground Installation (AGI) comprising:
 - the removal of Plot 1-07 and updates to the Outline Surface Water Drainage Strategy, to avoid the outfall for the Ince AGI drainage pond connecting into the East Central Drain.
- Change 3 – Reduced Newbuild Infrastructure Boundary at Picton Lane comprising:
 - the removal of land from the Order Limits at Picton Lane to minimise land take required for construction and operational access at Work No. 16A and Work No. 16B, and to bring the Order Limits in line with the land plot changes, submitted at Deadline 4.
- Change 4 – Change to application of compulsory powers for Encirc land access comprising:
 - the downgrading of part of Plot 1-06 from permanent acquisition of rights to temporary possession of land. To enable this a new Plot 1-06d has been created within the existing Order Limits, with associated Works Plans being updated by partially splitting Work No. 3, creating a new Work No. 3A (downgraded from Permanent Access to Temporary Access) and Work No. 3B (remaining as a Permanent Access), warranting its own Work Number as it would be functionally independent.

With regard to all of the above-mentioned changes, the ExA notes the changes do not create or result in 'Additional Land' within the meaning of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010 (the CA Regulations). Furthermore, it is noted no new land is being impacted and that as a result of the changes the extent of the Order Limits reduce.

It should be noted that CR3 is in addition to the Procedural Decisions related to CR1 and CR2 already accepted for examination on 24 April 2023 [PD-016] and 2 June 2023 [PD-019], respectively.

Having reviewed the Applicant's formal CR3 request the ExA concludes that the proposed changes do not constitute a material change. This is because the proposed changes relate solely to reductions to the Order Limits and no additional Compulsory Acquisition of land is sought.

The Applicant's formal CR3 submission was accompanied by an Environment Technical Note [CR3-019] that demonstrates no changes to the Environmental Statement are required. This is due to the proposed changes not generating new or different likely significant effects. The ExA has also had regard to the Applicant's Habitats Regulations Assessment Report (HRAR) but notes it has not referenced or updated the HRAR.

Therefore, the ExA would request the Applicant clarifies this matter.

Having reviewed the information provided and assessed the Applicant's request against paragraphs 109 to 115 of the DCLG Guidance 'Planning Act 2008: Examination of Applications for Development Consent'¹ and the Planning Inspectorate's Advice Note 16², the ExA is satisfied that the information provided as part of CR3 is of a satisfactory standard for examination. The ExA considers the proposed changes are non-material and can be accepted into the Examination.

The ExA notes the Applicant's confirmation that there would be no new affected persons created as a result of the proposed changes and that the affected landowners for which removal of land from the Order Limits is sought have specifically been requested and that these changes have resulted from ongoing engagement. It also notes the Applicant states, specifically in relation to Change 1, it informed and provided Flintshire County Council Highways an opportunity for response but it has not raised any concerns regarding that change or in regard to the transport or traffic assessment. Ultimately, the ExA notes the proposed changes:

- Result in the removal of land interests subject to compulsory acquisition;
- Arose following consultation and having regard to the feedback from the affected landowners, where the proposed changes were specifically sought as part of ongoing engagement; and
- The CA Regulations do not specifically require consultation where the proposed changes result in the removal of land interests subject to compulsory acquisition.

Finally, the ExA notes the Applicant has provided confirmation that the landowners affected have been consulted.

Bearing all of the above in mind, the ExA does not consider that additional consultation on the CR3 changes are necessary. However, it is also conscious that comments regarding the Applicant's proposed provisions in CR2 are still open until 17 July 2023 and of the need to allow for further Hearings and a further period for Written Representations to be submitted in regard to CR1 and CR2, in accordance with the CA Regulations. As such, an amendment to the Examination timetable, as well as notification of Hearings (under Rules 8(3) and 13 of the Infrastructure Planning (Examination Procedure) Rules 2010 (EPR) will be published after the 17 July 2023 (ie after the close of the period provided to comment on the proposed provisions set out in CR2).

The ExA currently intends to allow, as part of a varied timetable issued under Rule 8(3) of the EPR, a further period for written representations related to all of the accepted CRs accepted to date, including in relation to the proposed changes set out in CR3. It also intends to provide an opportunity to discuss the proposed provisions of the CRs, including CR3, at the subsequent Hearings currently planned for the week commencing Monday 7 August 2023.

¹https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/418015/examinations_guidance-final_for_publication.pdf

² <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-16/>

As such, Interested Parties will be provided with a further period to provide Written Representations on all of the Applicant's accepted CRs, including CR3. However, in order to avoid duplication of work and the issuing of multiple new Examination timetables, which could potentially lead to confusion, such additional consultation will not take place until after the comment period related to CR2 closes on 17 July 2023. The revised periods will form part of a procedural decision, to be issued under Rules 8(3) (Variation to the Examination Timetable) and 13 (Notifications of Hearings) of the EPR, that will be made shortly after 17 July 2023 in accordance with the requirements of the EPR and the CA Regulations.

Please note that the acceptance of the proposed Changes is made on the basis that all the processes can be completed in the required time prior to the close of the Examination and in accordance with any revised Examination timetable that may be published in due course. If this is not achieved, then we will not be in a position to take the change request into account in our recommendation report to the Secretary of State as it will not have complied with the relevant statutory procedures.

If you have any questions about the content of this letter, please contact the Case Team on the details above.

Yours faithfully

Christopher Butler

Lead Panel Member (Examining Authority)

This communication does not constitute legal advice.
Please view our [Privacy Notice](#) before sending information to the Planning Inspectorate.