



Examining Officer for the Hynet CO2 pipeline  
by email: [hynetco2pipeline@planninginspectorate.gov.uk](mailto:hynetco2pipeline@planninginspectorate.gov.uk)

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Dear Examining Officer,

HSE is aware of the ongoing examination into the application by Liverpool Bay CCS Limited for the HyNet Carbon Dioxide pipeline. HSE has engaged with the applicant as part of the NSIP process, with a focus being on the offshore aspects of the proposals. Specific questions have been raised with HSE as part of the examination process, however we felt it would be helpful to provide some broader context to assist in the consideration of the application.

HSE is a statutory consultee under the Nationally Significant Infrastructure Projects (NSIP) and Town and Country Planning Act (TCPA) planning and permitting systems. The Planning Inspectorate's Advice Note 11 Annex G <https://infrastructure.planninginspectorate.gov.uk/legislation-and-advice/advice-notes/advice-note-eleven-annex-g/> covers many of the generic points of interaction relevant to the Planning Inspectorate and HSE.

There are established codes and standards which are used by those developing natural gas pipelines to ensure they are located appropriately in relation to their proximity to other developments. HSE expects that these codes and standards are applied when siting pipelines and does not provide planning advice in this regard. HSE notes that codes and standards for CO2 pipelines are being developed as understanding of CO2 develops, but understandably these are not as established as those for natural gas pipelines.

All pipeline operators have duties under the Health and Safety at Work etc Act (HSWA) to reduce risks to both employees and the public, including ensuring that risks are properly managed. HSE currently regulates pipelines through the Pipelines Safety Regulations 1996 (PSR) which apply to all pipelines in Great Britain, and to all pipelines in territorial waters and the UK Continental Shelf (with some limited exceptions). Pipeline operators must therefore comply with the general duties and responsibilities set out in PSR, and with additional duties if they are operating a Major Accident Hazard pipeline (MAHP). A MAHP is one in which a dangerous fluid identified within Schedule 2 of PSR is being or is to be conveyed. Additional duties for operators of MAHP's include:

- Notification to HSE of the construction, route, materials and safe operating limits of the pipeline
- Notification to HSE of the commencement of conveyance of the dangerous fluid in the pipeline
- Operators preparing a Major Accident Prevention Document
- Establishment and recording of emergency procedures
- The local authority (LA) to prepare an emergency plan detailing how an emergency relating to a possible major accident will be dealt with

Currently the transportation of CO<sub>2</sub> as proposed by this application does not constitute the transportation of a 'dangerous fluid' as defined in PSR and the proposed pipeline would not be classified as a MAHP, meaning the additional duties in PSR would not apply. HSE is reviewing the safety risks associated with CO<sub>2</sub> in its different phases, and this will inform future policy decisions on the regulation of carbon dioxide pipelines. HSE is also undertaking work to develop modelling capability for CO<sub>2</sub> pipelines. Models are used to establish consultation zones for pipelines and are used by local planning authorities to inform decisions on future development. HSE expects that this programme of work will take around 3 – 4 years to conclude. HSE is also engaging with international authorities to inform future policy and regulatory frameworks.

It is noted that where there is a requirement in PSR to notify HSE of the construction, route, materials and safe operating limits of a MAHP HSE should be notified at least 6 months before the commencement of the construction (with provisions to allow for a shorter time period). This is likely to be significantly after any planning permission has been granted.

In relation to HSE's general land use planning advice, HSE's comments in relation to development in the proximity of site storing large quantities of hazardous substances (i.e. those with Hazardous Substances Consent (HSC)/ operating under the provisions of the Control of Major Accident Hazards (COMAH) Regulations) and development in the proximity of MAHP's focus on the potential impact of the major hazards site on the proposed development. HSE's advice therefore primarily considers any increase in population resulting from the proposed development and the potential impact to arrive at a 'Do Not Advise Against' or 'Advise Against' conclusion. There would be unlikely to be any increase in population arising from a new pipeline.

I trust that this explanation around HSE's role and regulatory framework is useful to you and please contact [NSIP.Applications@hse.gov.uk](mailto:NSIP.Applications@hse.gov.uk) if you have any further queries.

Yours sincerely,