

From: [REDACTED]
To: [Hynet CO2 Pipeline](#)
Subject: RE: Safeguarding Direction England - HyNet Carbon dioxide pipeline DCO
Date: 16 October 2023 14:34:02
Attachments: [image002.png](#)
[image003.png](#)
[231016 Hynet Carbon Dioxide Pipeline Safeguarding Direction England.pdf](#)

Hi

Further to Mike's email earlier, we have discovered that the Direction won't open for some reason. You should be able to open the attached but if you have any problems please let me know.

Regards
Astrid



Astrid Lawrance (she/her)
Planning Casework Officer
Department for Levelling Up, Housing and
Communities
Planning Casework Unit

[REDACTED]
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From: Mike Hale <[REDACTED]@levellingup.gov.uk>
Sent: 16 October 2023 12:02
To: Hynet CO2 Pipeline <hynetco2pipeline@planninginspectorate.gov.uk>
Cc: Astrid Lawrance <[REDACTED]@levellingup.gov.uk>
Subject: Safeguarding Direction England - HyNet Carbon dioxide pipeline DCO

Dear Jake

Further to our previous exchange of emails regarding the above DCO, I can confirm that the attached safeguarding Direction was issued to Cheshire West and Chester Borough Council today. A similar Direction has been issued to Flintshire Council by the Welsh Government, who should notify you separately.

Regards,

Mike

Mike Hale | Team Leader | Planning Casework Unit |

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CONSULTATION AND SAFEGUARDING DIRECTION FOR DEVELOPMENT AFFECTING LAND IN ENGLAND RELATING TO (I) ANY PIPELINE ALIGNMENTS AND ASSOCIATED INFRASTRUCTURE THAT FORM PART OF THE HYNET CARBON DIOXIDE (CO₂) PIPELINE PROJECT - BETWEEN INCE IN ENGLAND AND THE WELSH BORDER AND (II) SITES REQUIRED FOR THE CONSTRUCTION OF THE HYNET CARBON DIOXIDE (CO₂) PIPELINE PROJECT IN ENGLAND

The Secretary of State for Levelling Up, Housing and Communities (“the Secretary of State”) gives the following Direction to Cheshire West and Chester Borough Council (“the local planning authority”) in exercise of the powers conferred on him by Articles 18(4), 31(1), and 34(8) of the Town and Country Planning (Development Management Procedure)(England) Order 2015¹ (“the Order”) made under section 74(1)(a), (c) and (f) of the Town and Country Planning Act 1990² (“the Act”).

Commencement

1. This Direction comes into force on 16 October 2023 (“the commencement date”).

Application

2. This Direction applies in respect of any application for planning permission pursuant to Part 3 or section 293A of the Act (“planning permission”) made to the local planning authority after the commencement date, where it relates to development within the Zone specified in paragraph 3.

The Zone

3. The Zone referred to in paragraph 2 is the Zone shown in the plan and bounded by red lines at Annex A of this Direction (being the Zone relating to the route corridor of the proposed construction of the HyNet Carbon Dioxide (CO₂) Pipeline project, and the sites required to support that project in England only).

Consultation before the grant of permission

4. Before granting permission in respect of any application for planning permission (“the application”), the local planning authority must consult Liverpool Bay CCS Limited (“the consultee”) (Company No.13194018).
5. Where the local planning authority is required to consult the consultee in accordance with paragraph 4 before granting planning permission:
 - a. they must, unless an applicant has served a copy of the application on the consultee, give notice of the application to the consultee; and

¹ S.I. 2015/595

² 1990 c.8.

- b. subject to paragraphs 6 and 7, they must not determine the application until at least 21 days after the date on which notice is given under paragraph 4, or if earlier, 21 days after the date of service of a copy of the application on the consultee by the applicant.
6. Paragraph 5 does not apply if before the end of the period referred to in paragraph 5:
- a. the local planning authority have received representations concerning the application from the consultee; or
 - b. the consultee gives notice that they do not intend to make representations.
7. In the case of an application for public service infrastructure development,³ in paragraph (5)(b), “21 days” is to be read, in each place it occurs, as if it were a reference to “18 days”.

Notification to the Secretary of State

8. Where the local planning authority is required by paragraph 4 to consult the consultee, they must not grant planning permission for the application otherwise than to give effect to any recommendation of the consultee:
- a. unless they have delivered to the Secretary of State, the material specified in paragraph 9; and
 - b. either:
 - i. a period of 28 days beginning with the date which the Secretary of State tells the local planning authority in writing is the date he received the material specified in paragraph 9 has elapsed; or
 - ii. the Secretary of State has notified the local planning authority in writing that he does not intend to take any further action in respect of that application.
9. The material referred to in paragraph 8 is:
- a. a copy of the application together with a copy of any plans or documents submitted with it;
 - b. a copy of the response of the consultee to the consultation by the local planning authority in pursuance of paragraph 4;
 - c. a copy of any representations made to the local planning authority in respect of the application;

³ As defined by Article 2(1) of the Order.

- d. a copy of any report on the application prepared by an officer of the local planning authority;
- e. a statement on the provisions of the development plan and other issues involved, including whether the grant of permission would be contrary to the views of another Government Department; and
- f. such information regarding the application as the Secretary of State may further require by additional direction under article 34(8) of the Order.

General

10. This Direction will remain in force until 31 December 2029.

11. If the consultee and the local planning authority provide to the Secretary of State written confirmation that any area of the land in England is not required as part of the HyNet Carbon Dioxide (CO₂) Pipeline project prior to 31 December 2029, that area of land shall cease to be subject to this Direction.

Lewis Thomas

Authorised by the Secretary of State to sign in that behalf.
16 October 2023

ANNEX A – see separate plan showing pipeline route

SECRETARY OF STATE FOR LEVELLING UP, HOUSING AND COMMUNITIES

GUIDANCE AND EXPLANATORY NOTES FOR CHESHIRE WEST AND CHESTER BOROUGH COUNCIL TO ACCOMPANY THE CONSULTATION AND SAFEGUARDING DIRECTION, AFFECTING LAND IN ENGLAND, ISSUED FOR THE HYNET CARBON DIOXIDE (CO₂) PIPELINE PROJECT - BETWEEN INCE IN ENGLAND AND THE WELSH BORDER

(These notes are not part of the Direction)

Background

Liverpool Bay CCS Limited intends to build and operate a CO₂ transportation pipeline and to allow repurposing of part of a length of existing natural gas pipeline for use in transporting CO₂ (the pipeline). The pipeline forms part of HyNet North West (the project), which is a hydrogen supply and carbon capture and storage project.

The pipeline is a Nationally Significant Infrastructure Project (NSIP) within section 14(1)(g) of the Planning Act 2008 (as amended) (“the 2008 Act”) for which development consent is required under section 31 of the 2008 Act.

The pipeline is an NSIP under Section 14(1)(g) and 21 of the 2008 Act because:

- it is a cross-country pipeline for the purposes of section 66 of the Pipe-Lines Act 1962 (“the 1962 Act”), as the length of the replacement pipeline is intended to exceed 16.093 km (10 miles); and
- the construction of the replacement pipeline would, but for section 33(1) of the 2008 Act, require authorisation under section 1(1) of the 1962 Act.

An application for Development Consent for the project was received by the Planning Inspectorate on 3 October 2022 for determination under the Planning Act 2008 (as amended).

The Secretary of State for Levelling Up, Housing and Communities, after considering a request made on behalf of Liverpool Bay CCS Limited, has issued the following Direction in respect of the project:

1. Consultation and safeguarding direction for development affecting land relating to (i) any pipeline alignments and associated infrastructure that form part of the HyNet Carbon Dioxide (CO₂) Pipeline project - between Ince in England to the Welsh Border and (ii) sites required for the construction of the HyNet Carbon Dioxide (CO₂) Pipeline project in England, dated 16 October 2023.

The Direction issued on 16 October 2023 affects the pipeline route corridor that forms part of the project and all sites required for the construction of the HyNnet Carbon Dioxide (CO₂) Pipeline project in England. In addition to the plan attached to

that Direction, information is also available in digital format for GIS on request, to the address given in the section on processing of applications below.

Processing of applications

Applications for planning permission on which Liverpool Bay CCS Limited must be consulted, in accordance with paragraphs 4 and 5 of the Direction, should be sent to:

William Dickson
Liverpool Bay CCS Limited
Eni House
10 Ebury Bridge Road
London
SW1W 8PZ
Email: [REDACTED] [@eni.com](mailto:[REDACTED]@eni.com)

Such applications must not be determined before the expiry of the period for consultation set out in Article 18(5) and/or (6) of the Town and Country Planning (Development Management Procedure)(England) Order 2015 (“the Order”).

Applications which the local planning authority is minded to approve against the advice of Liverpool Bay CCS Limited should, in accordance with paragraph 8 of the Direction, be sent by the local planning authority, clearly marked “HyNet Carbon Dioxide (CO₂) Pipeline project Safeguarding Direction”, to:

Planning Casework Unit
Department for Levelling Up, Housing and Communities
23 Stephenson Street
Birmingham
B2 4BH
Email: pcu@levellingup.gov.uk

The Department will inform the local planning authority of the date of receipt and, if the Secretary of State intends to take any further action in respect of that application will, within 28 days, notify the local planning authority in writing.

Where any area of the land in England is not required as part of the HyNet Carbon Dioxide (CO₂) Pipeline project prior to 31 December 2029, in accordance with paragraph 11 of the Direction, Liverpool Bay CCS Limited and the local planning authority must provide confirmation by email to the Planning Casework Unit at the address given above.

Blight and purchase notices

The provisions of the Town and Country Planning Act 1990 on blight and purchase notices will apply to property affected by the safeguarding. The appropriate authority to receive purchase notices will be the local planning authority. Blight notices should be served on Liverpool Bay CCS Limited and sent to:

William Dickson
Liverpool Bay CCS Limited
Eni House
10 Ebury Bridge Road
London
SW1W 8PZ
Email: [REDACTED]@eni.com

Planning and local land charges registers

In accordance with article 40 (4) (b) of the Town and Country Planning (Development Management Procedure)(England) Order 2015 as amended, the particulars of the Direction must be entered in Part 2 of the Register of Applications, in respect of any application for planning permission to which they apply. The Department is also of the view that the safeguarding provisions should be revealed in response to Optional Enquiries sent with the requisitions for searches of the local land charges register.

Pending applications for planning permission

These Directions apply to any application for planning permission made after the commencement date.

Local Development Documents and Neighbourhood Development Plans

Any proposed plans which contain maps identifying policies prepared by the local planning authority, in the case of a draft of a local development document, or qualifying bodies, in the case of a proposal for a neighbourhood development plan, should identify the area safeguarded by the Direction on the map. However, it is important to note that the requirements of the Direction apply, in the circumstances described therein, regardless of whether the safeguarded area is identified on a map or not, and any applications for planning permission within the zone identified by the Direction will be subject to the consultation process set out therein.

Local development documents should state that the Direction has been made by the Secretary of State for Levelling Up, Housing and Communities and confirm that the Direction "...is not a proposal of the local planning authority and the pipeline route corridor will not be determined through the development plan process."