The Planning Inspectorate

Nodyn cyfarfod

Enw'r prosiect	Piblinell Carbon Deuocsid HyNet North West
Cyfeirnod ffeil	EN070007
Statws	**Terfynol**
Awdur	Yr Arolygiaeth Gynllunio
Dyddiad	7 Rhagfyr 2021
Cyfarfod gyda	Liverpool Bay CCS Limited
Lleoliad	Microsoft Teams
Amcanion y cyfarfod	Cyfarfod diweddaru
Cylchrediad	Pawb a oedd yn bresennol

Crynodeb o'r pwyntiau allweddol a drafodwyd a'r cyngor a roddwyd

Cynghorodd yr Arolygiaeth Gynllunio (yr Arolygiaeth) y byddai nodyn o'r cyfarfod yn cael ei wneud a'i gyhoeddi ar ei gwefan yn unol ag adran 51 Deddf Cynllunio 2008. Ni fyddai unrhyw gyngor a roddid o dan adran 51 yn gyfystyr â chyngor cyfreithiol y gallai'r ymgeiswyr (neu eraill) ddibynnu arno.

Diweddariad ar y prosiect

Rhoddodd yr Ymgeisydd wybod i'r Arolygiaeth fod prosiect Piblinell Carbon Deuocsid HyNet North West (HyNet NW) wedi cael ei ddewis fel prosiect Llwybr 1 ym mhroses dilyniannu clwstwr yr Adran Busnes, Ynni a Strategaeth Ddiwydiannol (BEIS) ym mis Hydref 2021. Gofynnodd yr Arolygiaeth a oedd y llywodraeth wedi gosod unrhyw gerrig milltir allweddol; ymatebodd yr Ymgeisydd drwy ddweud er nad oedd unrhyw gerrig milltir, y bydd y llywodraeth yn olrhain y rhaglen.

Rhoddodd yr Ymgeisydd ddiweddariad i'r Arolygiaeth ar gyhoeddi'r adroddiad ymgynghori anstatudol ar ei wefan ym mis Hydref 2021, ar ôl iddo gael ei gwblhau yn ystod Chwarter 3 2021. Holodd yr Arolygiaeth a oedd y cyhoedd wedi cael unrhyw anhawster wrth gael at ddogfennau. Cadarnhaodd yr Ymgeisydd mai ychydig iawn o geisiadau a gafwyd am gopïau caled, ond rhoddwyd copïau i'r bobl hynny a ofynnodd amdanynt. Gofynnodd yr Arolygiaeth a fydd gwefan HyNet NW yn egluro'r rhaniad rhwng y biblinell CO2 ac elfennau cynhyrchu hydrogen y prosiect ehangach. Cadarnhaodd yr Ymgeisydd y bydd y wefan yn cael ei hadolygu i sicrhau bod cyfeiriadau clir at bob elfen.

Dywedodd yr Ymgeisydd wrth yr Arolygiaeth fod tua 95% o'r mynediad i dir wedi cael ei sicrhau, a hynny'n bennaf trwy drwyddedau gwirfoddol gyda thirfeddianwyr a hefyd trwy ddefnyddio pwerau sydd ar gael o dan adrannau 172 a 174 Deddf Tai a Chynllunio 1996. Cadarnhaodd yr Ymgeisydd hefyd nad oedd angen unrhyw geisiadau a53 o dan Ddeddf Cynllunio 2008. Anfonodd y tîm tir fwy na 700 o Holiaduron Buddiant mewn Tir ar ddiwedd mis Tachwedd 2021. Dechreuodd waith geotechnegol ym mis Hydref 2021.

Ymgynghoriad statudol

Rhannodd yr Ymgeisydd ei fwriad i gynnal ymgynghoriad statudol ym mis Chwefror/Mawrth 2022, gan gynnwys pedwar digwyddiad wyneb yn wyneb yng Nghymru a Lloegr a thair gweminar ar-lein. Mae llythyrau wedi cael eu hanfon at oddeutu 10,000 o breswylwyr a busnesau o fewn 500m o Derfynau'r Gorchymyn drafft hefyd. Mae Datganiad Ymgynghori â'r Gymuned drafft wedi cael ei rannu a'i gytuno â'r awdurdodau cynllunio lleol (ACLlau) perthnasol. Cynyddwyd nifer y digwyddiadau wyneb yn wyneb i saith bellach yn dilyn adborth gan yr ACLlau.

Mae'r Ymgeisydd wedi bod yn cynnal trafodaethau parhaus â Llywodraeth Cymru, Cyngor Sir y Fflint a Chyngor Gorllewin Swydd Gaerlleon a Chaer i fanylu ar lwybr y biblinell, esbonio'r broses Gorchymyn Caniatâd Datblygu (DCO) a gwerthuso effeithiau amgylcheddol posibl. Holodd yr Arolygiaeth faint o opsiynau piblinell y byddai'r Ymgeisydd yn eu cyflwyno yn y cam ymgynghori. Ymatebodd yr Ymgeisydd drwy ddweud bod dau brif opsiwn ar gael ar gyfer y biblinell 36" a'r biblinell 20", gyda rhai amrywiadau ar gyfer croesi Afon Dyfrdwy a'r Gosodiad Uwchben y Ddaear (AGI) yn y Fflint, ond dylai ymgynghoriad statudol leihau'r opsiynau.

Diweddariad ar y strategaeth gydsynio

Rhannodd yr Ymgeisydd ei strategaeth ar gyfer y prosiect. Bydd y gwaith piblinell yn cael ei rannu'n ddau gais: cais DCO a chais o dan Ddeddf Cynllunio Gwlad a Thref 1990 (TCPA), y bydd y ddau'n cael eu cyflwyno ar yr un pryd. Esboniodd yr Ymgeisydd fod y gwaith yn cael ei wahanu'n ddau gais gan nad yw gwaith Datblygiad Cysylltiedig yn cael ei ganiatáu yng Nghymru o dan Ddeddf Cynllunio 2008.

Bydd y cais DCO yn cynnwys adeiladu piblinellau newydd o Ince i Stanlow ac o Stanlow i'r Fflint. Esboniodd yr Ymgeisydd y bydd angen tri Gosodiad Uwchben y Ddaear (AGI) ar y biblinell newydd. Yn ogystal, bydd angen pedair Gorsaf Falfiau Bloc (BVS) ar y piblinellau presennol hefyd. Mae'r pedair BVS wedi'u cynnwys yn y ceisiadau DCO a TCPA ar hyn o bryd. Fodd bynnag, dywedodd yr Ymgeisydd y gallent gael eu dileu o'r cais TCPA. Bydd pwerau caffael gorfodol yn cael eu defnyddio ar hyd llwybr llawn y biblinell newydd a phresennol, ond nid terfynfa'r Parlwr Du ar gyfer y gwaith ar y blaendraeth. Cadarnhaodd yr Ymgeisydd ei fod yn ceisio pwerau yn y DCO i ddefnyddio'r biblinell bresennol ar gyfer cludo CO_2.

Bydd y cais TCPA yn cynnwys addasiadau i derfynfa bresennol y Parlwr Du yn ogystal â'r gwaith piblinell ar y blaendraeth, sy'n cynnwys ceblau trydan a thelathrebu a chael gwared â'r BVS bresennol ar y blaendraeth.

O ran y rhaglen DCO, mae'r Ymgeisydd yn bwriadu cyflwyno'r cais yn ystod Chwarter 3 2022 a chael penderfyniad ar y DCO erbyn Chwarter 4 2023. O ran y rhaglen TCPA, bydd yr ymgynghoriad ar y Datganiad Amgylcheddol drafft yn dechrau yn ystod Chwarter 2 2022 a bydd y cais yn cael ei gyflwyno yn ystod Chwarter 3 2022. Disgwylir penderfyniad gan Gyngor Sir y Fflint yn ystod Chwarter 3 2022 / Chwarter 4 2022. Mae'r Ymgeisydd hefyd yn bwriadu cyflwyno rhai dogfennau DCO drafft i'r Arolygiaeth Gynllunio yn hwyr ym mis Ebrill 2022, fel cynlluniau gwaith a llyfr cyfeirio. Cadarnhaodd yr Ymgeisydd y bydd yn anfon rhestr o ddogfennau drafft arfaethedig at yr Arolygiaeth Gynllunio o flaen llaw, mewn cyfresi o bosibl.

Diweddariad ar ddylunio

Rhoddodd yr Ymgeisydd ddiweddariad ar y cam rhewi dylunio 2, a fyddai'n ailddiffinio ffin llinell goch terfynau'r Gorchymyn. Y rheswm dros newid y ffin oedd er mwyn ymgorffori'r adborth i'r ymgynghoriad anstatudol, rhai datblygiadau preswyl arfaethedig a diweddaru'r llwybrau mynediad.

Diweddariad amgylcheddol

Cadarnhaodd yr Ymgeisydd fod Adroddiad Gwybodaeth Amgylcheddol Ragarweiniol (PEIR) yn cael ei baratoi ar gyfer yr Ymgynghoriad Statudol a fydd yn dechrau ym mis Chwefror 2022. Bydd y PEIR yn cynnwys asesiad lefel uchel o ardaloedd newydd o fewn y ffin gwmpasu. Mae ACLlau wedi rhoi adborth o'r nodyn methodoleg Asesu Effeithiau Amgylcheddol ar gyfer asesiad cronnol y DCO.

Ymgysylltu â rhanddeiliaid

Mae'r Ymgeisydd wedi cynnal cyfarfodydd misol â'r holl ACLlau ac wedi cytuno ar Gytundeb Perfformiad Cynllunio drafft terfynol gyda Chyngor Sir y Fflint. Mae'r templed drafft ar gyfer Datganiadau o Dir Cyffredin wedi cael ei gytuno â'r ddau ACLl. Mae rhanddeiliaid eraill yn cynnwys Natural England a Cyfoeth Naturiol Cymru, y mae wedi rhannu ei dull arfaethedig gyda nhw ar arolygon dyfrol, yn ogystal â Llywodraeth Cymru.

Holodd yr Arolygiaeth beth oedd barn Llywodraeth Cymru ynglŷn ag ymgeisio am ganiatâd trwy'r cyfundrefnau TCPA a DCO. Ymatebodd yr Ymgeisydd drwy ddweud bod Llywodraeth Cymru yn agored i roi safbwynt anffurfiol.

Ymagwedd at y Gymraeg

Cadarnhaodd yr Ymgeisydd fod yr holl ohebiaeth hyd yma, gan gynnwys llythyrau ymgynghori blaenorol a gohebiaeth â thirfeddianwyr, wedi cael ei chyfieithu i'r Gymraeg. Bydd siaradwr Cymraeg yn bresennol yn yr holl ddigwyddiadau wyneb yn wyneb yng Nghymru. Holodd yr Arolygiaeth a oedd posibilrwydd o gael adran Gymraeg ar wefan yr Ymgeisydd. Rhoddodd yr Ymgeisydd sicrwydd er nad oedd cyfieithiad Cymraeg ar y wefan, y byddai cyfieithiad o bob dogfen ar gael.

Unrhyw fater arall

Rhoddodd yr Arolygiaeth wybod i'r Ymgeisydd fod y Datganiadau Polisi Cenedlaethol drafft ar gyfer Seilwaith Cyflenwad Nwy a Phiblinellau Nwy ac Olew yn cefnogi piblinellau CO_2 ac y gellid eu defnyddio i gefnogi'r cais.

Byddai'r Ymgeisydd yn cysylltu â'r Arolygiaeth ynglŷn â dyddiadau ar gyfer y cyfarfod nesaf, ar ddiwedd mis Mawrth neu'n gynnar ym mis Ebrill fwy na thebyg. Bydd yr Ymgeisydd yn rhoi unrhyw ddiweddariadau i'r Arolygiaeth ar y strategaeth gydsynio.

Meeting note

Project name	HyNet North West Carbon Dioxide Pipeline
File reference	EN070007
Status	**Final**
Author	The Planning Inspectorate
Date	7 December 2021
Meeting with	Liverpool Bay CCS Limited
Venue	Microsoft Teams
Meeting objectives	Update meeting
Circulation	All attendees

Summary of key points discussed and advice given

The Planning Inspectorate (the Inspectorate) advised that a note of the meeting would be taken and published on its website in accordance with section 51 of the Planning Act 2008 (the PA2008). Any advice given under section 51 would not constitute legal advice upon which applicants (or others) could rely.

Project update

The Applicant informed the Inspectorate that the HyNet North West Carbon Dioxide Pipeline (HyNet NW) project was selected as a Track 1 project in the Department for Business, Energy and Industrial Strategy (BEIS) cluster sequencing in October 2021. The Inspectorate asked if there were any key milestones set by the government, to which the Applicant responded that although there were no milestones; the government will be tracking the programme.

The Applicant updated the Inspectorate on the publication of the non-statutory consultation report on its website in October 2021, after its completion in Q3 2021. The Inspectorate queried whether the public had any difficulty accessing documents. The Applicant confirmed that there were minimal requests for physical copies, but those people that made requests were provided with copies. The Inspectorate asked if the HyNet NW website will be clear on the split between the CO2 pipeline and hydrogen production elements of the wider project. The Applicant confirmed the website will be reviewed to make sure each element is clearly signposted.

The Applicant informed the Inspectorate that approximately 95% of the land access has been secured, primarily through voluntary licences with landowners and also through the use of powers available under sections 172 and 174 of the Housing and Planning Act 1996. The Applicant also confirmed that no s53 applications under PA2008 were needed. More than 700 Land Interest Questionnaires (LIQs) were sent out by the land team at the end of November 2021. Geotechnical works commenced in October 2021.

Statutory consultation

The Applicant shared with the Inspectorate its intention to undertake statutory consultation in February/March 2022, including four face to face events in England and Wales and three online webinars. Letters have also been sent to about 10,000 residents and businesses within 500m of the draft Order Limits. A draft Statement of Community Consultation (dSoCC) has been shared and agreed with the relevant local planning authorities (LPAs). The number of face-to-face events has now been increased to seven following feedback from the LPAs.

The Applicant has been involved in ongoing dialogue with Welsh Government, Flintshire County Council (FCC) and Cheshire West & Chester Council (CWACC) in terms of detailing the pipeline route, explaining the Development Consent Order (DCO) process, and evaluating potential environment impacts. The Inspectorate queried how many pipeline options the Applicant was taking forward to the consultation stage. The Applicant responded that there were two main options available for the 36″ pipeline and 20″ pipeline, with some variations for the River Dee crossing and Flint Above Ground Installation (AGI), but statutory consultation should narrow down the options.

Consenting strategy update

The Applicant shared its project strategy. The pipeline works will be divided into two applications: a DCO application and a Town and Country Planning Act 1990 (TCPA) application, both to be submitted in parallel. The Applicant explained that the reason behind separating the works into two applications is due to Associated Development works not being permitted in Wales under the PA2008.

The DCO application will cover the construction of new-build pipelines from Ince to Stanlow and from Stanlow to Flint. The Applicant explained that three Above Ground Installations (AGIs) will be needed on the new pipeline. In addition, four Block Valve Stations (BVS) are also required on the existing pipelines. The BVS are currently being 'twin tracked' and included in both the DCO and TCPA applications. However, the Applicant said there was potential for the BVS to be removed from the TCPA application. Compulsory acquisition powers will be used along the full route of the new and existing pipeline but not the Point of Ayr terminal or the foreshore works. The Applicant confirmed they are seeking powers in the DCO to use the existing pipeline for the transportation of CO_2.

The TCPA application will include modifications to the existing Point of Ayr terminal as well as foreshore pipeline works, which includes electricity and telecoms cables and the removal of the existing BVS in the foreshore.

In terms of the DCO programme, the Applicant aims to submit the application in Q3 2022 and have a DCO decision by Q4 2023. With regard to the TCPA programme, the draft Environmental Statement consultation will commence in Q2 2022 with the application submission being in Q3 2022. A decision is expected from FCC between Q3 2022 / Q4 2022. The Applicant is also aiming at issuing some draft DCO documents to PINS in late April 2022, such as work plans and book of reference. The Applicant confirmed they will send PINS a list of proposed draft documents in advance, potentially in tranches.

Design update

The Applicant gave an update on its design freeze 2, which would re-define the Order limits red line boundary. The reasoning behind changing the boundary was to accommodate the non-statutory consultation feedback, some proposed residential developments and update the access routes.

Environmental update

The Applicant confirmed that the Preliminary Environmental Information Report (PEIR) was being prepared for the Statutory Consultation starting in February 2022. The PEIR will include a high-level assessment of new areas within the scoping boundary. LPAs have given feedback from the EIA methodology note for the DCO cumulative assessment.

Stakeholder engagement

The Applicant has maintained monthly meetings with all LPA's and has agreed the final draft Planning Performance Agreement with FCC. The Statements of Common Ground draft template has been agreed with both LPAs. Other stakeholders include Natural England and Natural Resources Wales, with whom it has shared its proposed approach on aquatic surveys, as well as Welsh Government.

The Inspectorate queried what opinion the Welsh Government had in regards to applying for consent through both the TCPA and DCO regimes. The Applicant responded that the Welsh Government was open to providing an informal view.

Approach to the Welsh language

The Applicant confirmed that all correspondence to date, including previous consultation letters and correspondence with landowners, have been translated into Welsh. A Welsh speaker will attend all public face to face events in Wales. The Inspectorate enquired whether there was an option to have a Welsh section on the Applicant's website. The Applicant assured that, although there was no translation to Welsh on the website, every document would have a translation available.

AOB

The Inspectorate informed the Applicant that the draft National Policy Statements for Gas Supply Infrastructure and Gas and Oil Pipelines supported CO_2 pipelines and that it could be used to support the application.

The Applicant will come back to the Inspectorate with dates for the next meeting, likely end of March or early April. The Applicant will keep the Inspectorate informed of any updates to the consenting strategy.