



Report Reference Number: E/22/11

To:	Executive
Date:	4 August 2022
Status:	Non-Key Decision
Ward(s) Affected:	Camblesforth and Carlton, Brayton, Derwent
Author:	Jenny Tyreman, Assistant Principal Planning Officer
Lead Executive Member:	Councillor Mark Crane, Leader of the Council
Lead Officer:	Martin Grainger, Head of Planning and Interim Head of Regulatory Services

Title: Humber Low Carbon Pipelines Project (HLCP) – Nationally Significant Infrastructure Project

Summary:

This report sets out the legislative background to Nationally Significant Infrastructure Projects (NSIPs) and how these are dealt with. The Executive have considered similar NSIP reports recently in respect of the Drax Bioenergy and Carbon Capture Project in May 2021 and the Yorkshire GREEN Project in April 2022. Essentially applicants for infrastructure projects need to make an application to the Planning Inspectorate (PINS) for a Development Consent Order (DCO). The final decision is made by the Secretary of State on the recommendation of PINS, but Local Planning Authorities are statutory consultees in the process.

National Grid Carbon Limited (part of National Grid Ventures) is proposing to submit an application for a DCO for the construction of dual pipelines to transport carbon dioxide (to facilitate carbon capture, usage and storage (CCUS)) and hydrogen between Drax in North Yorkshire to a landfall point on the Holderness coast in East Riding of Yorkshire together with associated above ground installations (AGIs) and this scheme is Nationally Significant Infrastructure Project (NSIP) to be determined by PINS. At the landfall point the Project will connect to an offshore pipeline for onward transportation of carbon dioxide to the Endurance saline aquifer under the North Sea. This offshore pipeline and associated work forms part of a separate consent for which BP is the project proponent.

Two rounds of public consultation are taking place – non-statutory consultation took place in Q3/Q4 2021; statutory consultation is anticipated to take place in Q4 2022. It is anticipated that National Grid Carbon Limited will submit their DCO application to PINS during Q1 2023.

Once the DCO application has been submitted to PINS, they will have 28 days to decide whether or not the application meets the standards required to be accepted for examination. Following acceptance, an Examining Authority will be appointed, and all Interested Parties will be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority. PINS then have up to six months to carry out the examination of the proposals through a series of structured and topic-based hearings which officers may need to attend. After the examination a decision will be made by the Secretary of State, within 6 months of the close of the examination. Following this the Council will have the responsibility to discharge any planning conditions and enforce the terms of the DCO.

This report outlines the project. Selby District Council (SDC) is a statutory consultee and authorisation is sought for the Head of Planning and Interim Head of Regulatory Services in consultation with the Leader of the Council to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

Recommendations:

- i. That the contents of this report are noted.**
- ii That authorisation is sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services, in consultation with the Leader of the Council, to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.**

Reasons for recommendation:

Timescales for commenting on the DCO application once it is submitted are embedded in statute and it is important that appropriate delegation arrangements are in place so that the Council is able to meet the deadlines which are set by PINS.

1. Introduction and Background

- 1.1 On 1 April 2012, under the Localism Act of 2011, PINS became the agency responsible for operating the planning process for NSIPs.
- 1.2 NSIPs are large scale developments such as new harbours, power generating stations (including wind farms), and electricity transmission lines which require a type of consent known as a DCO under procedures governed by the Planning Act 2008 (and amended by the Localism Act 2011). This is not a 'planning application' under the Town and Country Planning Act 1990 and the status of the development plan is different in that the principal guidance for their determination is contained within the suite of Energy National Policy Statements (NSPs). The 2008 Act sets out thresholds above which certain types of infrastructure development are considered to be 'nationally

significant' and require the granting of a consent order. NSIPs were introduced as a fast-track method and alternative way of dealing with nationally important infrastructure after the much-publicised delays in the consenting of Heathrow's last major expansion proposal for a fifth terminal.

- 1.3 In England, PINS examines applications for DCOs from the energy, transport, waste, waste water and water sectors. For such projects, PINS undertakes an examination of the application and makes a recommendation to the relevant Secretary of State, who makes the final decision on whether to grant or to refuse the DCO. Energy NSPs introduce a presumption in favour of granting DCOs.

2. The Project

- 2.1 National Grid Carbon Limited is proposing the construction of dual pipelines to transport carbon dioxide and hydrogen between Drax in North Yorkshire to a landfall point on the Holderness coast in East Riding of Yorkshire together with associated above ground installations (AGIs).
- 2.2 At the landfall point the Project will connect to an offshore pipeline for onward transportation of carbon dioxide to the Endurance saline aquifer under the North Sea. This offshore pipeline and associated work forms part of a separate consent for which BP is the project proponent.
- 2.3 The objective of the Project is to deliver a new onshore pipeline network to transport captured carbon dioxide from the region's emitters for safe subsea storage; and to enable industries to fuel-switch from fossil fuels to low carbon hydrogen.
- 2.4 The Project will facilitate the transportation of carbon dioxide in an onshore pipeline up to 600 mm (24") nominal diameter from industrial emitters to a secure offshore carbon dioxide storage facility with a capacity up to 17.8 million tonnes of carbon dioxide per annum (MTPA) and a Maximum Allowable Operating Pressure (MAOP) of 136 barg. Therefore, the Project will facilitate the reduction of carbon dioxide emissions in the region, helping to support the Government's carbon dioxide reduction targets.
- 2.5 The project will also facilitate the transportation of hydrogen from production facilities to users in a pipeline up to 900 mm (36") nominal diameter, with a capacity up to 10 Giga Watts (GW) and a Maximum Operating Pressure (MOP) between 50 to 75 barg, allowing industrial facilities to use hydrogen in place of fossil fuels.
- 2.6 The Project forms part of Zero Carbon Humber (ZCH), a consortium of leading energy and industrial companies and academic institutions with a shared vision to transform the Humber region into the UK's first net-zero carbon cluster by 2040.
- 2.7 ZCH includes the following Connected Projects. Each of the Connected Projects are subject to their own separate application for consent.

- Drax Bioenergy and Carbon Capture Project (BECCS)
- SSE Thermal's and Equinor's Keadby Clean Power Hub – Keady 3 and Keadby Hydrogen
- British Steel's Zero Carbon Humber Scheme
- Uniper's Blue and Green Hydrogen Hub.
- Equinor's Hydrogen to Humber Saltend or H2H Saltend Project.
- Northern Endurance Partnership

2.8 Figure 1 is taken from National Grid Carbon Limited's Scoping Report and shows the red line boundary of the application site. Figure 2 is also taken from National Grid Carbon Limited's Scoping Report and shows a zoomed in red line boundary of the part of the application site that falls within Selby District.

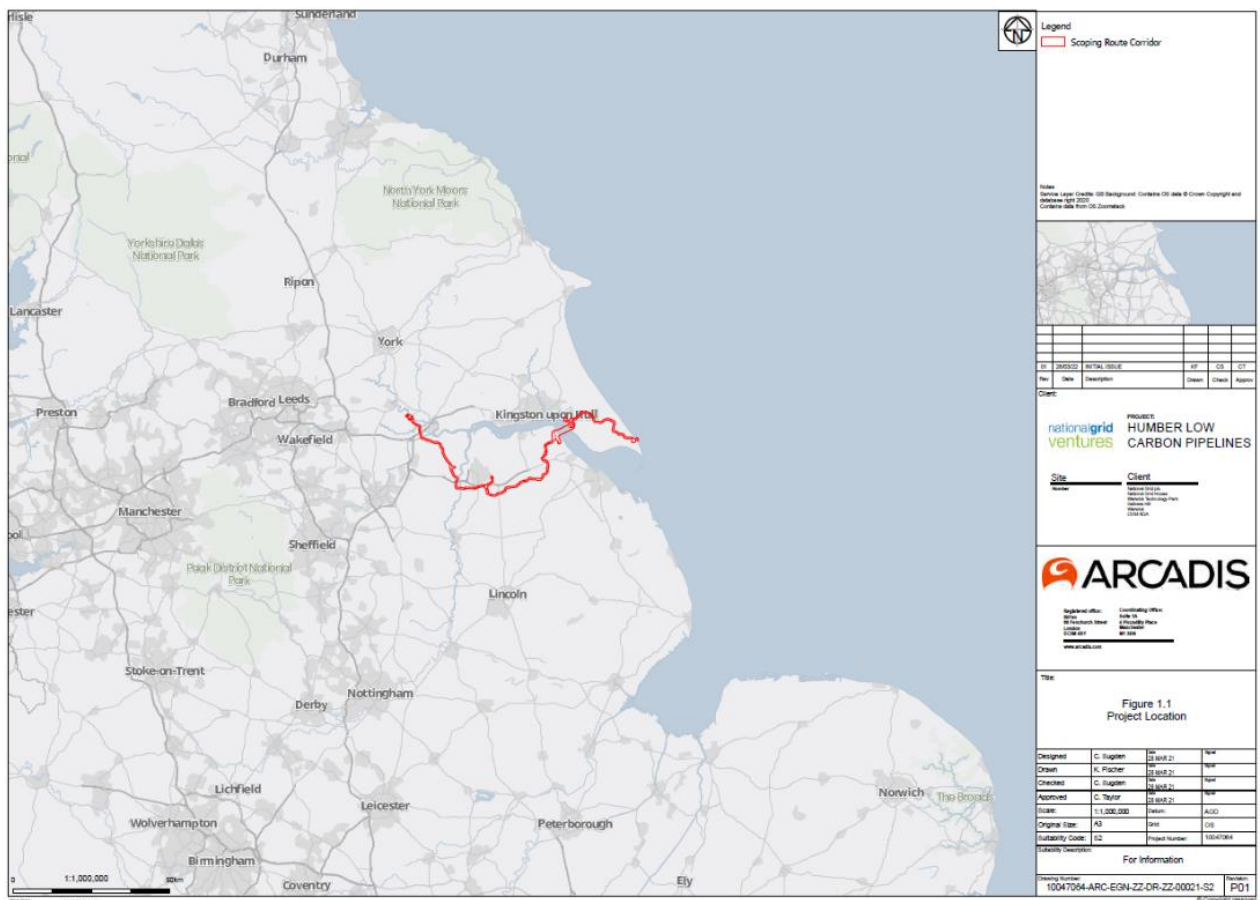


Figure 1: Red Line Boundary of Application Site

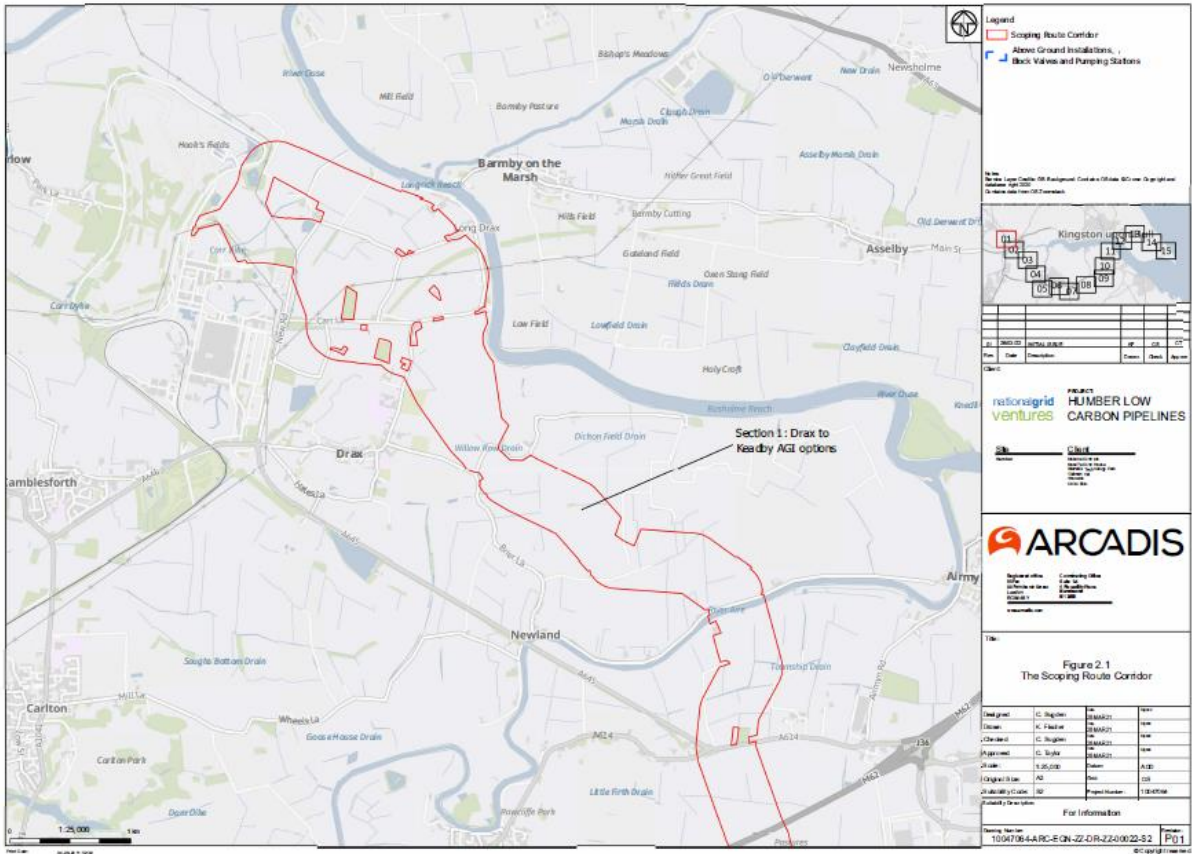


Figure 2: Zoomed in Red Line Boundary of the part of the Application Site which falls within Selby District

Construction Programme

2.9 The overall construction period for the Project from the commencement of construction works to the completion of commissioning is anticipated to be approximately 44 months assuming that both the carbon dioxide and the hydrogen pipelines are constructed at the same time.

3. The Process

3.1 The Planning Act 2008 process was introduced to streamline the decision-making process for major infrastructure projects, making it fairer and faster for communities and applicants alike. The six stages in the process are: pre-application; acceptance; pre-examination; examination; recommendation and decision; and post decision.

3.2 The Humber Low Carbon Pipelines Project is presently at the pre-application stage with PINS. The applicants have a statutory duty to carry out consultation on their proposals before submitting an application. Two rounds of public consultation are taking place– non-statutory consultation took place in Q3/Q4 2021; statutory consultation is anticipated to take place in Q4 2022.

3.3 The applicants submitted a Scoping Report to PINS on 11 April 2022. SDC and NYCC provided comments to PINS on the Scoping Report on 10 May 2022. PINS, on behalf of the Secretary of State, issued a Scoping Opinion on 20 May 2022. This sets out the required extent and content of the Environmental Statement to be submitted with the application for a DCO. Those areas that may be examined in detail come under the headings:

- Agriculture and Soils
- Air Quality
- Ecology and Biodiversity
- Climate
- Geology and Hydrology
- Cultural Heritage
- Landscape
- Noise and Vibration
- Socioeconomics
- Human Health and Wellbeing
- Traffic and Transport
- Waste and Materials
- Hydrology and Land Drainage
- Major Accidents and Disasters

3.4 National Grid Carbon Limited have notified PINS under Regulation 8(1)(b) of the EIA Regulations that they propose to provide an Environmental Statement (ES) in respect of the proposed development. Therefore, in accordance with Regulation 6(2)(a) of the EIA Regulations, the proposed development is EIA development.

3.5 It is anticipated that National Grid Carbon Limited will submit their DCO application to PINS during Q1 2023.

3.6 Once the DCO application has been submitted to PINS, they will have 28 days to decide whether or not the application meets the standards required to be accepted for examination. Following acceptance, an Examining Authority will be appointed, and all Interested Parties will be invited to attend a Preliminary Meeting, run and chaired by the Examining Authority. PINS then have up to six months to carry out the examination of the proposals through a series of structured and topic-based hearings which officers may need to attend. After the examination a decision will be made by the Secretary of State, within 6 months of the close of the examination. Following this the Council will have the responsibility to discharge any planning conditions and enforce the terms of the DCO.

3.7 The Council is working in association with the County Council as part of Better Together to, where possible make co-ordinated responses. This approach is favourable to the applicant and probably to the Examining Authority. It is how the two councils have worked together on other NSIPs. Together the two Authorities have the necessary technical specialists to respond to the application fully.

- 3.8 To date council staff have attended the briefings together and have already submitted the local authorities' response to the applicants Scoping Report.
- 3.9 NYCC and SDC have set up monthly meetings to manage the application, which will be attended by key planning officers and technical officers. Senior management will be invited if required.
- 3.10 Submission of the Local Impact Report, Statement of Common Ground, input into the Draft DCO and any written representations will be required in accordance with deadlines set by PINS, and once the examination commences, these deadlines are likely to be tight. Therefore, authorisation is sought from the Executive to authorise the Head of Planning and Interim Head of Regulatory Services in consultation with the Leader of the Council to agree the Local Impact Report, Statement(s) of Common Ground, the content of the Draft DCO and all further necessary representations by the District Council, together with post decision monitoring of planning conditions and enforcement of the DCO.

4. Implications

4.1 Legal Implications

- 4.1.1 The District Council is an interested party and support for the scheme is subject to agreeing the requirements in the DCO.
- 4.1.2 The District Council will have further involvement following submission of the application and during the examination period, including attendance at issue specific, and DCO public hearings. It is also possible that appropriate planning obligations, in conjunction with the County Council may be required to address any impacts and if considered necessary in planning terms. Both of these may require some input from the Council's legal team.

4.2 Financial Implications

- 4.2.1 The District Council, jointly with the County Council, intend to enter into a Planning Performance Agreement (PPA) with National Grid Carbon Limited. The PPA will establish a project framework and will give greater clarity to all parties as to their roles and responsibilities. The PPA will also establish a fund set aside against which both this Council and the County Council can claim for work carried out by its service areas which is in excess of their normal working practices.

5. Conclusion

- 5.1 Members are asked to note the contents of this report.
- 5.2 Members are also asked to authorise the Head of Planning and Interim Head of Regulatory Services in consultation with the Leader of the Council to agree the Local Impact Report, Statement of Common Ground, the content of the draft DCO, and all further necessary representations by the District Council, together

with post decision monitoring of planning conditions and enforcement of the DCO.

6. Background Documents

The National Infrastructure Planning website of the Planning Inspectorate is at the link:

<https://infrastructure.planninginspectorate.gov.uk/projects/yorkshire-and-the-humber/humber-low-carbon-pipelines/?ipcsection=overview>

7. Appendices

None.

Contact Officer:

Jenny Tyreman, Assistant Principal Planning Officer, Selby District Council –
Email: jtyreman@selby.gov.uk