

2023

**The HyNet Carbon Dioxide
Pipeline Safeguarded Site (Wales)
Direction 2023**

The Welsh Ministers, in exercise of the powers conferred on them by articles 14(3), 18(1) and 22(5) of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012⁽¹⁾, give the following Direction:

Title and coming into force

1. The title of this Direction is the HyNet Carbon Dioxide Pipeline Safeguarded Site (Wales) Direction 2023 and it comes into force on 16 October 2023.

Interpretation

2.—(1) In this Direction—

“consultee” (*“ymgyngorai”*) means Liverpool Bay CCS Limited (Company No. 13194018) (Liverpool Bay CCS Ltd, Eni House, 10 Ebury Bridge Road, London, SW1W 8PZ);

“EIA application” (*“cais AEA”*) has the meaning given in regulation 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017⁽²⁾;

“electronic communication” (*“cyfathrebiad electronig”*) has the meaning given in section 15(1) of the Electronic Communications Act 2000⁽³⁾ (general interpretation);

“local planning authority” (*“awdurdod cynllunio lleol”*) is to be construed in accordance with Part 1 of the Town and Country Planning Act 1990⁽⁴⁾;

“planning permission” (*“caniatâd cynllunio”*) means permission under Part 3 or section 293A of the Town and Country Planning Act 1990;

(1) S.I. 2012/801 (W. 110). There are amendments to the 2012 Order which are not relevant to this Direction.
(2) S.I. 2017/567 (W. 136).
(3) 2000 c. 7. Section 15(1) was amended by paragraph 158 of Schedule 17 to the Communications Act 2003 (c. 21).
(4) 1990 c. 8.

“safeguarded site” (“safle wedi ei ddiogelu”) means the area in Wales identified by the red line on the safeguarding map;

“safeguarding map” (“*map diogelu*”) means the map marked “HYPNET-WSP-VES-XX-DR-GI-0582” and certified by the Welsh Ministers on 16 October 2023

(2) A requirement in this Direction that any notification, notice or other document is given or sent, may be fulfilled by giving the notification or notice or sending any document by means of electronic communication.

Application

3. This Direction applies to any application for planning permission made to a local planning authority on or after 16 October 2023 relating to land within the safeguarded site.

Consultation before the grant of permission

4. A local planning authority, before granting permission for the development of land in the safeguarded site must consult the consultee.

5. Where under this Direction the local planning authority is required to consult the consultee before granting planning permission, the authority must give notice of the application to the consultee.

Period before which a local planning authority must not grant permission

6. Where a local planning authority is required to consult the consultee in accordance with paragraph 4, the authority must not determine the application until at least 30 days in the case of an EIA application or 21 days in any other case after the date on which notice is given under paragraph 5.

Notification to Liverpool Bay CCS Limited and the Welsh Ministers

7. The local planning authority must notify the consultee and the Welsh Ministers if the authority proposes to grant planning permission for the development of land in the safeguarded site, contrary to any representations received from the consultee.

8. Where a local planning authority is required to notify the consultee and the Welsh Ministers in accordance with paragraph 7 the authority must as soon as practicable—

- (a) send to the consultee and the Welsh Ministers a statement of reasons for proposing to grant

- planning permission contrary to the representations of the consultee;
- (b) send the following further information to the Welsh Ministers—
- (i) a copy of the application (including any accompanying plans or drawings), and
 - (ii) a copy of the representations from the consultee about the proposed development.

Second period before which a local planning authority must not grant permission

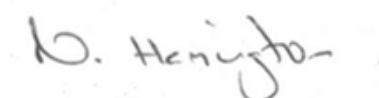
9. Subject to paragraph 10, where a local planning authority has notified the Welsh Ministers in accordance with paragraph 7, the authority must not determine the application until at least 28 days after the date the information specified in paragraph 8 is sent to the Welsh Ministers.

10. If, before the expiry of the 28 day period mentioned in paragraph 9, the Welsh Ministers have notified the local planning authority that they do not intend to issue a direction under section 77 of the Town and Country Planning Act 1990(1) in respect of the application, the authority may proceed to determine the application.

Expiry of direction

11. This Direction shall cease to have effect at the end of the day on 31 December 2029.

Signed by Neil Hemington, Head of Planning Directorate, under authority of the Minister for Climate Change, one of the Welsh Ministers.



(1) There are amendments to section 77 not relevant to this Direction.