
STATUTORY INSTRUMENTS

2024 No. 436

The HyNet Carbon Dioxide Pipeline Order 2024

PART 1

Preliminary

Citation and commencement

- 1.—(1) This Order may be cited as the HyNet Carbon Dioxide Pipeline Order 2024.
(2) This Order comes into force on 11th April 2024.

Interpretation

- 2.—(1) In this order—
- “1961 Act” means the Land Compensation Act 1961(1);
 - “1965 Act” means the Compulsory Purchase Act 1965(2);
 - “1980 Act” means the Highways Act 1980(3);
 - “1981 Act” means the Compulsory Purchase (Vesting Declarations) Act 1981(4);
 - “1984 Act” means the Road Traffic Regulation Act 1984(5);
 - “1990 Act” means the Town and Country Planning Act 1990(6);
 - “1991 Act” means the New Roads and Street Works Act 1991(7);
 - “2003 Act” means the Communications Act 2003(8);
 - “2008 Act” means the Planning Act 2008(9);
 - “the 2016 Regulations” means the Environmental Permitting (England and Wales) Regulations 2016 (10);
 - “access and rights of way plans” means the plans certified as such by the Secretary of State for the purposes of this Order under article 44;
 - “address” includes any number or address used for the purposes of electronic transmission;
 - “AGI” means above ground installation, being a secure compound above ground level containing equipment relating to the pipeline which is necessary for its operation and/or

(1) 1961 c. 33.
(2) 1965 c. 56.
(3) 1980 c. 66.
(4) 1981 c. 66.
(5) 1984 c. 27.
(6) 1990 c. 8.
(7) 1991 c. 22.
(8) 2003 c. 21.
(9) 2008 c. 29.
(10) S.I. 2016/1154.

maintenance. The AGIs include PIG facilities, ancillary infrastructure (including lighting and parking provisions), and electrical and instrumentation kiosks;

“ancillary works” means the ancillary works described in Part 2 of Schedule 1 (ancillary works) and any other works authorised by this Order which are not development within the meaning of section 32 of the 2008 Act;

“apparatus” has the same meaning as in section 105(1) of the 1991 Act;

“authorised development” means the development described in Schedule 1 (authorised development) and any other development authorised by this Order that is development within the meaning of section 32 of the 2008 Act;

“bank holiday” means a bank holiday in England and Wales under section 1 of the Banking and Financial Dealings Act 1971⁽¹¹⁾;

“block valve” means an intermediate underground valve which can rapidly stem the flow of the carbon dioxide;

“book of reference” means the document certified as such by the Secretary of State as the book of reference for the purposes of the Order under article 44;

“building” includes any structure or erection or any part of a building, structure or erection;

“business day” means a day other than a Saturday or Sunday, Good Friday, Christmas Day or a bank holiday in England and Wales under section 1 of the Banking and Financial Dealings Act 1971;

“BVS” means block valve station, being a secure compound above ground level containing equipment relating to the pipeline which is necessary for its operation and/or maintenance. The BVSs include a block valve, ancillary infrastructure (including lighting, parking provisions), and above ground electrical and instrumentation kiosks;

“carriageway” has the same meaning as in the 1980 Act;

“CEMP” means the construction environmental management plan to be prepared and approved under requirement 6 (construction environmental management plan) of Schedule 2 (requirements);

“chief officer of police” means the chief officer of police of the police area in which a power under this Order is sought to be exercised;

“commence” means carry out a material operation, as defined in section 155 of the 2008 Act (when development begins), comprised in or for the purposes of the authorised development other than site preparation works, remediation works, environmental (including archaeological) surveys and investigation, site, utility or soil survey, erection of temporary fencing to site boundaries or marking out of site boundaries, installation of temporary amphibian and reptile fencing, the diversion or laying of services or environmental mitigation measures and any such temporary accesses that may be required in association with these, and “commencement”, “commenced” and cognate expressions are to be construed accordingly;

“crown land plans” means the document certified as the crown land plans by the Secretary of State for the purposes of this Order under article 44;

“electronic transmission” means a communication transmitted—

- (a) by means of an electronic communications network; or
- (b) by other means but while in electronic form;

and in this definition “electronic communications network” has the same meaning as in section 32(1) (meaning of electronic communications networks and services) of the 2003 Act;

(11) 1971 c. 80.

“environmental statement” means the document certified by the Secretary of State as the environmental statement for the purposes of this Order under article 44;

“existing pipeline” means the existing natural gas pipeline, constructed in accordance with a pipeline construction authorisation and deemed planning permission issued by the Secretary of State on 16 December 1993 under the Pipelines Act 1962 for “a 24 inch natural gas cross-country pipeline from Point of Ayr to Connah’s Quay”, which pipeline is to be repurposed under this Order and along which Work Nos. 51, 53 and 55 are to be constructed;

“general arrangement plans” means the Block Valve Stations Planning Arrangement, Block Valve Stations Elevations, Above Ground Installation Planning Arrangement and Above Ground Installation Elevations certified by the Secretary of State as the general arrangement plans for the purposes of this Order under article 44;

“highway”, “highway authority” and “local highway authority” have the same meaning as in the 1980 Act and “highway” includes part of a highway;

“land plans” means the document certified as such by the Secretary of State for the purposes of this Order under article 44;

“limits of deviation” means the limits of deviation referred to in article 6 (limits of deviation) and shown on the works plans;

“maintain” includes inspect, assess, repair, test, cleanse, adjust, landscape, preserve, make safe, divert or alter the authorised development, and remove, clear, reconstruct, re-new, re-lay, re-furbish, improve, replace, dismantle, demolish, abandon or decommission any part of the authorised development, provided these do not give rise to any materially new or materially different environmental effects identified in the environmental statement, but must not include the renewal, re-laying, reconstruction or replacement of the entirety of the new pipeline; and any derivative of “maintain” is to be construed accordingly;

“new pipeline” means the pipeline to be constructed and operated as part of the authorised development forming Work Nos. 1, 4, 5, 6, 7, 9, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 28, 29, 30, 31, 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, 43, 44, 45, 47, 48 and 50;

“Order land” means the land shown on the land plans which is within the limits of land to be acquired or used and described in the book of reference under article 44;

“Order limits” means the limits shown on the works plans within which the authorised development may be carried out;

“outline archaeological written scheme of investigation” means the document certified as such by the Secretary of State for the purposes of this Order under article 44;

“outline construction environment management plan” means the document certified as such by the Secretary of State for the purposes of this Order under article 44;

“outline construction traffic management plan” means the document certified as such by the Secretary of State for the purposes of this Order under article 44;

“outline landscape and ecology management plan” means the document certified as such by the Secretary of State for the purposes of this Order under article 44;

“outline operational and maintenance environmental management plan” means the document certified as such by the Secretary of State for the purposes of this Order under article 44;

“outline surface water drainage strategy report and appendices” means the document certified as such by the Secretary of State for the purposes of this Order under article 44;

“PIG” means pipeline inspection gauge, a device used for internal maintenance, cleaning and monitoring of a pipeline;

“pipeline” means the existing pipeline and the new pipeline and includes all of the authorised development including all AGIs and BVSS;

“relevant planning authority” means in any given provision of this Order (including the requirements), the local planning authority—

- (a) for the area of land to which the provision relates is situated; and
- (b) with the relevant legislative competence under the 1990 Act for the matter to which that provision relates;

“requirements” means those matters set out in Schedule 2 (requirements) to this Order and a reference to a numbered requirement is a reference to the requirement imposed by the corresponding numbered paragraph of that Schedule;

“special category land plans” means the document certified as such by the Secretary of State for the purposes of this Order under article 44;

“statutory undertaker” means any person falling within section 127(8) of the 2008 Act and includes a public communications provider as defined in section 151 of the 2003 Act;

“street” means a street within the meaning of section 48 of the 1991 Act⁽¹²⁾, together with land on the verge of a street or between two carriageways, and includes part of a street;

“street authority”, in relation to a street, has the same meaning as in Part 3 of the 1991 Act⁽¹³⁾;

“traffic authority” has the same meaning as in the 1984 Act;

“trenchless installation techniques” means the installation of the new pipeline and/or associated telecommunications cabling by means of boring techniques including horizontal directional drilling, auger boring and micro-tunnelling;

“tribunal” means the Lands Chamber of the Upper Tribunal;

“undertaker” means Liverpool Bay CCS limited, incorporated under company number 13194018 and having its registered office at Eni House, 10 Ebury Bridge Road, London SW1W 8PZ; and

“works plans” means the plan or plans certified as such by the Secretary of State for the purposes of this Order under article 44.

(2) References in this Order to rights over land include references to rights to do or to place and maintain, anything in, on or under land or in the airspace above its surface and references in this Order to the imposition of restrictive covenants are references to the creation of rights over land which interfere with the interests or rights of another and are for the benefit of land which is acquired under this Order or is otherwise comprised in the Order land.

(3) All distances, directions, areas and lengths referred to in this Order are approximate and distances between points on a work comprised in the authorised development are taken to be measured along that work.

(4) For the purposes of this Order, all areas described in square metres in the book of reference are approximate.

(5) References in this Order to points identified by letters or numbers are to be construed as references to points so lettered or numbered on the relevant plans.

(6) References in this Order to numbered works are references to the works as numbered in Part 1 of Schedule 1 (authorised development).

(7) References to any statutory body includes that body’s successor bodies from time to time that have jurisdiction over the authorised development.

(8) In this Order, the expression “includes” is to be construed without limitation.

⁽¹²⁾ Section 48 was amended by section 124 (1) and (2) of the Local Transport Act 2008 (c. 26).

⁽¹³⁾ “Street authority” is defined in section 49, which was amended by section 1(6) and paragraphs 113 and 117 of Schedule 1 to the Infrastructure Act 2015.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
