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London,
SW1W 8PZ

21 Februaury 2023

INTENT TO DEFER - THE MARINE WORKS (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2007 (AS AMENDED)

Dear Donald Smith,

Proposed Marine Licence application for crossing of the River Dee by the HyNet Carbon Dioxide Pipeline

Eni UK Ltd. has applied to Natural Resources Wales (NRW) for Pre-Application Advice for a marine licence under the Marine and Coastal Access Act 2009 to install the Newbuild Carbon Dioxide Pipeline via trenchless crossing methods (Dee Crossing Works). The totality of the HyNet Pipeline shall run for approximately 60km from Ince, near Stanlow, over the English/Welsh border to Flint and then on to the Point of Ayr Terminal at Talacre, Flintshire.

Intent to Defer EIA Consent Decision

NRW are of the opinion that the proposed works fall under Schedule A1 para number 23 of the The Marine Works (Environmental Impact Assessment) Regulations 2007 (as amended) :

“23. Pipelines with a diameter of more than 800 millimetres and a length of more than 40 kilometres for the transport of:

(a) gas, oil or chemicals;

(b) carbon dioxide streams for the purposes of geological storage, including associated booster stations.”

The project also requires a Development Consent Order from the Secretary of State under the Planning Act 2008. In accordance with The Infrastructure Planning (Environmental

Impact Assessment) Regulations 2009 the Secretary of State must not make an Order granting development consent for EIA development unless an EIA has been carried out in respect of that application.

Under Reg 10(1)(b) of the Marine Works Regulations, NRW may determine that an EIA is not required, for the purposes of determining the Marine Licence application, if we are satisfied that an assessment of any effects on the environment of the project in question has already been, is being or is to be carried out, by another consenting authority and the assessment is or will be sufficient to meet the requirements of the EIA Directive in relation to that project.

Based upon the information received to date, NRW confirm their intent to defer an EIA consent decision under the Marine Works Regulations, in accordance with Regulation 10(1)(b), on the basis that an assessment of any effects on the environment of the project in question is being / is to be carried out by the Secretary of State as part of the determination process for a Development Consent Order under the Planning Act and that this is, or will be, sufficient to meet the requirements of the EIA Directive.

Under Regulations 10 (1)(b) and 10 (4)(a) of the Marine Works Regulations (as amended) NRW cannot determine the marine licence application until we are satisfied that to do so would be sufficient to meet the requirements of the EIA Directive and be compatible with the measures identified by the Secretary of State to ensure compliance with the EIA Directive.

Therefore, in these circumstances, a marine licence for this project can only be legally granted after the completion of the consideration of the EIA and associated decision made by the Secretary of State.

Information required from other appropriate authority

As regulator for the determination of the Marine Licence under the Marine and Coastal Access Act (2009), in compliance with Reg 10(4A), NRW requires the following information from the Secretary of State, as the Appropriate Authority for the determination of the EIA assessment:

- Conclusion of EIA assessment
- Conditions considered necessary in relation to likely significant environmental effects
- Description of features/measures to avoid, prevent, reduce and offset likely significant adverse effects on the environment
- Monitoring measures considered necessary
- Any further comments of relevance

Withdrawal of deferral

NRW withhold the right to withdraw the intent to defer to another appropriate authority should we determine, for whatever reason, that we are no longer satisfied that the EIA assessment meets the criteria stipulated above (for example, as a result of changes to the application itself, or due to the submission of further evidence). You will be notified of this as soon as reasonably practicable. In the event that this occurs the application will be subject to further EIA assessment under the Marine Works Regulations 2007 (as amended).

Yours sincerely



Dr. Emmer Litt

Arweinydd Tîm Trwyddedu Morol, Cyfoeth Naturiol Cymru

Marine Licensing Team Leader, Natural Resources Wales

Copies to: The Secretary of State