
STATUTORY INSTRUMENTS

2024 No. 436

INFRASTRUCTURE PLANNING

The HyNet Carbon Dioxide Pipeline Order 2024

Made - - - - *20th March 2024*

Coming into force *11th April 2024*

THE HYPNET CARBON DIOXIDE PIPELINE ORDER 2024

PART 1

Preliminary

1. Citation and commencement
2. Interpretation

PART 2

Principal Powers

3. Development consent etc. granted by the Order
4. Operation and use of the authorised development
5. Power to maintain the authorised development
6. Limits of deviation
7. Benefit of the Order
8. Application and modification of legislative provisions
9. Defence to proceedings in respect of statutory nuisance

PART 3

Streets

10. Street works
11. Power to alter layout, etc. of streets
12. Application of the 1991 Act
13. Temporary restriction of public rights of way
14. Stopping up of public rights of way
15. Temporary restriction of use of streets
16. Access to works
17. Agreements with street authorities
18. Use of private roads
19. Traffic regulation

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PART 4

Supplemental powers

20. Discharge of water
21. Maintenance of drainage works
22. Authority to survey and investigate the land
23. Protective work to buildings

PART 5

Powers of Acquisition

24. Compulsory acquisition of land
25. Time limit for exercise of authority to acquire land compulsorily
26. Compulsory acquisition of rights and restrictive covenants
27. Statutory authority to override easements and other rights
28. Compulsory acquisition of land: minerals
29. Private rights
30. Application of the 1981 Act
31. Acquisition of subsoil or airspace only
32. Modification of Part 1 of the 1965 Act
33. Rights under or over streets
34. Temporary use of land for carrying out the authorised development
35. Temporary use of land for maintaining the authorised development
36. Statutory undertakers
37. Recovery of costs of new connections

PART 6

Miscellaneous and general

38. Application of landlord and tenant law
39. Felling or lopping of trees and removal of hedgerows
40. Trees subject to Tree Preservation Orders
41. Crown rights
42. Protective provisions
43. Operational land for the purposes of the 1990 Act
44. Certification of plans, etc.
45. Service of notices
46. No double recovery
47. Arbitration
Signature

SCHEDULE 1 —

PART 1 — Authorised development

In the Borough of Cheshire West and Chester

In the County of Flintshire

In the Borough of Cheshire West and Chester

In the County of Flintshire

PART 2 — Ancillary works

SCHEDULE 2 — Requirements

PART 1 — Requirements

1. Interpretation
2. Time limits
3. Stages of authorised development
4. (1) The description of each stage in the written scheme...
5. Scheme design
6. Construction environmental management plan
7. Construction traffic
8. Highway accesses
9. Surface water drainage
10. Contamination land and groundwater: Part A - Stanlow
11. Archaeology
12. Landscape and ecological management plan
13. Ecological surveys
14. Biodiversity Net Gain
15. Construction hours
16. Operational noise
17. Provision of 'as built' details
18. Restoration of land
19. Operational and maintenance environmental management plan
20. Decommissioning environmental management plan
21. Written approval
22. Amendments to approved details
23. Anticipatory steps towards compliance with any requirement

PART 2 — Applications made under requirements

24. (1) Where an application has been made to a discharging...
25. Multiple discharging authorities
26. Further information
27. Fees
28. Appeals
29. Outcome of appeals
30. Interpretation

SCHEDULE 3 — Streets subject to street works

- PART 1 — Streets subject to permanent street works
PART 2 — Streets subject to temporary street works

SCHEDULE 4 — New means of access

- PART 1 — New permanent means of access from the public highway
PART 2 — New temporary means of access from the public highway
PART 3 — New private means of access

SCHEDULE 5 — Streets to be temporarily closed or restricted

SCHEDULE 6 — Public rights of way to be temporarily restricted and stopped up

- PART 1 — Public rights of way to be temporarily restricted
PART 2 — Public rights of way to be stopped up

SCHEDULE 7 — Land of which only temporary possession may be taken

- PART 1 — Land of which only temporary possession may be taken
PART 2 — Land of which only temporary possession for access may be taken

SCHEDULE 8 — Land in which only new rights etc., may be acquired

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SCHEDULE 9 — Modification of compensation and compulsory purchase enactments for creation of new rights

1. Compensation enactments
2. (1) Without limitation on the scope of paragraph 1, the...
3. (1) Without limitation on the scope of paragraph (1), the...
4. Application of Part 1 of the 1965 Act
5. (1) The modifications referred to in sub-paragraph (1) are as...

SCHEDULE 10 — Protective provisions

PART 1 — Protection for electricity, gas, water and sewerage undertakers

1. The provisions of this Part have effect unless otherwise agreed...
2. In this Part— “alternative apparatus” means alternative apparatus adequate to...
3. On street apparatus
4. Acquisition of land
5. Removal of apparatus
6. Facilities and rights for alternative apparatus
7. Retained apparatus
8. Expenses and costs
9. (1) Subject to sub-paragraph (2), if by reason or in...
10. Miscellaneous

PART 2 — Protection for operators of electronic communications code networks

11. The provisions of this Part have effect unless otherwise agreed...
12. In this Part— “the 2003 Act” means the Communications Act...
13. The exercise of the powers conferred by article 36 (statutory...
14. (1) Subject to sub-paragraphs (2) to (4), if as a...

PART 3 — For the protection of National Grid Electricity Transmission plc as electricity undertaker

15. Application
16. Interpretation
17. On Street Apparatus
18. Apparatus of statutory undertakers in temporarily restricted streets
19. Protective works to buildings
20. Acquisition of land
21. Removal of apparatus
22. Facilities and rights for alternative apparatus
23. Retained apparatus: protection of electricity undertaker
24. Expenses
25. Indemnity
26. Enactments and agreements
27. Co-operation
28. Access
29. Arbitration
30. Notices

PART 4 — For the protection of National Gas Transmission plc as gas undertaker

31. Application
32. Interpretation
33. On Street Apparatus
34. Apparatus of statutory undertakers in temporarily restricted streets
35. Protective works to buildings
36. Acquisition of land
37. Removal of apparatus

38. Facilities and rights for alternative apparatus
39. Retained apparatus: protection of gas undertaker
40. Expenses
41. Indemnity
42. Enactments and agreements
43. Co-operation
44. Access
45. Arbitration
46. Notices
- PART 5 — For the protection of Cadent Gas Limited
47. Application
48. Interpretation
49. On Street apparatus
50. Apparatus of Cadent in stopped up streets
51. Protective works to buildings
52. Acquisition of land
53. Removal of apparatus
54. Facilities and rights for alternative apparatus
55. Retained apparatus: protection of Cadent
56. Expenses
57. Enactments and agreements
58. Co-operation
59. Access
60. Arbitration
61. Notices
- PART 6 — For the protection of Network Rail
62. The following provisions of this Part of this Schedule have...
63. In this Part of this Schedule— “asset protection agreement” means...
64. (1) Where under this Part of this Schedule Network Rail...
65. (1) The undertaker must not exercise the powers conferred by—...
66. (1) The undertaker must before commencing construction of any specified...
67. (1) Any protective works to be constructed by virtue of...
68. The undertaker must- (a) at all times afford reasonable facilities...
69. Network Rail must at all times afford reasonable facilities to...
70. (1) If any permanent or temporary alterations or additions to...
71. The undertaker must repay to Network Rail all reasonable fees,...
72. If at any time after the completion of a specified...
73. The undertaker must not provide any illumination or illuminated sign...
74. Any additional expenses which Network Rail may reasonably incur in...
75. (1) The undertaker must pay to Network Rail all reasonable...
76. Network Rail must, on receipt of a request from the...
77. In the assessment of any sums payable to Network Rail...
78. The undertaker and Network Rail may, subject in the case...
79. Nothing in this Order, or in any enactment incorporated with...
80. The undertaker must give written notice to Network Rail if...
81. The undertaker must no later than 28 days from the...
- PART 7 — For the protection of the Canal and River Trust
82. Interpretation
83. Powers requiring the Canal & River Trust’s consent
84. Fencing
85. Survey of waterway
86. Approval of plans, protective works etc.

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87. Design of works
88. Notice of works
89. Construction of specified works
90. Prevention of pollution
91. Access to work – provision of information
92. Alterations to the waterway
93. Maintenance of works
94. Repayment of the Canal & River Trust’s fees, etc.
95. Making good of detriment; compensation and indemnity, etc.
96. Arbitration
97. Capitalised sums
- PART 8 — For the protection of SP Manweb
98. Application
99. Interpretation
100. On Street Apparatus
101. Acquisition of land
102. Removal of apparatus
103. Facilities and rights for alternative apparatus
104. Retained apparatus: Protection of SP Manweb as Electricity Undertaker
105. Expenses
106. Indemnity
107. Enactments and agreements
108. Co-operation
109. Access
110. Arbitration
111. Notices
- PART 9 — Protection of CF Fertilisers UK Limited
112. The provisions of this Part have effect unless otherwise agreed...
113. In this Part— “construction” includes execution, placing, alteration and reconstruction...
114. Rights of access
115. Expenses
116. The undertaker must pay to CF Fertilisers all reasonable and...
117. (1) Notwithstanding anything to the contrary in this Part of...
- PART 10 — For the protection of Wales and West Utilities
118. For the protection of Wales and West Utilities as referred...
119. In this Part— “alternative apparatus” means alternative apparatus adequate to...
120. Apparatus in streets
121. Regardless of the temporary prohibition or restriction of use of...
122. Acquisition of land
123. Removal of apparatus
124. Facilities and rights for alternative apparatus
125. Retained apparatus
126. Expenses and costs
127. (1) Subject to sub-paragraph (2), if by reason or in...
128. Enactments and agreements
- PART 11 — Protection for Welsh Water
129. The provisions of this Part have effect unless otherwise agreed...
130. In this Part— “alternative apparatus” means alternative apparatus adequate to...
131. On street apparatus
132. Acquisition of land

133. Removal of apparatus
134. Facilities and rights for alternative apparatus
135. Retained apparatus
136. Expenses and costs
137. (1) Subject to sub-paragraph (2), if by reason or in...
138. Miscellaneous
 - PART 12 — For the protection of United Utilities Water Limited (UU Water)
139. Application
140. Interpretation
141. Apparatus of UU Water stopped up in street
142. Discharge of Water, foul and surface water
143. Protective works to buildings
144. Removal of apparatus
145. Facilities and rights for alternative apparatus
146. Retained apparatus: protection of UU Water
147. Expenses
148. Indemnity
149. Enactments and agreements
150. Co-operation
151. Access
152. Arbitration
153. Notices
 - PART 13 — For the protection of United Kingdom Oil Pipelines Limited
154. For the protection of United Kingdom Oil Pipelines Limited
155. Application
156. Interpretation
157. On Street Apparatus
158. Acquisition or possession of land
159. Removal of apparatus
160. UKOP replacement facilities and rights
161. Retained apparatus
162. Expenses and costs
163. Miscellaneous
164. Co-operation
165. Access
166. Arbitration
167. Notices
168. Deviation of authorised development
 - PART 14 — For the protection of PEEL NRE Limited
169. The provisions of this Part of this Schedule have effect,...
170. In this Part of this Schedule— “alternative access road(s)” means...
171. (1) Where Peel is asked to give its consent pursuant...
172. (1) The undertaker must before commencing construction of any specified...
173. (1) Any specified work must, when commenced, be constructed—
174. (1) The undertaker must pay to Peel all reasonable and...
175. (1) The undertaker must consult with Peel prior to submitting...
176. The undertaker will procure that in carrying out Work No....
 - PART 15 — Protection of Encirc Limited
177. The provisions of this Part have effect unless otherwise agreed...
178. In this Part— “Ash Road bridge” means the rail bridge...
179. Rights of access
180. The parties shall hold the CTS Meetings fortnightly during detailed...

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- 181. Rights of access – Grinsome Road to the Protos Site
- 182. The undertaker shall use all reasonable but commercially prudent endeavours...
- 183. Rights of access – Ash Road (South)
- 184. Rights of Access – Abnormal Loads
- 185. Railway
- 186. Construction Traffic Management Plan
- 187. Co-operation
- 188. The undertaker and Encirc must use all reasonable but commercially...
- 189. The undertaker shall ensure that the pipeline is buried to...
- 190. Specified work
- 191. Any specified work must, when commenced, be constructed-
- 192. Expenses
- 193. General
- 194. Notices
 - PART 16 — For the protection of Welsh Ministers as Strategic Highway Authority
- 195. Application
- 196. Interpretation
- 197. Approvals
- 198. (1) Prior to the commencement of the works the undertaker...
- 199. No crossing is to take place until a monitoring regime...
- 200. Technical Approval from WM in accordance with DMRB CG300 is...
- 201. Approval under this Part may be sought in one or...
- 202. Any approval of the WM under this Part may be...
- 203. The undertaker must contact any owners or operators of apparatus...
- 204. The undertaker must pay a fee of £250 to the...
- 205. Indemnity
- 206. The undertaker (or any person carrying out works on its...
- 207. Traffic management
- 208. The undertaker must execute the works in strict accordance with...
- 209. Inspections
- 210. Exercise of the right to inspect under paragraph 209 must...
- 211. (1) The undertaker must compensate the WM in respect of...
- 212. Reinstatement
- 213. (1) Where, in the reasonable opinion of the WM, any...
- 214. Any and all reasonable costs associated with the reinstatement work...
- 215. Notice of completion of Works
- 216. The undertaker must supply the WM with as built records...
- 217. The undertaker must submit a Geotechnical Feedback Report (GFR as...
- 218. After the apparatus has been placed, the undertaker must not...
- 219. Arbitration
- 220. Notices
- 221. Maintenance
 - PART 17 — For the protection of National Highways Limited
- 222. Application etc.,
- 223. Interpretation
- 224. General
- 225. Notwithstanding the limits of deviation permitted pursuant to article 6...
- 226. References to any standards, manuals, contracts, regulations and directives including...
- 227. Prior approvals and security
- 228. Construction of the specified works

- 229. Payments
- 230. Condition survey and as built details
- 231. Insurance
- 232. Indemnity
- 233. Maintenance of the specified works
- 234. Land
- 235. Expert Determination
 - PART 18 — For the protection of local highway authorities
- 236. The provisions of this Part of this Schedule have effect...
- 237. In this Part of this Schedule— “Consents” means approvals, consents,...
- 238. Highway condition and highway assets surveys
- 239. HGV route remediation
- 240. Specified work
- 241. (1) Where, under this Order, any street works require to...
 - PART 19 — For the protection of drainage authorities
- 242. The provisions of this Part of this Schedule apply for...
- 243. In this Part of this Schedule— “construction” includes execution, placing,...
- 244. (1) Before beginning to construct any specified work, the undertaker...
- 245. The requirements or conditions which the drainage authority may make...
- 246. (1) Any specified work in relation to an ordinary watercourse,...
- 247. (1) From the commencement of the construction of any specified...
- 248. Subject to paragraph 247(5)(b), if by reason of the construction...
- 249. (1) The undertaker must make reasonable compensation to the drainage...
- 250. Any dispute arising between the undertaker and the drainage authority...
 - PART 20 — For the protection of Exolum Pipeline System Ltd
- 251. Application
- 252. Interpretation
- 253. Acquisition of Apparatus
- 254. Prior to the carrying out of any Restricted Works or...
- 255. Where the undertaker acquires land which is subject to any...
- 256. Where the undertaker takes temporary possession of any land or...
- 257. Removal of Apparatus and Rights for Alternative Apparatus
- 258. The parties must use all reasonable endeavours to produce a...
- 259. The undertaker must afford to Exolum the necessary facilities and...
- 260. Any Alternative Apparatus is to be constructed in land owned...
- 261. After the details for the works for Alternative Apparatus to...
- 262. The following paragraphs 263 and 264 only apply if:
- 263. In the circumstances set out in paragraph 262, if the...
- 264. Nothing in paragraph 263 authorises the undertaker to execute the...
- 265. Facilities and Rights for Alternative Apparatus
- 266. Alternative Rights must be granted before any Alternative Apparatus is...
- 267. The parties agree that the Alternative Rights be granted by...
- 268. Nothing in this Schedule or contained in the Alternative Rights...
- 269. If the facilities and rights to be afforded by the...
- 270. Retained Apparatus and Alternative Apparatus: protection
- 271. No Restricted Works are to be commenced until the Plan...
- 272. Any approval by Exolum of the Plan of works submitted...
- 273. Exolum will be entitled to watch and inspect the execution...
- 274. Where reasonably required by either party, in view of the...
- 275. If in consequence of the works notified to Exolum by...
- 276. Nothing in paragraphs 270 to 275 precludes the undertaker from...
- 277. Where Exolum reasonably requires Protective Works, the parties must use...
- 278. The undertaker must afford to Exolum the necessary facilities and...

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- 279. Any Protective Works are to be constructed in land owned...
- 280. After the details for the Protective Works to be provided...
- 281. Where the undertaker needs to carry out emergency works—
- 282. In this Part of this Schedule, “emergency works” means works...
- 283. Cathodic protection testing
- 284. The Parties must carry out the works and enter into...
- 285. Expenses
- 286. Provided that Exolum takes all reasonable steps to minimise the...
- 287. The scrap value (if any) of any Apparatus removed under...
- 288. Upon the submission of proper and reasonable estimates of costs...
- 289. Damage to property and other losses
- 290. The fact that any act or thing may have been...
- 291. The undertaker and Exolum must at all times take reasonable...
- 292. The undertaker warrants that— (a) the information it or any...
- 293. Exolum must give to the undertaker reasonable notice of any...
- 294. Insurance
- 295. The undertaker must maintain such insurance for the construction period...
- 296. Co-operation and reasonableness
- 297. Exolum must use all reasonable endeavours to co-operate with the...
- 298. The undertaker and Exolum must act reasonably in respect of...
- 299. Emergency circumstances
- 300. In the following circumstances, Exolum may on written notice to...
- 301. The parties agree to act in good faith and in...
- 302. Exolum is not liable for any costs, expenses, losses or...
- 303. Escalation of differences
- 304. The undertaker and Exolum will each nominate a representative who...
- 305. If the meeting between senior executives fails to result in...
- 306. Dispute resolution
- 307. The parties will agree on the appointment of an independent...
- 308. If the parties are unable to agree on an Expert...
- 309. The Expert is required to prepare a written decision including...
- 310. If the Expert dies or becomes unwilling or incapable of...
- 311. The parties are entitled to make submissions to the Expert...
- 312. The Expert will act as an expert and not as...
- 313. The Expert may direct that any legal costs and expenses...
- 314. The dispute resolution procedure set out in this Schedule will...
- 315. Miscellaneous
- 316. No failure or delay by a party to exercise any...
 - PART 21 — For the protection of the Environment Agency
- 317. (1) The following provisions apply for the protection of the...
- 318. (1) Subject to sub-paragraph (4) the undertaker must, for the...

SCHEDULE 11 — Removal of hedgerows

PART 1 — Removal of hedgerows

PART 2 — Removal of important hedgerows

SCHEDULE 12 — Arbitration rules

- 1. Primary objective
- 2. Time periods
- 3. Timetable
- 4. Procedure
- 5. Arbitrator’s powers
- 6. Costs

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7. Confidentiality

Explanatory Note