

Mr Jake Stephens - Case Officer
Planning Inspectorate
3/20 Eagle Wing
Temple Quay House (2 The Square)
Temple Quay
Bristol
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BS1 6PN

Our ref: SO/2023/122801/01-L01
Your ref: EN070007
Date: 13 January 2023

Dear Mr Stephens

HYNET NORTH WEST CARBON DIOXIDE PIPELINE - DEVELOP, INSTALL AND OPERATE A NEW CARBON DIOXIDE TRANSPORTATION PIPELINE BETWEEN INCE NEAR STANLOW, AND FLINT, AND TO REPURPOSE AN EXISTING NATURAL GAS PIPELINE BETWEEN FLINT AND POINT OF AYR TERMINAL FOR TRANSPORTATION OF CARBON DIOXIDE INCE NEAR STANLOW AND FLINT

This is the Relevant Representation on behalf of the Environment Agency in relation to the above application for a Development Consent Order (DCO).

The Environment Agency's Role

We are a statutory consultee on all applications for development consent orders. We have a responsibility for protecting and improving the environment, as well as contributing to sustainable development.

We have three main roles:

We are an environmental regulator – we take a risk-based approach and target our effort to maintain and improve environmental standards and to minimise unnecessary burdens on business. We issue a range of permits and consents.

We are an environmental operator – we are a national organisation that operates locally. We work with people and communities across England to protect and improve the environment in an integrated way. We provide a vital incident response capability.

We are an environmental advisor – we compile and assess the best available evidence and use this to report on the state of the environment. We use our own monitoring information and that of others to inform this activity. We provide technical information and advice to national and local governments to support their roles in policy and decision-making.

One of our specific functions is as a Flood Risk Management Authority. We have a general supervisory duty relating to specific flood risk management matters in respect of flood risk arising from Main Rivers or the sea.

Environment Agency
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Relevant Representation

We are having ongoing discussions with the Applicant's agents and are working with them to resolve the issues we have raised on the current EIA submission. We have reviewed the submitted documents and have provided below a summary of matters where we consider that further clarification is required to ensure that the proposal has no detrimental impact on the environment. These matters include land ownership, flood risk, contaminated land, biodiversity, and environmental permitting.

Land Ownership

As per Schedule of Negotiations with Land Interests, Document Reference Number APP-028, the Applicant is consulting with our North Estates Ops team to set up a site meeting to address queries relating to affected land ownership. At this stage, we are unable to confirm that there are no objections to the acquisition of any of our land interests.

Flood Risk

Parts of the Pipeline lie within Flood Zone 2 & 3 on the Environment Agency's Flood Risk Map for planning. As such, we advise that the location of the Above Ground Installation (AGI) is examined and considered in detail within the development's Flood Risk Assessment (FRA), including full compliance and justification under the Overarching National Policy Statement for Energy (EN-1) and National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) and include all necessary protection and mitigation measures – including compensatory flood storage where necessary.

Any temporary or permanent works within 8m of any main river will be subject to the need for a Flood Risk Activity Permit (FRAP) under the Environmental Permitting Regulations from the Environment Agency. Our standard position is that we recommend that the applicant twin track with the DCO and a permit application. At this stage we cannot give any assurances that the current proposals will be granted a FRAP.

Contaminated Land

Soil and/or groundwater contamination may exist along the length of the proposed pipeline. Associated risks to controlled waters should be addressed as part of the development proposals, and we would wish to be a consultee on the approval of these plans.

We support the production of a Dewatering Management Plan and a Groundwater Management and Monitoring Plan, and we would wish to be a consultee on the approval of these plans.

If it is proposed to abstract 20m³/day or more to facilitate dewatering of excavations, then this will require an abstraction licence to be issued before any dewatering commences (unless an exemption applies). These applications will need to be supported by a suitable Water Features Survey and Hydrogeological Risk Assessment detailing the risks that the abstraction poses to dependent water features and how these will be mitigated.

If any pumping tests are to be carried out at rates of 20m³/day or more to determine aquifer properties to inform the HRA, then the applicant will need to apply for a Groundwater Investigation Consent under the Water Resources Act 1991 prior to carrying out the pumping tests.

Discharges of water from pumping tests and dewatering activities will require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies.

Discharges of surface water from the development should be managed in accordance with the guidance provided in the CIRIA SUDS Manual and the Environment Agency's Groundwater protection position statements - GOV.UK (www.gov.uk). Discharges from areas subject to contamination should not be discharged to ground (infiltration) without appropriate levels of treatment. Infiltration of surface water should not take place on contaminated land.

Our standard position is that we recommend that the Applicant twin track with the DCO and permit applications, at present this has not been undertaken, therefore at this stage we cannot give any assurances that the current proposals will be granted for these permits.

Ecology Protection/Enhancement

We have reviewed the document reference APP-061 - Environmental Statement (Volume II) Chapter 9 – Biodiversity, and have the following comments to make:

9.4.3. ELEMENTS SCOPED OUT OF THE ASSESSMENT

We agree that the elements shown in Table 9.2 are not considered to give rise to likely significant effects as a result of the DCO Proposed Development.

9.8. DESIGN DEVELOPMENT, IMPACT AVOIDANCE, AND EMBEDDED MITIGATION

Table 9.10 Embedded Mitigation Designed for the DCO Proposed Development

Although the mitigation proposed in 'Waterbodies D-BD-011' is generally acceptable, we are concerned that a waterbody 'near Stanlow Refinery' will be permanently lost. We expect to see full details of adequate compensatory habitat as a result of this loss.

9.9. ASSESSMENT OF LIKELY IMPACTS AND EFFECTS

We agree with the assessment of likely impacts/effects and expect these to be mitigated and adequately compensated, as proposed in Table 9.12.

9.10.11. ECOLOGICAL ENHANCEMENT

In addition to the creation of wood habitat piles and the installation of bat and bird boxes, the completion of nearby Water Framework Directive mitigation measures, that enhance riverine habitats for biodiversity, must also be included. This would contribute to biodiversity net gain and the legal objective of 'good ecological potential' for these waterbodies.

Please do not hesitate to contact me if you require any further information.

Yours sincerely

Ms DAWN HEWITT
Planning Advisor

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