



Application by Liverpool Bay CCS Limited for an Order Granting Development Consent for the HyNet Carbon Dioxide Pipeline Project.

The Examining Authority's written questions and requests for information (ExQ1)

Issued on 27 March 2023

The following table sets out the Examining Authority's (ExA's) written questions and requests for information - ExQ1. If necessary, the examination timetable enables the ExA to issue further rounds of written questions. If this is done, the further rounds of questions will be referred to as ExQ2 and ExQ3 respectively.

Questions are set out using an issues-based framework derived from the Initial Assessment of Principal Issues provided as Annex C to the Rule 6 letter of 20 February 2023. Questions have been added to the framework of issues set out there as they have arisen from representations and to address the assessment of the application against relevant policies.

Column 2 of the table indicates which Interested Parties (IPs) and other persons each question is directed to. The ExA would be grateful if all persons named could answer all questions directed to them, providing a substantive response, or indicating that the question is not relevant to them for a reason. This does not prevent an answer being provided to a question by a person to whom it is not directed, should the question be relevant to their interests. Each question has a unique reference number which starts with 1 (indicating that it is from ExQ1) and then has an issue number and a question number. For example, the first question on General and Cross-topic matters is identified as Q1.1.1. When you are answering a question, please start your answer by quoting the unique reference number.

If you are responding to a small number of questions, answers in a letter will suffice. If you are answering a larger number of questions, it will assist the ExA if you use a table based on this one to set out your responses. An editable version of this table in Microsoft Word is available on request from the case team: please contact hynetco2pipeline@planninginspectorate.gov.uk and include 'HyNet Carbon Dioxide Pipeline' in the subject line of your email.

The ExA notes a number of Additional Submissions have been submitted by the Applicant. These may already address some of the questions set out below. Should that be the case the ExA does not consider that question needs to be answered in full, rather the ExA would ask the response to that question signpost exactly where the answer/ information has already been provided (ie Document Title, Applicant's Document Reference Number, Planning Inspectorates Reference Number, Paragraph number, Table number, Etc.)

Responses are due by Deadline 1: Monday 17 April 2023.



Abbreviations used:

AGI	Above Ground Installation		
BNG	Biodiversity Net Gain	GHG	Greenhouse Gas
BoR	Book of Reference	HDD	Horizontal Directional Drilling
BVS	Block Valve Station	IPs	Interested Parties
CA	Compulsory Acquisition	JNCC	Joint Nature Conservation Committee
CEMP	Construction Environmental Management Plan	LEMP	Landscape Ecology Management Plan
CILCS	Community Infrastructure Levy Charging Schedule	LLFA	Lead Local Flood Authority
COMAH	Control of Major Accident Hazards	MSA	Minerals Safeguarding Areas
CO₂	Carbon Dioxide	NE	Natural England
CRT	Canal and River Trust	NH	National Highways Ltd
CWCC	Cheshire West and Chester Council	NR	Network Rail Infrastructure Ltd
DCO	Development Consent Order	NRW	Natural Resources Wales
EA	Environment Agency	OCTMP	Outline Construction Traffic Management Plan
EM	Explanatory Memorandum	OMEMP	Operations and Maintenance Environment Management Plan
EPS	European Protected Species	PA2008	The Planning Act 2008
ES	Environmental Statement	PoA	Point of Ayr
ExA	Examining Authority	REAC	Record of Environmental Actions and Commitments
ExQ1	ExA's First Written Questions	SAC	Special Area of Conservation
HRA	Habitats Regulations Assessment	SDSAB	Sustainable Drainage Systems Approval Body
FCA	Flood Consequence Assessment	SoS	Secretary of State
FCC	Flintshire County Council	SoCG	Statement of Common Ground



SPA	Special Protection Area	TPO	Tree Preservation Order
SSSI	Site of Special Scientific Interest	WFD	Water Framework Directive
TP	Temporary Possession	WW	Welsh Water

The Examination Library

References in these questions set out in square brackets (eg [APP-010]) are to documents catalogued in the Examination Library. The Examination Library can be obtained from the following link:

<https://infrastructure.planninginspectorate.gov.uk/wp-content/ipc/uploads/projects/EN070007/EN070007-001186-HyNet%20Carbon%20Dioxide%20Pipeline%20Bilingual%20Examination%20Library.pdf>.

It will be updated as the examination progresses.

Citation of Questions

Questions in this table should be cited as follows:

Question reference: issue reference: question number, eg Q1.1.1 – refers to question 1 in this table.



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ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
1. General and Cross-topic Questions			
Q1.1.1	<i>Update Applicant</i>	<ul style="list-style-type: none"> Confirm the duration of the proposed construction works applied for and confirm if there is any change to the anticipated programme of works. For clarity also confirm the proposed start dates. <p>Please provide reasons for any changes. Will any noted change in the proposed construction programme affect any of the assumptions in the Environmental Statement (ES) particularly with respect to in-combination cumulative effects (and Habitats Regulations Assessment (HRA) in-combination effects)?</p>	N/A
Q1.1.2	<i>Update FCC</i>	<ul style="list-style-type: none"> The ExA notes that the Applicant has indicated a twin track method in that two separate Planning Applications will be submitted to FCC under the Town and Country Planning Act 1990 (Ref. 2.2): one for the Point of Ayr (PoA) Terminal and Foreshore Works and another for the three Block Valve Stations (BVS). <p>Please provide an update of any planning applications that have been submitted, or consents that have been granted, since the DCO Application was submitted, that could either effect the proposed route or that would be affected by the Proposed Development and whether this would affect the conclusions reached in ES Chapter 19 Combined and Cumulative Effects [APP-071] or any of the associated Appendices - Appendix 19.1 – Inter Project Effects Assessment (Volume III)</p>	<p>Application reference FUL/000246/23 for the Point of Ayr (PoA) Terminal and Foreshore Works was registered on 14 March 2023, and the consultation period has begun. The full application details, along with consultation responses to date can be found at the link below: https://planning.agileapplications.co.uk/flintshire/applications-on-details/66998</p> <p>Application FUL/000241/23 for three BVS was also registered on 14 March 2023. The application is considered by the Local Planning Authority as valid, however the Applicant has requested the application be held in abeyance pending the ExA's decision whether the change request (submitted to the ExA on 27 March 2023) will be accepted. Change request no.3 proposes to relocate Cornist Lane BVS and therefore should the change be accepted, the BVS application site at Cornist Lane as set out in application FUL/000241/23 would change.</p>

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ExQ1	Question to:	Question:	FCC Response
		[APP-172]; Appendix 19.2 - Intra-Project Effects Assessment (Volume III) [APP-173]. Please provide a response alongside question Q1.1.4.	<p>With agreement of the applicant, this application continues to appear as 'invalid' on the Council's planning portal so that the application documents do not appear on the website as this could be confusing to members of the public and future consultees if the application site is subsequently changed as a result of the change request.</p> <p>Section 4 of FCC's LIR provides information on relevant planning history and committed developments that are extant or pending determination within the DCO order limit.</p>
Q1.1.3	<i>Update</i> FCC	<ul style="list-style-type: none">As additional context to inform the Examination the following information is requested:<ul style="list-style-type: none">i) Advise if there is a Community Infrastructure Levy Charging Schedule (CILCS) in place for the administrative area the Development Consent Order (DCO) scheme falls within, or within any neighbouring administrative boundaries.ii) Confirm if there any planned improvements to the local area which are separate to the scheme under consideration but potentially complimentary to it, directly arising from the CILCS?iii) Notwithstanding any CILCS mechanism in place, advise if there are any other planned or known separate publicly led local capital investments, projects, or other planned initiatives in the vicinity of the area proposed for improvement or nearby which could potentially compliment the scheme.	<ul style="list-style-type: none">i) There is no Community Infrastructure Levy Charging Schedule in place in Flintshire. Following the adoption of the LDP on 24/01/23 Flintshire County Council will be reviewing the feasibility of introducing a Community Infrastructure Charging system compared against the continuation of the present s106 based approach. If a CIL were to prove viable it is unlikely to be implemented within the timescales for determining this present development proposal.ii) N/Aiii) There are no known publicly led local capital investments, projects, or other planned initiatives in the area that could compliment the scheme that are in place at present. However, Flintshire County Council are in the process of appraising the applications made to the Council through the UK Government Shared Prosperity Programme.

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ExQ1	Question to:	Question:	FCC Response
		<p>For the avoidance of any doubt the planned improvements queried/ referred to may cover any aspect of the local environment and could be wide ranging in their purpose.</p> <p>iv) Explain how any existing separate local capital investments, projects or other initiatives would complement the scheme, if there are any being advanced.</p>	<p>A number of these will, if approved, support the decarbonisation of businesses in the County, and will help to assess the feasibility of collective action by businesses. If approved, the projects would operate from autumn 2023 for 18 months and would therefore there is potential for these projects to complement this proposal.</p> <p>iv) The Parc Adfer Community Benefit Fund could also compliment this project for more information: https://www.flintshire.gov.uk/en/Resident/Funding-Opportunities/Parc-Adfer-Community-Benefit-Fund.aspx</p>
	<i>Update on development</i> FCC	<ul style="list-style-type: none">The ExA has initially observed the locality impacted upon by the proposals during Unaccompanied Site Inspections ([EV-003] and [EV-004]). The application documents suggest some public open space is to be utilised for Compulsory Acquisition (CA). For the avoidance of any doubt can the Applicant and Relevant Planning Authorities confirm whether the location of any other land planned for public open space or other special category land use is to be utilised by the scheme. You may wish to combine the answer to this question with the answer to question Q1.1.2.	<p>FCC LIR Appendices 2.1-2.5 shows the DCO Limit in relation to the LDP allocations which shows the 'Green Spaces'. The route of the DCO pipeline does not intersect or affect any allocated Green Spaces.</p> <p>With regards to special category Land FCC LIR Appendices 1.1-1.6 shows the Common Land in relation to the proposal. FCC LIR Appendix 1.6 shows Common Land, but the proposal does not present any new built development within the Halkyn Common.</p> <p>FCC are not aware that any other land planned for public open space, or other special category land would be utilised by the scheme.</p>
Q1.1.4	<i>Other Consents and Permits</i> Applicant	<ul style="list-style-type: none">The ExA notes the content of the Consents and Agreements Position Statement [APP-046] submitted, but would ask what other consents	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<p>and permits (if any) would be required by the DCO Proposed Development?</p> <p>If further consents and permits are required, can you:</p> <ul style="list-style-type: none">i) Provide an update on progress with obtaining these consents/ licences alongside an update on those already anticipated.ii) Include a section providing an update on these consents/ licences in any emerging Statements of Common Ground (SoCG) that are being drafted with the relevant consenting authorities listed.	
Q1.1.5	General Applicant	<ul style="list-style-type: none">• The ExA is aware that within Section 2.1 of ES Chapter 2 'The Project' [APP-054] footnote 1 defines that <i>Hynet North-West (The Project) is not a single project within the meaning of the Environmental Impact Assessment Regulations. The Project is being developed by the Consortium. The goal of the Project is to reduce carbon dioxide (CO₂) emissions from industry, homes and transport and support economic growth in the North-West of England and North Wales. This includes but is not limited to the CO₂ Pipeline and associated Above Ground Installations (AGIs), BVSS, Carbon Capture, CO₂ Storage, the Existing Pipeline Works, Hydrogen Plant, Hydrogen Pipeline and associated AGIs, and the Hydrogen Storage.</i>	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<p>Therefore, the Applicant's definition of 'The Project' as the starting position of the ES appears the main reason why the DCO Proposed Development is considered as a separate entity in the assessment of combined and cumulative effects.</p> <p>However, Paragraph 5, Schedule 4 of the Regulations state that an ES should include: "<i>A description of the likely significant effects of the development on the environment resulting from, inter alia: (e) the cumulation of effects with other existing and/ or approved projects, taking into account any existing environmental problems relating to areas of particular environmental importance likely to be affected or the use of natural resources.</i>" Additionally, ES Chapter 19 (Combined and Cumulative Effects) [APP-071] paragraph 19.2.3 sets out the description of likely significant effects on the factors: "<i>[...] should cover the direct effects and any indirect, secondary, cumulative, transboundary, short term, medium-term and long-term, permanent and temporary, positive and negative effects of the development.</i>"</p> <p>Can the Applicant further justify why the components of 'The Project' (as whole) should/ can be treated independently by the ES having regard to the Environmental Impact Assessment Regulations? How has the Applicant ensured that the cumulative effects between the DCO Proposed Development and the other applicable parts of the 'Project'</p>	

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ExQ1	Question to:	Question:	FCC Response
		<p>including, where relevant, aspects to be delivered under separate consents, are fully considered?</p> <p>Please confirm if the two separate Planning Applications expected to be made to FCC under the Town and Country Planning Act 1990 for the PoA Terminal and Foreshore Works and the three BVSs have been submitted or, if not submitted advise when such applications will be submitted.</p> <p>Should the above mentioned Applications have been submitted, please provide:</p> <ul style="list-style-type: none">i) the planning application reference number issued by the relevant Planning Authority;ii) an update in regard to the progress of these Planning Applications, or the intended submission of these Planning Applications, including in relation to any discussions/ correspondence between you and the Relevant Planning Authority in regard to the proposed submission/ submitted Planning Applications; andiii) a copy of the planning decision related to the Planning Applications mentioned above, issued by the Relevant Planning Authority, if applicable.	
Q1.1.6	<i>ES Cumulative Effects</i> Applicant	<ul style="list-style-type: none">• CWCC [RR-012] provides an initial comment and issues relating to the content and scope of the application including the Local Plan Policy context, Environmental Assessment and the	N/A

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ExQ1	Question to:	Question:	FCC Response
		<p>proposed requirements and provisions of the Draft DCO.</p> <p>The ExA acknowledges the content of the [RR-012] a request that the combined effects should be fully considered with HS2, especially in terms of impacts on Minerals Safeguarding Areas (MSA), waste generation and impacts to local and regional transport. Combined effects with other NSIPs are requested to include the Cadent Hydrogen Pipeline project.</p> <p>i) Can the Applicant set out (including signposting to the examination documentation) how those suggested cumulative effects arising from these other projects have been incorporated into any assessment made to date. Or conversely, the specific reasons they have been scoped out.</p> <p>ii) A number of inconsistencies are mentioned by CWCC regarding the identification of policies including an omission of Neighbourhood Plans. Can the Applicant confirm that all relevant parts of the Development Plan CWCC are referring to will be acknowledged by way of an updated Planning Statement?</p> <p>iii) The Applicant's views are sought on whether the DCO scheme complies with the development plan policies dealing with economic considerations for existing businesses/ operations having regard to any future expansions referred to, as well</p>	

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		as the ecological network and the implications of Policy DM 44 further referenced by CWCC.	
Q1.1.7	<i>ES Cumulative Effects</i> FCC	<ul style="list-style-type: none">• The ExA notes the content of ES Chapter 19 Combined and Cumulative Effects [APP-071] as well as Chapter 19.1 – Inter-Project Effects Assessment Rev A [APP-172] and Chapter 19.2 – Intra-Project Effects Assessment Rev A [APP-173].• IPs Are there any projects identified as under construction, which are expected to be completed before construction of the DCO Proposed Development, which have been excluded from the Applicant’s assessment at Stage 2 (see Table 2 in Appendix 19.1 - Inter-Project Effects Assessment, Volume III [APP-172]). Do the Relevant Planning Authorities/ IPs agree with the scope and content of the list applicable for Stage 2?• Relevant Planning Authorities Refused planning applications that are not subject to appeal have not been considered by the Applicant on the basis that their implementation is not considered to be reasonably foreseeable. Have any new consents (or planning applications) come to light, or which are expected, which would	<p>FCC are not aware of any.</p> <p>Yes, FCC agrees with the scope and content of the list applicable for the Stage 2 assessment with the exception of the points raised below.</p> <p>FCC agree with the Applicant’s approach to exclude refused planning applications which have not been subject to an appeal.</p>

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ExQ1	Question to:	Question:	FCC Response
		<p>prevent the Applicant's stated position from being accepted?</p> <p>Can the Applicant confirm whether the list of developments to be considered in the cumulative assessment were agreed with relevant consultees.</p>	<p>FCC's LIR provides an up-to-date situation of the planning statuses of applications within the DCO order limit in section 4 of the LIR.</p> <p>The Pending applications as detailed within para 4.1.2 have not been considered within this Assessment within Table 2. Those application that have been determined in the last 5 years (as detailed within the table within FCC's LIR at 4.1.3) have not been considered as part of this assessment.</p> <p>As stated in para 4.1.4 application reference 062820 at 1 Liverpool Road, CH5 3AR; 'Erection of 130no. Dwellings' (ID ref 109) this application has now been refused (26th October 2022). It is uncertain if the applicant will lodge an appeal and we are approaching the end of the period for the applicant to lodge an appeal.</p>
Q1.1.8	<p><i>ES Cumulative Effects</i></p> <p>FCC</p>	<ul style="list-style-type: none"> The ExA draws the Applicant's/ IPs' attention to the content of Planning Inspectorate Advice Note 9: Rochdale Envelope. This advice note affirms the established principle that: <i>"The ES should not be a series of separate unrelated topic reports. The interrelationship between aspects of the proposed development should be assessed and careful consideration should be given by the developer to explain how interrelationships have been assessed in order to address the environmental impacts of the proposal as a whole. It need not necessarily follow that the maximum adverse impact in terms of any one topic impact would automatically result in the maximum potential impact when a number of topic impacts are</i> 	<p>FCC would agree that the likely significant impacts of the DCO proposed development have been adequately assessed by the ES with the exceptions of those points raised in the Councils LIR particularly in relation to the assessment of impact on the green wedge.</p>

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ExQ1	Question to:	Question:	FCC Response
		<p><i>considered collectively. In addition, individual impacts may not be significant but could become significant when their interrelationship is assessed. It will be for the developer to demonstrate that the likely significant impacts of the project have been properly assessed."</i></p> <p>Do IPs including Relevant Planning Authorities agree that the likely significant impacts of the DCO Proposed Development have been adequately assessed by the ES? If not, please state why not.</p> <p><i>You may wish to combine the answer to this question with the answer to question Q1.1.6.</i></p>	
Q1.1.9	Construction earthworks Applicant	<ul style="list-style-type: none">Clarify what provisions during construction would be in place to ensure dust mitigation, debris management and transportation of the material, alongside protecting the visual appearance of the area specifically from any short/ medium and long-term stockpiling anticipated will not erode from the local environment? <p>What other possible options are there for any displaced material not needed for re-use on site? And is there a rough estimation of the amount of residual material likely to be left over that can be given?</p> <p>Provide an estimate of the length of time displaced material from the scheme would be stored on land referred to in the application work areas proposed.</p>	N/A

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ExQ1	Question to:	Question:	FCC Response
		If any of the above information is already provided, signpost that.	
Q1.1.10	<i>Construction earthworks</i> Applicant	<ul style="list-style-type: none"> Local concern has been raised in relation to soil disturbance [RR-056]. It is alleged that the reinstatement of land was unsatisfactory during previous exploratory works initiated by the Applicant with the high quality top soil being buried and subsoil left on the surface. What mechanisms and quality controls would be in place to ensure that any affected land would be properly restored following trenching or other engineering works which result in soil disturbance? Can novel or innovative approaches be applied to improve soil conditions/ carbon sequestration in affected soils post construction/ development? <p>If any of the above information is already provided, please signpost that.</p>	N/A
Q1.1.11	<i>Update</i> FCC	<ul style="list-style-type: none"> If you have not already done so: <ol style="list-style-type: none"> Provide an update to the Examination on the status of the Flintshire Local Development Plan 2015-2030, and its expected formal adoption date. Provide to the Examination and indicate all new development plan policies which you consider to be important and relevant to the proposed development currently subject to Examination giving the specific reasons for the policy relevance where appropriate. 	<ol style="list-style-type: none"> The Flintshire LDP was adopted on January 24th 2023 and forms the basis for planning decisions in the County. There is no specific policy in the LDP relating to infrastructure projects such as the proposed pipeline and associated development. Rather, there are a raft of policies which the proposal should be assessed against as set out below. The LDP has not yet been published in its final hard copy format. For the time being, an interim written statement can be provided in hard copy, but proposals maps are only available in an interactive web-based format:

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ExQ1	Question to:	Question:	FCC Response
			<p>https://flintshire.opus4.co.uk/planning/localplan/maps/flintldp#/center/53.218,-3.159/zoom/8/baselayer/b:31/layers/o:2767,o:2768,o:2769,o:2770,o:2771,o:2772,o:2773,o:2774,o:2775,o:2776,o:2777,o:2778,o:2779,o:2780,o:2782,o:2783,o:2784,o:2785,o:2786,o:2787,o:2788,o:2825,o:2826,o:2827,o:2910/feature/0</p> <p>Relevant LDP policies: -</p> <ul style="list-style-type: none">• STR2: The Location of Development• STR4: Principles of Sustainable Development, Design and Placemaking (sets out high level principles in seeking to bring about sustainable development)• STR5 Transport and Accessibility (relevant to the traffic impacts associated with the initial construction phase and subsequent operational / maintenance phase)• STR13: Natural and Built Environment, Green Networks and Infrastructure (high level principles seeking to protect open countryside and the environment generally)• STR14: Climate Change and Environmental Protection (sets out high level principles in terms of addressing climate change such as flood risk – the pipeline passes through areas at risk of flooding)• PC1: The Relationship of Development to Settlement Boundaries (specifies the types of development that may be acceptable in open countryside locations)• PC2: General Requirements for Development (sets out standard criteria which are applicable to all new developments)

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ExQ1	Question to:	Question:	FCC Response
			<ul style="list-style-type: none">• PC3: Design (seeks to ensure that new development encompasses design and placemaking principles)• PC4: Sustainability and Resilience of New Development (seeks to ensure that new development is sustainable and resilient to the effects of climate change)• PC5: Transport and Accessibility (relevant to the traffic impacts associated with the initial construction phase and subsequent operational / maintenance phase)• HN1.7 New Housing Development Proposals – Holywell Rd / Green Lane, Ewloe (The applicant has modified the Order Limit to avoid this housing allocation)• EN1 Sports, Recreation and Cultural Facilities (seeks to protect existing open space)• EN2 Green Infrastructure (seeks to protect existing open space and to ensure that new development has regard to improving existing local green space and green corridors)• EN3: Undeveloped Coast and Dee Estuary Corridor (the policy seeks to protect the undeveloped coast to the north of the A548)• EN4: Landscape Character (all new development proposals should have regard to the landscape character having regard to its particular characteristics. The policy relies on the information within Landmap)• EN5: Area of Outstanding Natural Beauty (the impact of part of the northern section of the pipeline should be assessed)

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ExQ1	Question to:	Question:	FCC Response
			<ul style="list-style-type: none">• EN6: Sites of Biodiversity Importance (the policy seeks to protect features and habitats of biodiversity importance)• EN7 Development Affecting Trees, Woodlands and Hedgerows (the policy seeks to protect existing trees, woodland and hedgerows and to provide mitigation where necessary.)• EN8 Built Historic Environment and Listed Buildings (new development should have regard to built heritage assets)• EN11 Green Wedge (the pipeline passes through green wedges and the Aston Hill BVS is located within the Green Wedge. New development should seek to maintain the openness of such designations)• EN13: Renewable and Low Carbon Energy Development (sets out the criteria to be applied to renewable and low carbon energy development proposals. Although applicable to energy generation proposals it provides a broad context for the consideration of associated infrastructure).• EN14: Flood Risk (the pipeline passes through areas at risk of flooding and the policy sets out some key principles, to be read alongside TAN15)• EN15 Water Resources (new development should seek to protect existing water courses and bodies)• EN18: Pollution and Nuisance (ensures that the effects of development in terms of noise, vibration, odour, dust, light or other pollution are assessed and where appropriate and necessary, are mitigated)• EN19: Managing Waste Sustainably (seeks to ensure that waste arising from new development is minimised and is in line with the waste hierarchy)

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ExQ1	Question to:	Question:	FCC Response
			<ul style="list-style-type: none">• EN23: Minerals Safeguarding (seeks to ensure that new development proposals do not sterilise existing mineral reserves, which have the potential to be worked) <p>Supplementary Planning Guidance (SPG) Notes.</p> <ul style="list-style-type: none">• SPG3 Landscaping• SPG4 Trees and Development• SPG6 Listed Buildings• SPG8 Nature Conservation & Development• SPG8a Great Crested Newt Mitigation Requirements• SPG28 Archaeology <ul style="list-style-type: none">• The green wedge washes over the proposed DCO order Limit this includes part of the pipeline route and also the proposed Aston Hill BVS is located in the green wedge. As part of the site is within the green wedge, the impact of the development on the openness of the area is a very important consideration. <ul style="list-style-type: none">• PPW11 in para 3.77 lists other forms of development which include renewable energy and engineering operations stating that these types of development may be appropriate in the green wedge provided the development preserves the openness of the green wedge and does not conflict with the purposes of including land within it. Even if there was some harm to the green wedge it may still be necessary to apply the 'very exceptional circumstances' test in PPW.

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			<ul style="list-style-type: none">• PPW also sets out in guidance which is key to the consideration of this proposed development in section 5.7 relating to Energy. Para 5.7.1 states 'The future energy supply mix will depend on a range of established and emerging low carbon technologies, including biomethane and green hydrogen'. Para 5.7.2 states 'In order to ensure future demand can be met, significant investment will be needed in energy generation, transmission and distribution infrastructure. The system will need to integrate renewable generation with storage and other flexibility services, in order to minimise the need for new generation and grid system reinforcement. Collectively we will need to concentrate on reducing emissions from fossil fuel sources, whilst driving further renewable generation which delivers value to Wales'.• The site is located within the Dee Estuary Site of Special Scientific Interest (SSSI), which is also a Special Protection Area (SPA), Ramsar Site and Local Wildlife Site (LWS) so that special consideration will be required in terms of nature conservation.• Flooding is also an important consideration for any new development as the site is mostly within Flood Zone C1 (served by significant infrastructure including flood defences). It will also be necessary to have regard to the new TAN15 and Flood Map for Planning due to come into force in June 2023.

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
			<ul style="list-style-type: none">• The Babell, Pentre Halkyn and Cornist Block Valve Stations (BVS) are all within open countryside settings and the development will have a detrimental impact on the landscape. The Planning statement addresses these issues. One important consideration will be the design of fencing around the site to help minimise the impact and additional planting may be required to help screen the sites and reduce their impact on the surrounding landscape.• The internationally designated site of Halkyn Mountain SAC is located between the three proposed BVSs (Babell BVS, 700m west, Pentre Halkyn BVS, 651m south and Cornist Lane BVS, 2.15km east of the SAC) this has also been addressed in the information submitted with this application.• The Babell site is within 200m of the Plas Newydd listed building and as such the impact on the setting of that building will need to be carefully considered.• None of the BVS sites are within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) but they are they are close to this designation and the lighting would affect the setting of the AONB.• The Dark Night Skies SPG gives useful advice on how to reduce glare, design appropriate lighting to safeguard wildlife and reduce the impact on the night sky.

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		<p>iii) Inform the Examination of your views on whether or not the DCO development complies with any new and relevant policies.</p> <p>iv) In the event of non-compliance with any new policy (or policy expected to be adopted) suggest any change necessary which would be potentially undertaken by the Applicant to secure compliance.</p>	<p>https://www.clwydianrangeanddeevalleyaonb.org.uk/wp-content/uploads/2020/07/Dark-Skies-Strategy-Final.pdf</p> <p>The Planning statement mentions that the height of the lighting has been lowered to reduce the impact on the surrounding area, it may be that further alterations can be made to reduce any impact to a minimum.</p> <p>This submission has included numerous reports, plans and details which demonstrate that all impacts of the development have been considered. The world's climate emergency must also influence the decision on this proposal. Any planning permission will need to ensure that all the appropriate mitigation measures available are put in place.</p> <p>iii) Please refer to the Council's Local Impact Report, particularly in relation to the assessment of the proposal on the openness of the Green Wedge and that the applicant has had no regard for this designation in their application documents. Very exceptional circumstances have not been provided by the applicant for the inappropriate development in the green wedge. This will need to be addressed.</p>

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ExQ1	Question to:	Question:	FCC Response
Q1.1.12	<i>Proposed Development</i> Applicant	<ul style="list-style-type: none"> The ExA notes the ES Chapter 3 (Description of the DCO Proposed Development) [APP-055], which sets out a synopsis of the key elements of the DCO Proposed Development. It also notes the detailed list provided at Schedule 1, Part 1 (Authorised Development) of the draft DCO [APP-024], which clearly sets out, in detail, the Proposed Development relevant to the related Work Numbers. However, the ExA would ask you direct it to where else in the submitted application documentation the full details of the Proposed Development and its related work numbers has been provided/ set out in full. 	N/A
Q1.1.13	<i>Planning applications and appeals</i> FCC	<ul style="list-style-type: none"> Mr James Doran [RR-054] has referred to a planning application being relevant determined by FCC (planning reference 061368) and is also mentioned as subject to an appeal alongside references to members of the traveller community. <p>FCC</p> <p>Provide the full details of the planning application documentation inclusive of delegated reports, to inform the Examination.</p> <p>IPs</p> <p>Please make whatever comments you deem necessary if you have not already done so.</p>	<p>Application 061368 was refused on the 31st August 2022, and no appeal has been submitted to date pursuant to Section 78 of the Town and Country Planning Act 1990 and the appeal period has now lapsed.</p> <p>The full application details, along with committee report, the link to the recording of the committee meeting, minutes of the meeting and decision notice can be found at the links below.</p> <p>Full application details and committee report- https://planning.agileapplications.co.uk/flintshire/application-details/63543</p> <p>Committee report - https://committeemeetings.flintshire.gov.uk/documents/s71885/061368%20-%20Change%20Of%20Use%20Of%20Land%20To%20Res</p>

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ExQ1	Question to:	Question:	FCC Response
			<p>idential%20Gypsy%20Traveller%20Community.%20The%20Sie%20To%20Contain%20One%20S.pdf?LLL=0</p> <p>Recording of the committee meeting: https://flintshire.public-i.tv/site/mg_bounce.php?mg_a_id=25524&mg_m_id=5227&language=en_GB</p> <p>Minutes of the Meeting: https://committeemeetings.flintshire.gov.uk/documents/g5222/Printed%20minutes%2031st-Aug-2022%2013.00%20Planning%20Committee.pdf?T=1&LLL=0</p>
Q1.1.14	<i>Community consultation</i> Applicant and IPs	<ul style="list-style-type: none"> Having regard to Appendix D Statement of Community Consultation [APP-035] submitted, as well as the submitted DCO Consultation Report (Volume V) [APP-031]. Applicant Confirm the Town and Community Councils which have been consulted and those which are applicable to the DCO area. IPs Clarify the Town and Community Council's that wish to have involvement within the Examination, or if necessary, confirm any formal body representing on their behalf. 	Find attached to the Council's submission for Deadline 1 a map of Town and Community Councils affected by the proposed application.
Q1.1.15	<i>Land plans and the Book of Reference</i> Applicant	<ul style="list-style-type: none"> There are a number of discrepancies on the Land Plans [APP-008]. For example: i) Plots 1-18 (Sheet 1), 2-14 (Sheet 2), 6-20 and 6-22 (Sheet 6), 21-06 (Sheet 21) and 25-03 (Sheet 	N/A

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ExQ1	Question to:	Question:	FCC Response
		25) are not identified; ii) Plot 5-03 (Sheet 5) is listed twice, whilst Plot 6-21 appears multiple times; iii) Plot 8-04 has been included as being within the red line of the Proposed Development, yet the same plot number in the Book of Reference [APP-030] states "Number not used"; iv) The extent of Plot 12-12A (Sheet 12) is unclear on the Land Plans [APP-008]. Please note that this list is not meant to be exhaustive. The ExA would ask for the Land Plans [APP-008] to be checked and cross referenced with the Book of Reference [APP-030] to ensure all plots are correctly identified and that the Land Plans [APP-008] and Book of Reference [APP-030] are updated accordingly.	
Q1.1.16	<i>Description of Proposed Development</i> Applicant	<ul style="list-style-type: none">Paragraphs 3.6.27 to 3.6.29 (Inclusive) of ES Chapter 3 (Description of the DCO Proposed Development) [APP-055] appears to be missing. Please review and correct, if necessary.	N/A
Q1.1.17	<i>Change request(s)</i> Applicant	<ul style="list-style-type: none">Are any change requests proposed, or likely to be proposed, during the course of the Examination in relation to the Proposed Development. If so please specify what changes are being proposed/ likely to be proposed and when such a request(s) is likely to be made during the course of the Examination.	N/A

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ExQ1	Question to:	Question:	FCC Response
2.	Assessment of Alternatives		
Q1.2.1	General Applicant	<ul style="list-style-type: none">• The ExA further notes the scope and content of ES Chapter 4 – Consideration of Alternatives [APP-056].<ul style="list-style-type: none">i) [APP-056] highlights the necessity of the proposed development for the decarbonisation of emitting industries and achieving the UK's pathway to Net Zero. Further explain the overall need case for the scheme relative to climate change considerations, current knowledge and natural (or other) forms of carbon capture/sequestration available. Does current knowledge or any changes stemming from innovation give rise to any other feasible alternative?ii) When considering alternatives to the scheme clarify/ explain (including signposting to the examination documentation) to what extent relevant biodiversity and ecological protections have been considered for avoidance?iii) In the consideration and determination of alternatives (for example route selection) can the Applicant explain if it has applied greater weight to particular issues over others where there has been competing priorities. <p>You may wish to combine the answer to this question with the answer to question Q1.2.3.</p>	N/A

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ExQ1	Question to:	Question:	FCC Response
Q1.2.2	<i>General</i> FCC	<ul style="list-style-type: none">• Having regard to the submitted ES - Chapter 4.1 - Guiding Principles Factors and Criteria for Options Rev A [APP-079].• Do IPs agree with, or have any further comments on, the guiding principles stated as a starting point for the development of the scheme details?	<p>FCC are in general agreement with the guiding principles stated as a starting point for the development of the scheme details.</p> <p>One omission as raised in the Council's LIR, the applicant has not taken account of, or assessed the impact of the development on the green wedge in Flintshire. However, it is noted that the applicant has assessed the impact on Green Belt.</p>
Q1.2.3	<i>General</i> Applicant	<ul style="list-style-type: none">• In terms of the pipeline size. Para 4.5.4 of [APP-056] states that the project aims to provide system capacity to enable CO₂ transport and storage of 10 MtCO₂/yr by 2030. The Project philosophy has been to design any new infrastructure to meet this HyNet CO₂ Pipeline system capacity, but to only upgrade/re-use existing infrastructure when there is greater demand certainty.<ul style="list-style-type: none">i) Is a larger diameter pipeline following the same new pipeline route a possibility post 2030? (Acknowledging the 20" pipeline from Ince AGI to Stanlow AGI has been sized to provide a capacity of 2.5 MtCO₂/yr based on the number of emitters and with consideration of the future capacity requirements for the pipeline).ii) Would the development be able to be future proofed at this point? (for example, with a larger diameter in parts) to avoid future ecological impacts in sensitive areas?	N/A

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ExQ1	Question to:	Question:	FCC Response
		iii) In terms of the doing nothing alternative referred to in Section 4.3 of [APP-056] – which relates to the end-of-life decommissioning of the natural gas reserves in the Liverpool Bay Gas Field. What does the full and precise decommissioning of the existing infrastructure involve? Is it mainly shut down processes rather than substantial environmental and construction works to facilitate decommissioning? Explain the nature of the decommissioning which would take place in that do nothing scenario.	
3. Air Quality and Emissions			
Q1.3.1	<i>Mitigation</i> FCC	<ul style="list-style-type: none">Submitted application document Appendix 6.2 Impurities Venting [APP-082] provides evidence that the CO₂ within the pipeline, may also contain impurities including Hydrogen Sulphide. Hydrogen Sulphide is assessed by the ES as being odorous and potentially dangerous to human health, subject to a particular quantum being exceeded. Paragraph 3.1.4 of [APP-082] sets out the results of the modelling indicate that there is no risk of exceedance of the threshold set for the protection of human health (150µg/m³). However, the results show that there is a risk of odours (concentrations above 7µg/m³) during the following activities: Manifold venting at Ince, Stanlow and Flint AGIs; and “Pig launching” at Stanlow AGI. (For the avoidance	The Council agrees with the mitigation proposed and the effectiveness.

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ExQ1	Question to:	Question:	FCC Response
		<p>of doubt. A Pig launcher is a device which uses a pressurized container to shoot a cleaning device (or "pig") through the pipeline to perform a variety of functions including cleaning, monitoring, maintaining of the pipe). The largest odour zone of 100m to 160m is located at Ince AGI. There are no sensitive receptors within any odour zone except a residential caravan park located 130m south of the Stanlow AGI. These receptors may be impacted immediately after the gas is released during manifold venting, which is planned to occur once every five years. Do IPs have any comments on the receptors identified where odour could result in amenity issues?</p> <p>The assessment also highlights that the risk of odours is removed with a stack height of at least 6m. Do IPs have any comment on the mitigation envisaged or its likely effectiveness?</p> <p>Applicant</p> <p>A further issue arises from the expected stack heights impact to the visual appearance of the wider area. Can the Applicant explain/ signpost how the impact of the stack heights have been factored as a likely significant effect on the character of the locality? Also are the stacks detailed on the submitted plans?</p> <p>In addition to the above, please explain the mechanisms associated to the stacks present in the DCO, as the height mentioned above would appear to exceed the limitations set out in Schedule 2, Part 1, Requirement 4 (Scheme design) of the draft DCO [APP-024].</p>	

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ExQ1	Question to:	Question:	FCC Response
Q1.3.2	<i>Mitigation/ Consultation</i> FCC	<ul style="list-style-type: none"> Are IPs satisfied with the monitoring/mitigation measures proposed by the DCO that deal with air pollution/ emissions and potential odour issues? <p>Is any further consultation provision considered to be necessary and secured within the DCO?</p>	FCC is satisfied with the monitoring/mitigation measures proposed by the DCO and has no adverse comments to make.
4. Biodiversity, Ecology and Natural Environment			
Q1.4.1	<i>Surveys</i> FCC	<ul style="list-style-type: none"> IPs <ol style="list-style-type: none"> Confirm whether you are satisfied with the range of ecology surveys associated with ES - Chapter 9 - Biodiversity [APP-061]; Do you consider the baseline information presented to be a reasonable reflection of the current situation? In respect of i) and ii) if not, why not and what would resolve any residual concerns? <p>The ExA acknowledges that this may be covered by a SoCG. If the answer to these questions is covered by a SoCG please indicate that accordingly.</p>	FCC is satisfied with the range of ecological surveys that have been undertaken. It is considered that the surveys have been undertaken following best practice guidelines and that the baseline information presented provides a reasonable reflection of the current situation.
Q1.4.2	<i>Monitoring</i> FCC	<ul style="list-style-type: none"> IPs <p>Confirm whether you are satisfied with the monitoring measures during construction and post construction described within Section 9.13 of ES - Chapter 9 - Biodiversity [APP-061].</p> <p>In particular, your comments are invited on the monitoring requirements anticipated during construction detailed within Table 9.13 and</p> 	<p>Construction monitoring measures:</p> <p>Table 9.13 of the ES Chapter 9 - Biodiversity [APP-061] with REAC references and OCEMP-Table 6.6: Construction Management and Mitigation summarises REAC references which comprise:</p> <p>Biodiversity BD-001 references the appointment of a Team of Ecological Clerk of Works to support oversee and monitor the Construction Contractor</p>

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ExQ1	Question to:	Question:	FCC Response
		<p>within Appendices 9.1 - 9.10 (Volume III), in relation to protected species licencing and the Outline Landscape Ecology Management Plan [APP-229]. As well as the post-construction monitoring proposed to be undertaken in accordance with a Landscape Ecology Management Plan (LEMP) [APP-230] developed at Detailed Design. The LEMP is proposed to be included within the Operations and Maintenance Environment Management Plan (OMEMP), provided post-construction.</p> <p>The ExA acknowledges that this may be covered by a SoCG. If the answer to these questions are being covered by a SoCG please indicate that accordingly.</p> <ul style="list-style-type: none">• Applicant <p>The ExA notes the LEMP is to be developed at what is described as 'Detailed Design', yet a LEMP has been provided [APP-230]. At what design stage is the document currently? Can the Applicant clarify its inclusion? For example, is its present inclusion to allow consultee responses to feed into the detailed design version?</p> <p>Paragraph 9.13.4 of [APP-061] refers to a 'HEMP' being developed from the detailed Construction Environmental Management Plan (CEMP) and the LEMP. Confirm what is the HEMP and its role.</p> <p>Sensitive land uses are identified within, or within 250m, of Sections 4, 5 and 6 include; Site of Special Scientific Interest (SSSI),</p>	<p>D-BD-002 relates to Permits and EPS licences - Protected species licensing is likely to include additional monitoring in relation to any required mitigation as well as an external auditor.</p> <p>D -BD-003 the appointment of a third party to undertake Environmental compliance audits and regularly report on all parties.</p> <p>FCC is satisfied with the above monitoring measures proposed during construction.</p> <p>An External Auditor is key to ensuring construction works, mitigation and licences adhere to the agreed plans but are only proposed for the duration of construction, and not in the long term during the maintenance and management period for landscape planting.</p> <p>LEMP:</p> <p>It is considered that the LEMP need to include a description of what success looks like. For example, provide the number of species planted successfully grown to a certain height, or at what point establishment can be signed off.</p> <p>OLEMP: includes 5-year timescales for individual tree and hedgerow establishment and 10 years for native tree and woodland planting. To ensure proper establishment, longer timescales for establishment of woodland planting are needed e.g. 15 years with monitoring after this to ensure it remains in good condition. Timescales should be in line with that proposed for the BNG of circa 30years.</p>

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ExQ1	Question to:	Question:	FCC Response
		Special Area of Conservation (SAC) and designated ancient woodland. In the event of a pipeline leakage or groundwater impacts arising from the Proposed DCO Development how would watercourses/ groundwater/ ecology be safeguarded in the monitoring controls available? Can potential pollution or acidification of inland water be adequately avoided/ safeguarded? If so, how?	<p>What isn't clear within the documentation is if HyNet would retain ownership of the mitigation woodlands. Furthermore, the documentation does not include details with regards to how the long-term management would be monitored.</p> <p>It is considered that there is a need for the external auditor to be retained or a separate organisation (e.g. Woodland Trust, North Wales Wildlife Trust etc) commissioned to ensure the security of the long-term management.</p> <p>There is concern that the LPA will not have time to negotiate a detailed LEMP or the resources to ensure compliance/enforcement. There needs to be liaison between the external auditor and the LPA regarding the compliance with the approved documents and similarly with NRW regarding licences.</p>
Q1.4.3	<i>BNG/ Biodiversity Enhancement FCC</i>	<ul style="list-style-type: none">Paragraph's 9.2.33-36 of ES Chapter 9 states that Biodiversity Net Gain (BNG) will be a statutory requirement for most planning applications, as per the new Environment Act (previously Environment Bill), which achieved Royal Assent through Parliament on 9 November 2021. Whilst there is currently a transition period before mandatory requirements come into force (expected to be winter 2023), it will require development to deliver a 10% net gain in biodiversity units	<p>With regards to the Biodiversity Metric details, FCC respectfully defers the Examining Authority to Cheshire West and Chester Council.</p> <p>With regards to the principles, I understand that the current BNG has been modelled to achieve 1% Net Gain of Priority habitats since 10% is not yet mandatory but if 10% gain is to become mandatory within the construction timescales there is a moral/best practice obligation to demonstrate more than 1% gain.</p>

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		<p>(area habitat, hedge and river units where applicable), as determined through the use of a biodiversity metric.</p> <p>Moreover, it is anticipated by the Applicant that the BNG requirement will apply across all terrestrial infrastructure projects, or terrestrial components of projects, accepted for examination by the Planning Inspectorate through the NSIP regime by November 2025 (subject to the provisions of the applicable National Policy Statements or Biodiversity Gain Statement). Projects accepted for examination before the specified commencement date would not be required to deliver mandatory BNG under the terms of the Environment Act.</p> <ul style="list-style-type: none">• Applicant<ul style="list-style-type: none">i) Nevertheless, biodiversity interests and the wider policy/ statutory context those interests sit within, both in England and Wales, remain important and relevant considerations whereby significant enhancement could still potentially be secured irrespective of the BNG statutory provision anticipated. Does the Applicant agree? If not say why.ii) Can the Applicant clarify and set out/ signpost how it intends to secure BNG significantly above the 1% currently detailed in the examination documentation? Confirm the level of BNG the Applicant is committed to providing as the overall aim. Outside of BNG measurement, can the	<p>Further mitigation is likely to be required for to be provided by the applicant as part of the European Protected Species Great Crested Newt licence and Water Framework Directive riverine habitats which could contribute to these enhancements but as yet are unmeasured.</p> <p><u>Facilitating BNG</u></p> <p>Discussions have taken place with Flintshire Countryside Service regarding enhancements that could be undertaken on Flintshire owned land. However, these proposals have not yet been quantified.</p> <p>Whether off-site BGG is undertaken on Public or Privately owned land, it is considered that, in order to secure establishment, appropriate long-term management and monitoring, the applicant should enter into a legal agreement that includes provision for a commuted sum to ensure compliance and to confirm that the BMG was being establish to a good standard.</p> <p>Should consent be granted, future proofing woodlands could be secured to some extent by reference to elements of the United Kingdom Woodland Assurance Scheme (UKWAS) which is a comprehensive certification standard for woodland management. The standard includes chapters covering Natural, Historical and the Cultural Environment, and Management Planning including woodland creation. UKWAS certification would mean that the woodlands are being managed in accordance with the best practice.</p>

ExQ1: FCC Response

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ExQ1	Question to:	Question:	FCC Response
		<p>Applicant set out how it could further boost and achieve meaningful overall biodiversity enhancements?</p> <p>iii) Does the Applicant agree that s106 agreement use involving a commuted sum mechanism to facilitate biodiversity enhancements may be a feasible/ suitable option available?</p> <p>iv) To what extent has peatland, wetland or salt marsh creation/ restoration (or similar) been considered as an enhancement that links to shared interests of climate change risk resilience from flooding and enabling nature based forms of carbon capture. If not, why has it not been considered?</p> <ul style="list-style-type: none"> • IPs <p>v) Submit your views on seeking biodiversity enhancement/ facilitating BNG, inclusive of any future proofing.</p>	<p>There is concern that the level of BNG will be dependent on landowners' and stakeholders' willingness to offer land for this purpose. Where land is made available there is concern with regards to how long term BNG (30 years) will be secured. There will be a need to adequately incentivise landowners to take part. This should also be secured by legal agreement in the form of a commuted sum to ensure off-site BNG is provided.</p> <p>The OLEMP [APP-229] (paragraph 3.2.9.) specifies UK seed sourced and grown for native tree/shrub/hedge planting, which is welcomed.</p> <p>The successful reinstatement of removed hedgerows is considered to be a key element in minimising post construction landscape impacts along the sections of underground pipe where AGIs and BVSs are not present.</p> <p>Post construction, as a result of the pipeline construction, if consented, there will be sections of missing hedgerows along the line of the route but no other evidence of the construction as the land would be restored. It is possible that, from certain viewpoints, a number of hedgerows gaps would be visible which would indicate where the line of the pipeline is below ground and it is considered that this will feature as a scar across the countryside. To ensure that this does not take place, once the hedgerows have ben replanted and grown there should be no evidence of the pipe at all.</p>

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ExQ1	Question to:	Question:	FCC Response
			<p>Rather than replacing the gap, where the hedgerow is particularly poor, it would be preferable to replace the whole length of the hedge. These longer sections of replanted hedge would make replacing just the gaps less of a repeating pattern in the countryside and mask the pipe's route, reducing visual sensitivity.</p> <p>In addition to hedge planting, the option for Hedgerow translocation especially for established ancient hedgerows and those identified as having good bat activity needs to be explored. This has been successfully achieved on other gas pipeline and road schemes within Wales, particularly in Carmarthenshire in South Wales.</p> <p>The maintenance for replacement hedgerows of the OLEMP [APP-229] (para 4.3.17) requires more detailed consideration as the height of new hedges should not be cut in the first five years if it is intended lay them. Hedge laying should be undertaken in accordance with the 'Midland Style' which is best suited to newly planted hedgerows. This detail can be agreed with the LPA during the consideration of the detailed LEMP as part of the approval of the requirements as required.</p>
Q1.4.4	<i>BNG/ Biodiversity Enhancement/ Habitats</i> FCC	<ul style="list-style-type: none">• The ExA notes the submission of BNG Assessment – Part's 1-6 [APP-231] to [APP-236], consecutively.i) The level of BNG overall enhancement outlined as being able to be secured is very low. Can the Applicant further justify the rationale for an overall 1% BNG increase aims	<p>For local and regional initiatives pertinent to Flintshire please refer to FCC response to Q1.4.7</p> <p>Similarly, mitigation required for species licences e.g. GCN could also be included. Refer to response at Q1.4.8</p>

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		<p>rather than seeking the higher thresholds of 5% or 10% (stated in the application submissions) in the first instance which are deemed possible?</p> <p>ii) Paragraph 1.4.2 of [APP-231] highlights that BNG up to 10% across area and river habitats is a feasible opportunity. Outline the progress made with landowners in securing such river habitat or other aquatic habitat improvements, as well as the next steps to be taken along with a likely timeframe to inform the Examination.</p> <p>iii) The ExA acknowledges that the BNG Assessment undertaken is focused on priority habitats. This is believed to be based on the spatial dataset in the Priority Habitats Inventory (England) compiled by NE last updated 13 December 2022 which does not cover Wales. Is that the case? Confirm the data sets which have been utilised for both England and Wales and their age.</p> <p>iv) Further to the above question there is the national list of priority habitats and species in England ('Section 41 habitats and species') for public bodies, landowners and funders to use for biodiversity conservation. The UK BAP priority species and habitats were created between 1995 and 1999, and were subsequently updated in 2007, following a 2-year review of UK BAP processes and priorities, which included a review of the UK priority species and habitats lists. The 'UK Post-2010 Biodiversity Framework', published</p>	

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ExQ1	Question to:	Question:	FCC Response
		<p>in July 2012, succeeded the UK BAP. Albeit the UK BAP remains a useful reference point for both 'species' and 'habitats'. For the avoidance of any doubt can you confirm the priority habitat list the Applicant is referring to in its assessment for habitat protections and for BNG/ biodiversity interest purposes?</p> <p>v) Explain what scope remains for the scheme to further complement existing ecological and biodiversity initiatives within the local areas the scheme passes through. If relevant local/ regional or national initiatives have not been fully considered to date, provide an update on how potential integration could be achieved.</p> <p>vi) The EA [RR-024] comment that a waterbody 'near Stanlow Refinery' will be permanently lost. Can the Applicant confirm to the Examination the details of adequate compensatory habitat as a result of this loss?</p> <p>vii) The EA [RR-024] also note that in addition to the creation of wood habitat piles and the installation of bat and bird boxes, the completion of nearby Water Framework Directive (WFD) mitigation measures, which enhance riverine habitats for biodiversity, must also be included. This would contribute to BNG and the legal objective of 'good ecological potential' for these waterbodies. Does the Applicant acknowledge these responses? If so, explain/ signpost what provision is to be made.</p>	

ExQ1: FCC Response

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ExQ1	Question to:	Question:	FCC Response
Q1.4.5	<i>BNG/ Biodiversity Enhancement FCC</i>	<ul style="list-style-type: none"> Section 6 under Part 1 of the Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (the S6 duty) for public authorities in the exercise of functions in relation to Wales. It requires that public authorities must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems. Section 7 of the Act entails biodiversity lists and duty to take steps to maintain and enhance biodiversity. <p>It is noted by the ExA that the Welsh Ministers must also take all reasonable steps to maintain and enhance the living organisms and types of habitat(s) included in any list published under Section 42 and encourage others to take such steps.</p> <ul style="list-style-type: none"> Applicant <ol style="list-style-type: none"> Signpost in the examination documentation how the above duty would be complied with? The BNG Assessment submitted indicates compliance with the above statutory provision is being pursued during the Examination, in part, through engagement using the off-site compensation scenarios. However, if such an approach is to be utilised how will this be delivered to ensure both legal 	<p>Please refer to response at Q1.4.3 above and with regards to Biodiversity and resilience of ecosystems there is a cross reference and links to Wildlife corridor as per response at Q1.4.17 and Q1.11.7.</p> <p><u>Offsite compensation scenarios</u></p> <p>These should be agreed with public and private landowners prior to consent, or at the very least prior to commencement of development. BNG should be undertaken prior to commencement of development or integrated with DCO mitigation.</p> <p>For example, BNG could be provided in part by hedgerow restoration and replacement for the full length of hedge rather, than just the DCO development width as raised above within Q1.4.3.</p> <p>Other linear schemes within Wales have required legal agreements to be entered into that include the provision for appropriate funding administered as grants to landowners.</p> <p>Funding can be costed for agreed BNG but will need to include mechanisms for instigating the grants.</p> <p>Grant schemes are successful where there is a project officer who can undertake the landowner liaison and subsequent monitoring of the schemes. Such schemes can be delivered via the local authority or another body such as the local Wildlife Trust, (North Wales Wildlife Trust in Flintshire) the Woodland Trust, Farming and Wildlife Advisory Group or related farm advisory group.</p>

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<p>compliance and robust long-term management?</p> <p>iii) Has the Applicant scoped cross-cutting options available to boost BNG/ biodiversity enhancement with respect to its own scheme in combination with the strategic ecological challenges facing statutory consultees in both England and Wales?</p> <p>iv) The ExA considers that off-site BNG proposals should be more thoroughly explored and encourages early endeavours to achieve off-site BNG and a significantly greater overall value. The ExA requests the Applicant's views of realistically achieving meaningful off-site BNG (for a minimum of 30 years and formally registered) and the net level anticipated after development.</p> <p>v) The Applicant is advised to take a flexible approach to BNG/ meaningful biodiversity enhancement delivery options. This extends to delivery of net gain on both publicly and privately owned land covering green or blue infrastructure features (including new: woodland, wetland creation, seagrass meadow establishment/ restoration, and saltmarsh establishment/ restoration).</p> <p>vi) The ExA invites such options to be further explored with relevant consultees and landowners as a means to boost overall</p>	<p>Potentially, if the projects fit in with the proposed Sustainable Farming Scheme in Wales then there will be long term commitment to their success.</p> <p>Hedgerows are likely to be protected from grazing for the life of the associated fences.</p> <p>As for the LEMP proposals, there is a need for the External Auditor to be retained or a separate organisation (eg Woodland Trust, North Wales Wildlife Trust etc) commissioned to ensure the security of the long term management. At present, it is understood that the External Auditor would only be present during the construction phase of the project.</p> <p>Other mitigation/compensation schemes in Flintshire tend to be associated with the Great Crested Newt. The most successful schemes are those where the site is handed over or are leased long term to a "Nature Conservation Body" with adequate funding.</p> <p><u>Cross cutting options available to boost BNG/ biodiversity enhancement</u></p> <p>Enhancing connectivity and Ecosystem resilience by hedgerow translocation to retain hedgerow soils and seed banks and local plants; where translocation not appropriate, the restoration of full lengths of hedgerow should be provided rather than just the DCO width. Link to other mitigation requirements relating to WFD and GCN as stated in previous questions.</p> <p>Proposed tree and hedgerow planting will provide additional benefits such as carbon capture.</p>

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ExQ1	Question to:	Question:	FCC Response
		<p>BNG levels. In that regard the ExA seeks a timetable to be submitted setting out the discussions taking place with relevant landowners/ strategic bodies having regard to local ecological initiatives (either in place or which could be developed) in the vicinity which may be able to be boosted.</p> <p>vii) It is noted by the ExA that the Joint Nature Conservation Committee (JNCC) is the public body that advises the UK Government and devolved administrations on UK-wide and international nature conservation. It includes members from the nature conservation bodies for England, Scotland, Wales and Northern Ireland and independent members appointed by the Secretary of State (SoS) for the Environment, Food and Rural Affairs. JNCC provide a shared scientific nature conservation service for the UK - the mechanism for the UK Government and devolved administrations to pool their resources to obtain evidence and advice on nature conservation and natural capital. Has the advice of JNCC been considered? If not, state why and indicate whether the Applicant is able to procure such advice during the Examination.</p> <p>• IPs</p> <p>viii) Any comments, responding to questions i) to vii) above are welcome.</p>	

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ExQ1	Question to:	Question:	FCC Response
Q1.4.6	<i>BNG/ Biodiversity Enhancement</i> Applicant	<ul style="list-style-type: none"> Paragraph 2.4.10 of the BNG Assessment Part's 1 [APP-231] states that Hawarden Brook was not possible to survey due to land access restrictions. However, it is assumed its condition is poor with scores similar to other watercourses. Explain the nature of the access restrictions referred to. <p>Would any existing access restrictions which are being described inhibit any potential enhancements in the quality of the brook as an option for potential improvement? Can the access restrictions described by the Applicant be overcome during the Examination period? If not say why.</p>	N/A
Q1.4.7	<i>Habitats/ Biodiversity enhancement</i> FCC	<ul style="list-style-type: none"> Applicant The ExA requests the Applicant to acknowledge that river (or other water), hedgerow and area habitats are considered independently, and are not interchangeable. It must be clearly understood that a loss of one type cannot be addressed by providing another of a different type. Applicant/ IPs Signpost the particular local nature strategies (including those entailing nature recovery or related ecologically based methods for carbon sequestration) covered in the geographical area subject to the DCO, or those nearby, that could be used for the delivery of additional ecological enhancement. 	<p>Relevant Flintshire Strategies Urban Tree and Woodland Plan https://www.flintshire.gov.uk/en/PDFFiles/Countryside--Coast/Tree/Tree-Plan.pdf</p> <p>Climate Change Strategy https://www.flintshire.gov.uk/en/PDFFiles/Climate-Change/Climate-Change-Strategy-2022-2030.pdf</p> <p>S6 Duty Plan https://www.flintshire.gov.uk/en/PDFFiles/Countryside--Coast/Biodiversity/Flintshire-County-Council-Environment-Act-Section-6-Biodiversity-Duty-Delivery-Plan-update-2020.pdf</p>

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		Suggest the strategies which could be used to secure enhancement and the precise mechanisms to implement the desired improvement.	<p>Regionally (North East Wales)</p> <p>Regional Nature Partnerships' (Bionet) Nature Recovery Plan –currently undergoing development https://www.bionetwales.co.uk/nature-recovery-plan/ - website also lists partner projects.</p> <p>NRW's Area Statement https://naturalresources.wales/about-us/what-we-do/strategies-and-plans/area-statements/north-east-wales-area-statement/?lang=en</p> <p>For mechanisms please refer to response at Q1.4.5</p>
Q1.4.8	<i>Great Crested Newts</i> FCC	<p>The ExA notes the content of Appendix 9.2 Great Crested Newt Survey Report – Part's 1-4 [APP-094]; [APP-095]; [APP-096]; and [APP-097].</p> <ul style="list-style-type: none"> • Applicant <ul style="list-style-type: none"> i) Clarify and detail whether you believe there is adequate baseline survey information to confirm or discount the potential presence of Great Crested Newts (GCN) as a relevant consideration in all parts of the pipeline route. ii) Confirm/ signpost the details of migration where the GCN would be traveling to/ from? iii) Can the Applicant provide further details as to what mitigation measures would be included if GCNs not already anticipated by relevant survey are subsequently found? 	<p>Flintshire is a recognised "hotspot" for Great Crested Newts (GCN) with Supplementary Planning Guidance 8a for GCN Mitigation Requirements.</p> <p>https://www.flintshire.gov.uk/en/PDFFiles/Planning/SPG-8a-Great-Crested-Newt-Mitigation-Requirements.pdf</p> <p>The GCN surveys undertaken provide an adequate baseline; GCN have been previously recorded in a number of the ponds surveyed, so presence is assumed.</p> <p>As stated in the REAC all species-specific mitigation and predicted impacts would be captured under an European Protected Species mitigation licence subject to agreement with NRW but to date it is understood that no discussions have been undertaken.</p>

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ExQ1	Question to:	Question:	FCC Response
		<p>iv) Can the Applicant also clarify if there is a need for a separate GCN mitigation plan?</p> <ul style="list-style-type: none">• IPs: Are there any comments/ concerns you wish to raise with respect to the above matters?	<p>Since, GCN have been recorded in close proximity to the DCO boundary from Ewloe to Flint including the Deeside and Buckley Newt Sites SAC, the majority of the pipeline within Flintshire has the potential to impact GCN terrestrial habitats.</p> <p>As a result, it is anticipated that additional mitigation measures would be required as part of the NRW licence application. These might include restoration or creation of ponds and terrestrial habitat enhancement, additional tree and shrub planting.</p> <p>A separate GCN mitigation plan would assist the licensing process.</p>
Q1.4.9	<i>Great Crested Newts/ Other Species/ Licensing</i> Applicant	<ul style="list-style-type: none">• The submitted HRA – Information to inform an appropriate assessment [APP-226] indicates the need for obtaining an European Protected Species (EPS) mitigation licence in relation to works affecting GCN habitat, and the specific mitigation and compensation measures to be followed including timing of works to avoid sensitive periods, carrying out clearance work under supervision of an ECoW; undertaking a translocation exercise; and reinstatement of any habitat loss during construction. <p>i) The Applicant is requested to set out any impediments to obtaining relevant EPS licence, and outline the planned time horizon for securing one.</p>	N/A

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ExQ1	Question to:	Question:	FCC Response
		ii) Set out the impediments/ time horizon of any other EPS license necessary for other protected species.	
Q1.4.10	Bats FCC	<ul style="list-style-type: none">The ExA notes the Applicant's submitted Bat Activity Survey Report work detailed in: [APP-098]; [APP-099]; [APP-100]; and [APP-101] as well as Appendix 9.4 Bats and Hedgerows Assessment Parts 1-4 [APP-102]; [APP-103]; [APP-104] and [APP-105]. <p>Appendix 9.3 Bat Activity Survey Report Part 1 [APP-098], Paragraph 2.7.3 states that <i>Surveys across the Newbuild Infrastructure Boundary are ongoing within 2022. As such, this report has been prepared on the basis of survey results accrued up to 30 June 2022, and further information will be submitted as Supplementary Information following the DCO Application.</i></p> <p>Moreover Appendix 9.4 Bats and Hedgerows Assessment Part 1 [APP-102] Paragraph 2.7.9 states that <i>"Automated static detector assessments are scheduled to be completed by end of October 2022. Conclusions are based on the available data. Once surveys have been completed, the additional data will be collated to confirm the findings. Further data will be published in an updated version of this report and provided as part of the</i></p>	<ul style="list-style-type: none">FCC can confirm that the Supplementary Information has been received.

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ExQ1	Question to:	Question:	FCC Response
		<p><i>Supplementary Information of the DCO Application”.</i></p> <ul style="list-style-type: none">• Applicant Can the Applicant confirm when the Supplementary Information will be submitted to the Examination? Are any known impediments arising to obtaining any license necessary? Can the Applicant explain in the absence of full survey results, why should the ExA be confident that the suite of ecological mitigation measures is sufficiently robust to deal with the effects of the Proposed Development? Taking account of NE’s and NRW’s RRs [RR-065 and RR-066], can the Applicant confirm whether the proposed “novel” methodology for assessing potential impacts on bats arising from the temporary loss of commuting and foraging habitat due to hedgerow severance during construction of the Proposed Development was agreed with NE and/ or NRW prior to the DCO application submission• IPs Comments relevant to the survey work or others deemed necessary are invited.	
Q1.4.11	<i>Badgers/ Barn Owls</i>	<ul style="list-style-type: none">• The Badger Survey Report [APP-106] and Barn Owl Survey Report Part’s 1-4 [APP-108]; [APP-109]; [APP-110] and [APP-111] are	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
	Applicant	noted by the ExA. Are there any further updates expected to those documents? If so when will the updates be submitted to the Examination?	
Q1.4.12	<i>Otters & Water Voles</i> The Applicant	<ul style="list-style-type: none">Having regard to Appendix 9.6 Riparian Mammal Survey Report [APP-107]. Paragraph 2.4.4 confirms that <i>"the majority of watercourses have only been visited once prior to 30 June 2022, thus any assessments made regarding their habitat suitability, and the likely presence or absence of otter or water vole, is provisional pending the second survey visit. Group 25 was included in the Newbuild Infrastructure Boundary as part of design development and therefore has not been surveyed in relation to these species prior to 30 June 2022. The final survey results, including all surveys undertaken post 30 June 2022, will be presented within Supplementary Information which will be completed in Autumn 2022. However, mitigation measures detailed within Chapter 9: Biodiversity (Volume II (Document Reference: D.6.2.9)) are based on the assumed presence of otters or water voles as a reasonable worst-case approach, thus any additional watercourses identified as supporting these species will be subjected to the same avoidance, mitigation and compensation measures"</i>.	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<ul style="list-style-type: none">i) Can the Applicant confirm when the further survey information is to be submitted to the Examination, and are there any known impediments to obtaining relevant licenses?ii) Are any of the existing avoidance, mitigation or compensation measures detailed in Chapter 9: Biodiversity anticipated to be changed by the further survey material anticipated?iii) Can negative impacts to any other riparian mammal impacts be ruled out or not? If so on what basis. What avoidance, mitigation and compensation provision would there be for other riparian mammals outside of otters and water voles?iv) Please explain in the absence of full survey results, why should the ExA be confident that the suite of ecological mitigation measures is sufficiently robust to deal with the effects of the Proposed Development?	
Q1.4.13	<i>Otter & Water Vole</i> The Applicant	<ul style="list-style-type: none">• Clarify what provision and by what formal mechanisms will ensure there would be a suitable alternative habitat for displaced otters or water voles during and after construction. Will a "Letter of No Impediment" for any licences necessary be submitted to the Examination?	N/A

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ExQ1	Question to:	Question:	FCC Response
Q1.4.14	<i>Birds</i> FCC	<ul style="list-style-type: none">Section 4.10 of the Applicant's Appendix 9.8 Bird Survey Report [APP-112] notes that large numbers of Redshank (are recorded in Transect 2) using the banks of the River Dee, near Sealand, through the winter months. The other seven transects, including Transect 5 and Transect 7 which are near the River Mersey and Transect 1, near the River Dee did not regularly record Special Protection Area (SPA) qualifying species. Although the River Dee at the crossing point is not within the Dee Estuary SPA, it is directly linked to the SPA further north-west. The population of Redshank using the land along Transect 2 will be part of the population that occurs within the SPA and should be considered as being functionally linked. <p>Do IPs have any further comments to make on the survey findings or functionally linked land matters?</p>	<p>FCC agree with the survey transect findings which confirms that the tidal sections of the River Dee is used by Dee Estuary SPA features – namely migratory and wintering Redshank.</p> <p>Restricting the works to the summer months would avoid impacts without the need for the mitigation measures proposed in the REAC to avoid potential disturbance.</p>
Q1.4.15	<i>Birds</i> Applicant and NE	<ul style="list-style-type: none">Displacement effects on Mersey Estuary birds excluded for assessment on basis of bird presence/ numbers. Has the presence of persons linked to construction activity appearing on top of banks been factored? Lighting, noise and timing of disturbance to avoid times when birds are present are further aspects for consideration in the examination. Is the mitigation proposed adequate?	N/A

ExQ1: FCC Response

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ExQ1	Question to:	Question:	FCC Response
Q1.4.16	<i>Aquatic Ecology</i> FCC	<ul style="list-style-type: none"> The ExA acknowledges the content of Appendix 9.9 Aquatic Ecology (Watercourses) Survey Report and Appendix 9.10 Aquatic Ecology (Ponds) Survey Report [APP-113] [APP-114]. <p>Are IPs/ Statutory Consultees satisfied with the scope and content of the aquatic surveys provided? If not state why not.</p>	NRW provided detail comments regarding the survey requirements for watercourses and ponds.
Q1.4.17	<i>Wildlife Corridors</i> FCC	<p>Applicant</p> <ul style="list-style-type: none"> At the ExA's Unaccompanied Site Inspections [EV-003] and [EV-004] the probable existence of 'informal' wildlife corridors within nearby surrounding areas was observed which could be potentially used by a wide variety of species. <p>i) Clarify how the effect of the proposed development on potential informal wildlife corridors has been considered.</p> <p>ii) Explain the extent of integration of any ecological enhancements/ mitigation with existing informal wildlife corridors and how those elements are to be secured through the DCO.</p> <p>iii) Explain what scope is available within the overall engineering and new landscaping works proposed by the DCO to enable ecological corridors the earliest chance of re-establishment prior to completion of all works. Also explain how such potential provision could be secured formally. Have</p>	<p>FCC would agree the integration of the construction of the proposed DCO development with the adjacent habitats and wildlife corridors is important.</p> <p>This point is also relevant to the Council's response to Q1.4.5 'Biodiversity enhancement and Ecosystem Resilience'</p> <p>The option for hedgerow translocation especially for established ancient hedgerows and those identified as having good bat activity needs to be explored. This has been successfully achieved on other gas pipeline and road schemes within Wales and avoids the need for replanting as referred to above.</p> <p>It is understood that details are to be provided regarding maintaining hedgerow connectivity for bats such as lesser horseshoes at the design stage. This would be provided in the detailed LEMP at the discharge of requirements stage.</p> <p>FCC's Ecologist is aware that "trees on trolleys" have been used on other schemes which can be wheeled into place at the end of the working day to maintain connectivity. This could be explored for this project.</p>

ExQ1: FCC Response

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ExQ1	Question to:	Question:	FCC Response
		<p>novel and innovative nature based approaches been sufficiently explored?</p> <p>iv) What mitigation is proposed to ensure protected species and other species are protected from noise and vibration?</p> <p>IPs</p> <p>v) Are there any comments/ concerns you wish to raise with respect to the above matters?</p>	
Q1.4.18	<p><i>Trees</i></p> <p>FCC</p>	<ul style="list-style-type: none"> In terms of any expected tree loss arising from the scheme as a whole:- <ul style="list-style-type: none"> i) Acknowledging the submitted Arboricultural Impact Assessment [APP-115] [APP-116] the Applicant is asked to clarify how many trees would be removed, or are likely to be removed or damaged as a result of the scheme overall? ii) IPs- If there are any discrepancies with the Applicant's assessment highlight what those are. Highlight any areas of disagreement. iii) Clarify the position of all trees that are likely to be lost or damaged. Provide a plan/ signpost the plan showing the location of the trees that would be affected. iv) Are the trees that would be lost, damaged or likely to be damaged protected? and if so, how? Are any of the trees noble or veteran trees? If so, what is the number? 	<ul style="list-style-type: none"> Two critical areas have been identified in Flintshire that have not been subject to an arboricultural survey. The areas are identified on Figures 9.11.1 pages 38 to 41 in the Arboricultural Impact Assessment-Part 2 [App-115] and cover the sensitive areas of the Alltami Brook crossing and passing underneath designated Ancient Woodland to the east of Northop Hall. These details need to be provided and used to inform the design and layout of the pipeline and tree protection methods. Other un-surveyed areas in less critical locations are identified on pages 26, 27, 37 and 38. In addition to the above, FCC considers, that at this stage, there is significant uncertainty over which trees would require removal in the RAG assessment with a 42% of arboricultural features (Trees or Groups of trees) coded amber and <i>At Risk of Removal Aiming to Retain (ARAtR)</i>. In numerical and tree quality terms 131 Category A or B arboricultural features could be lost in the worst case scenario but it is assumed this worst case

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ExQ1	Question to:	Question:	FCC Response
		<p>v) Can the loss of trees be adequately mitigated or further mitigated and if so, how?</p> <p>vi) Has any engagement with NE, NRW or the Forestry Commission taken place with respect to potential tree removal or other impacts which may entail ancient woodland? Similarly, have any discussions taken place regarding bolstering tree/ woodland overage within the administrative areas impacted? If not, can a clear commitment be given for such engagement.</p> <p>vii) Can the Applicant further explain the approach to avoiding any potential ancient woodland loss/ veteran tree and other relevant tree loss impacts as a whole.</p> <p>viii) Accounting for any possible changes that may have arisen since publication of the ES, are there any trees that would be affected protected by either a Tree Preservation Order (TPO) or by virtue of being located in a Conservation Area? If they are, provide details of where these trees are located and extracts from the relevant TPO citations. If the information has already been provided, please signpost that.</p>	<p>scenario is unlikely. It is understood that flexibility is sought, however the Council seeks a greater level of confidence on the arboricultural impacts based upon further assessment of the project's design and build scenario.</p> <ul style="list-style-type: none">• Twelve veteran arboricultural features (G180, T273, T398, T504, T523, T544, G553, G573, T568, G623, T628 and T631) have been identified and all are to be retained with the maximum recommended Root Protection Area of 15m. Proposed Horizontal Direct Drilling enables the construction the last three of the veteran arboricultural features to be retained.• FCC would expect site specific Arboricultural Method Statements (AMSs) to be agreed once the final design and the trees affected are known. Appendix 9-11 Arboricultural Impact Assessment [APP-115] includes as Annex F an Outline Arboricultural Method Statement. The site specific AMSs should address particular issues, for example, proximity to ancient woodland or need to safeguard trees with more robust protective barrier where the Newbuild Infrastructure Boundary impinges on the Root Protection Areas of veteran trees. The AMSs should provide details regarding arboricultural supervision and reporting, and be cross referenced to the detailed Construction Environment Management Plan [App-225] and Register of Environmental Actions and Commitments [APP-222].

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ExQ1	Question to:	Question:	FCC Response
Q1.4.19	<i>Trees</i> FCC	<ul style="list-style-type: none">• Applicant<ul style="list-style-type: none">i) There appears scope for further additional new tree planting (on or off site), above any replacement planting. How would any additional potential tree planting/ related landscaping currently unreferenced in the draft DCO and application documents be secured?ii) Has additional tree planting (or other related landscaping) been considered to further complement local informal nature corridors on the ground? If not, why not?iii) Explain if, and how, the planting/ landscaping schemes envisaged can be coordinated in a way to ensure they establish and provide positive links with existing wildlife corridors whilst construction activity takes place.iv) Can larger standards for any replacement tree planting (where it is appropriate) for a more immediate impact be applied? If not, why?v) Relevant Planning Authorities/ IPs: Do you have any further comments on tree planting or landscaping provision?	<ul style="list-style-type: none">• FCC considers that the landscaping shown in the Environment Statement (Volume III) Landscape Layouts at BVS and AGIs [APP-023] do not assimilate them, as far as possible, with the open countryside. There is concern that the landscaping reinforces, rather than disguises, the disjoint of the WAGI boundaries with adjacent field boundaries.• It is understood that there are as yet unquantified design constraints on the height and proximity of landscape planting adjacent to the BVSs resulting from the need to diffuse gases when venting. These constraints need to be known and the factored into the landscape design and maintenance.• It is proposed to carry out shrub planting over the pipe to maintain an easement for access and maintenance. The width of the easement does not appear to be stated, the width of which, will affect the scope for tree woodland planting.• The shortlist of species on sheet 12 of the Landscape Plans [APP-023] referred to in 1.6.3 of the Outline Landscape an Ecological Management Plan [APP-178] is acceptable although the detailed LEMP should take into account site specific requirements for the final species choice.

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ExQ1	Question to:	Question:	FCC Response
Q1.4.20	<i>Trees</i> Applicant	<ul style="list-style-type: none">Confirm/ clarify the following: -<ul style="list-style-type: none">i) For the avoidance of any doubt confirm where pre-commencement tree and vegetation clearance works are proposed.ii) Clarify any changes to pre-commencement tree and vegetation clearance works proposed already anticipated in the ES. If there are changes, where would those occur and what trees/ areas would be affected? Signpost a plan in giving your response.iii) When would this clearance occur?iv) Under what legislation would the works be undertaken? If the information has already been provided signpost that.	N/A
Q1.4.21	<i>Trees Mitigation</i> Applicant	<ul style="list-style-type: none">The Woodland Trust [RR-077] recommends that a buffer zone of 30 metres is implemented to all areas of ancient woodland to mitigate for the above impacts during construction. Can the Applicant confirm that this requirement can be met and how it would be secured by the DCO?	N/A
Q1.4.22	<i>Hedgerow removal</i> Applicant	<ul style="list-style-type: none">The ES Chapter 3 [APP-055] para 3.6.31 states that where hedgerow removal (including any trees within them) is required to facilitate construction, it is assumed such removal will be kept to a maximum width of 15 metres. This is repeated in the Record of Environmental Actions and Commitments (REAC) [APP-222] and Outline CEMP [APP-225], which state that the 15 metres width will not be exceeded. However, the ExA notes that this distance is not included in the limits of deviation and parameters set out in the draft DCO at Article	N/A

ExQ1: FCC Response

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ExQ1	Question to:	Question:	FCC Response
		6 or in Schedule 2, Part 1 Requirement 4 at Table 1. Please explain why the above measurement of 15 metres should not be specified as part of the limits of deviation and secured appropriately in the DCO.	
5. Climate Change			
Q1.5.1	<i>General</i> Applicant	<ul style="list-style-type: none"> In relation to the predicted operational moderate adverse effects on the pipeline from climate change as set out in ES Chapter 7, it is stated that secondary mitigation would comprise ground investigations and geotechnical and ground stability surveys. Can the Applicant explain how any measures required to address any ground stability risks that were identified as a result of the investigations/ surveys would be secured through the DCO? 	<ul style="list-style-type: none"> N/A
Q1.5.2	<i>Methodology</i> FCC	<ul style="list-style-type: none"> The ExA notes that the assessment of Greenhouse Gas (GHG) has been scoped out of the ES. The Applicant has stated that the impact of GHG emissions (Chapter 10 - GHGs, Volume II), in terms of their contribution to climate change, is global and cumulative in nature, with every tonne contributing to impacts on natural and human systems. As such it is the cumulative effect of all GHG-emitting human activities that cause climate change, and therefore the assessment of the GHGs due to the Project implicitly assesses the cumulative effect of GHG emissions. In addition, the Project as a whole would capture and store CO₂ emissions and 	No comments aside from a point of clarification. The Applicant's Environmental Statement, Chapter 10 [APP-062] refers in the chapter on Legislative and Policy Framework to the FCC 'Environment and Sustainability Policy'. This document has now been superseded by Flintshire County Council's Climate Change Strategy.

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ExQ1	Question to:	Question:	FCC Response
		<p>contribute to the UK's net zero carbon agenda. Therefore, the cumulative benefits of the DCO Proposed Development combined with the other elements of the Project are argued by the Applicant to lead to a cumulative beneficial effect overall.</p> <p>IPs are invited to make whatever comments they deem to be appropriate.</p>	
Q1.5.3	<i>Mitigation</i> FCC	<ul style="list-style-type: none">• Having regard to ES Chapter 7 – Climate Resilience [APP-059] the ExA notes the content of Table 7.13 titled Embedded mitigation in the DCO Proposed Development's Preliminary Design dealing with climate risk during any future operation.• What further embedded design mitigation is available to ensure ecological and landscape provision linked to the scheme remains sufficiently resilient to deal with the climatic changes anticipated in future years? Further explain/ substantiate how embedded design mitigation or other additional mitigation/ enhancement possible to achieve would be successful against the climate risks evidenced. <p>For example, any new wetland creation possible may result in several cross-cutting benefits such as those associated to additional ecologically based carbon storage, ecological enhancement and dealing with local flood risk. Similarly, support for offsite seagrass meadow</p>	Please refer to responses provided within biodiversity questions Q1.4.1 - Q1.4.17 (Particularly with reference to responses made for Q1.4.3 and Q1.4.5)

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<p>planting, kelp growth initiatives or saltmarsh restoration could have wider cross cutting beneficial impacts.</p> <p>IPs are invited to make whatever comments they deem to be appropriate. In particular comments are sought by the ExA on whether a range of nature based mitigation/enhancements available and achievable has been properly considered?</p>	
Q1.5.4	<i>Monitoring</i> FCC	<ul style="list-style-type: none">Chapter 7 – Climate Resilience [APP-059] section 7.14 details that the DCO Proposed Development will have an OMEMP (as included as a Requirement of the Draft DCO to be followed for routine maintenance and inspection visits of the CO₂ Pipeline and the AGIs and BVSs to ensure their protection against potential climate impacts identified in the REAC. Plus, monitoring and management of the surface water drainage features post planning will be undertaken to obtain long term ground water data, in accordance with the Outline Surface Water Drainage Strategy Report. <p>How will landscaping and ecological provision (including enhancement) be monitored in a way that secures adequate climate resilience including at post decommissioning stage?</p>	<p>Please refer to response Q1.4.3</p> <p><u>Facilitating BNG</u></p> <p>Discussions have taken place with Flintshire County Council’s Countryside Service regarding enhancements that could be undertaken on Flintshire owned land, but these proposals have not yet been quantified and it is unclear how these would be secured.</p> <p>Whether undertaken on Public or Privately owned land, it is considered that off-site BNG would need to be secured by a legal agreement with a commuted sum to ensure establishment, appropriate long-term management and monitoring to confirm good condition.</p> <p>Also see response to Q1.4.5</p> <p>Ensuring the programme is linked to other complimentary schemes will support long term sustainability of the mitigation post decommissioning stage.</p>

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ExQ1	Question to:	Question:	FCC Response
Q1.5.5	<i>Mitigation</i> FCC	<ul style="list-style-type: none">The Applicant is asked to further justify how adverse climatic issues are adequately addressed having regard to native tree, shrub planting; species rich grassland and their subsequent future years resilience. How can/ could further resilience be designed/ built into the scheme and secured by the DCO?	The shortlist of species on sheet 12 of the Landscape Plans [APP-023] referred to in 1.6.3 of the Outline Landscape and Ecological Management Plan [APP-178] is acceptable although the detailed LEMP should take into account site specific requirements for the final species choice and details should be submitted to and agreed with Local Planning Authority.
Q1.5.6	<i>Mitigation</i>	<ul style="list-style-type: none">In terms of peatland disturbance and the OCTMP - Appendix 2 -Outline Peat Management Plan [APP-228]. Other than minimisation techniques to reduce peat excavation Para 5.1.4 of the document states <i>"in the event that there is an excess of excavated material, application of additional options at the Detailed Design and Construction Stages would be required. If no site use is available, off-site re-use options should be explored, with appropriate disposal as waste considered only as the final option, in line with the management hierarchy set out by SEPA."</i> Can any peatland excavation be undertaken in a way that prevents carbon release? For excavated peat unable to be put back on site, is it possible for its transferred to another nearby peatland in a manner without it drying out and emitting CO₂? If so, how can that mitigation be secured in the DCO? Have novel or innovative approaches been considered/ ruled out for example such as basalt dusting to capture any CO₂ loss during trenching and replenishing soil fertility further afield beyond peatland areas?	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
6.	Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations		
Q1.6.1	Applicant	<ul style="list-style-type: none">Please advise whether the Book of Reference (BoR) [APP-030] is fully compliant with the Guidance published in 2013 by the DCLG¹.	N/A
Q1.6.2	Applicant	<ul style="list-style-type: none">The ExA requests the Applicant provides a spreadsheet version of the BoR [APP-030], which details the owners/ parties identified by the BoR, in alphabetical order, and then against each owner/ party listing the related plot numbers, when negotiations commenced, dates of correspondence and meetings and progress made in regard to negotiations in regard to those owners and plots.	N/A
Q1.6.3	Affected Persons/ IPs	<ul style="list-style-type: none">Are any Affected Persons or IPs aware of any inaccuracies in the BoR [APP-030], Statement of Reasons [APP-027] or Land Plans [APP-008]	FCC are not aware of any inaccuracies but await comments from the Estates Team to confirm this.
Q1.6.4	Applicant	<ul style="list-style-type: none">Please confirm that all persons having an interest in land, including any rights over unregistered land, have been identified and where this has not been possible:<ul style="list-style-type: none">i) provide a summary of where it has not yet been able to identify any persons having an interest in land, including any rights over unregistered land; andii) confirm what further steps the Applicant will be taking to identify any unknown right(s) during the Examination?	N/A

¹ Planning Act 2008, Guidance related to procedures for the compulsory acquisition of land, DCLG, September 2013

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
Q1.6.5	Applicant/ Statutory Undertakers	<ul style="list-style-type: none">• The BoR [APP-030] includes a number of Statutory Undertakers with interests in land. The ExA would ask the Applicant to:<ul style="list-style-type: none">i) Provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR, with an estimate of the timescale for securing agreement with them;ii) State whether there are any envisaged impediments to the securing of such agreements; andiii) State whether any additional Statutory Undertakers have been identified since the submission of the BoR.	N/A
Q1.6.6	Applicant	<ul style="list-style-type: none">• Following on from the question above (Q1.6.5), the Applicant is requested to ensure that the BoR [APP-030], Statement of Reasons [APP-027] and Land Plans [APP-008] are:<ul style="list-style-type: none">i) kept fully up to date with any changes and the latest versions submitted at each Deadline, starting from Deadline 1 (with a final version of these documents submitted at Deadline 7), shown in the Examination timetable together with an explanation of the reasons for each change;ii) supplied in two versions at each Deadline, starting at Deadline 1 (with a final version of these documents submitted at Deadline 7), the first being the up-to-date clean	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		copy and the second showing tracked changes from the previous version; and iii) supplied with unique revision numbers that are updated consecutively from the application versions, clearly indicated within the body of each document and included within the electronic filename; and the draft DCO, is updated accordingly, including Schedules 7 and 8?	
Q1.6.7	Applicant	<ul style="list-style-type: none">• Please complete the table at Annex A of this ExQ1 document.	N/A
Q1.6.8	Affected Persons and IPs	<ul style="list-style-type: none">• Are any 'Affected Persons' and/ or 'IPs' aware of:<ul style="list-style-type: none">i) any reasonable alternatives to any CA or Temporary Possession (TP) sought by the Applicant; orii) any areas of land or rights that the Applicant is seeking the powers to acquire that they consider are not needed?	N/A
Q1.6.9	Applicant	<ul style="list-style-type: none">• At each of the relevant Deadlines, starting at Deadline 1 and finishing at Deadline 7, as shown in the Examination timetable, please provide a schedule of progress on discussions regarding CA and TP, voluntary agreements, objections and any progress in respect of blight that:<ul style="list-style-type: none">i) identifies the Affected Person, their interests in each plot, the powers sought by the Applicant; the purpose(s) for which	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<p>they are sought; and the anticipated duration of any TP;</p> <p>ii) summarises any objections by the Affected Person to the powers being sought by the Applicant, and the Applicant's responses;</p> <p>iii) identifies whether voluntary agreement has been reached;</p> <p>iv) sets out the progress made since the last update, any outstanding matters, the next steps to be taken and the progress anticipated by the close of the Examination.</p> <p>Please note that:</p> <p>a) the above information will be published on our website, so commercial and/ or confidential details need not be given; and</p> <p>b) in relation to another NSIP Application, the SoS recently wrote to the Applicant and named IPs who made submissions on that proposal commenting that issues should be resolved by the end of the Examination and that, in general, the parties should not rely on additional consultation following the close of any Examination to resolve such issues.</p>	
Q1.6.10	Statutory Undertakers	<ul style="list-style-type: none">Protective Provisions - A number of Statutory Undertakers, including Cadent Gas Ltd; the Canal and River Trust (CRT); National Grid Electricity Transmission PLC; National Grid Gas PLC; National Highways Ltd (NH); Network Rail Infrastructure Ltd (NR); SP Energy Networks	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<p>and United Utilities Water Ltd, have noted that:</p> <ul style="list-style-type: none">i) Protective Provisions in their favour have not been included within the draft DCO;ii) their standard Protective Provision wording has not been used; andiii) site specific circumstances in regard to Protective Provisions have not been taken into account. <p>The ExA would ask all Statutory Undertakers to:</p> <ul style="list-style-type: none">a) provide copies of their preferred wording or, if they have previously provided wording to the Applicant, explain why the wording in the current version of the draft DCO should not be used;b) where relevant, advise what site-specific circumstances, in regard to Protective Provisions, have not been taken into account; andc) provide confirmation that the parties are willing to enter into a side agreement, or has commenced preparation of such a side agreement, or already entered into such a side agreement to the satisfaction of the relevant parties. <p>Please note that the above information will be published on our website, so commercial and/or confidential details need not be given.</p>	
Q1.6.11	Applicant	<ul style="list-style-type: none">• In consideration of the Statutory Undertakers comments, including those from Cadent Gas	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<p>Ltd, CRT, National Grid Electricity Transmission PLC, National Grid Gas PLC, NH, NR, SP Energy Networks and UUW as set out in the question above (Q1.6.10), regarding their Protective Provisions not being used in the draft DCO or that their Protective Provision wording has not been used, the ExA would ask the Applicant to comment on these RRs, including:</p> <ul style="list-style-type: none">i) why they have not included any Protective Provisions for the CRT or NH;ii) whether they are in discussion with the Statutory Undertakers as to the site specific circumstances in regard to Protective Provisions and what progress has been made in resolving the concerns raised by them;iii) whether they were aware of the Statutory Undertaker's preferred wording; andiv) why the Statutory Undertakers preferred wording was not used.	
Q1.6.12	Statutory Undertakers	<ul style="list-style-type: none">• Many Statutory Undertakers in their RRs have indicated that their primary concerns are to meet their statutory obligations and ensure that any development does not impact in any adverse way upon these statutory obligations. The ExA would ask whether:<ul style="list-style-type: none">i) they have undertaken any assessment of the Proposed Development's impact on their statutory obligation(s) or are currently doing such an assessment(s);ii) they have identified any such concerns and, if so, what those concerns are.	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
Q1.6.13	Applicant/ Statutory Undertakers	<ul style="list-style-type: none">Pursuant to the above question (Q1.6.12), the ExA would ask the Applicant and Statutory Undertakers whether any discussions about the Statutory Undertakers concerns, especially those related to them being able to meet their statutory obligations have occurred and, if so, what progress has been made by these parties with regard to addressing those concerns.	N/A
Q1.6.14	Applicant	<ul style="list-style-type: none">Where a representation is made by a Statutory Undertaker under section 127 of the Planning Act 2008 (PA2008) and has not been withdrawn, the SoS would be unable to authorise powers relating to the statutory undertaker land unless satisfied of specified matters set out in section 127. If the representation is not withdrawn by the end of the examination confirmation would be needed that the "expedience" test is met. The SoS would also be unable to authorise removal or repositioning of apparatus unless satisfied that the extinguishment or removal would be necessary for the purpose of carrying out the development to which the Order relates in accordance with section 138 of the PA2008. Justification would be needed to show that extinguishment or removal would be necessary. Please indicate when, if the objections from Statutory Undertakers are not withdrawn, this information would be submitted into the Examination.	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
Q1.6.15	Applicant	<ul style="list-style-type: none">The Applicant is reminded that the Department for Communities and Local Government (as it then was) Guidance related to procedures for CA (September 2013) states: <i>"Applicants should be able to demonstrate that adequate funding is likely to be available to enable CA within the statutory period following the Order being made, and that the resource implications of a possible acquisition resulting from blight notice has been taken account of"</i>. The ExA notes the Funding Statement [APP-029] and that it does not identify any specific cost estimates, but would ask whether:<ul style="list-style-type: none">i. a specific breakdown of the anticipated CA costs of the specific plots has been undertaken and, if available, for that information to be entered into the Examination or for the Applicant to provide a detailed explanation as to why such information should not be submitted into the Examination; andii. in regard to the estimate of the total CA cost provided in the Funding Statement [APP-029] for the Applicant to provide a detailed clarification as to how that CA figure was arrived at.Please note that the above information will be published on our website, so commercial and/or confidential details need not be given.	N/A
Q1.6.16	Applicant	<ul style="list-style-type: none">Consent is required for any other provision in the DCO which relates to Crown land or rights benefiting the Crown in accordance with	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		s135(2) PA2008. Among other things this includes consent for any TP sought over Crown land. The ExA would ask the Applicant to indicate whether consent for any provisions affecting Crown land or rights has been or is forthcoming.	
Q1.6.17	Applicant	<ul style="list-style-type: none">The BoR [APP-030] includes the CA of land identified as 'Open Space'. As such an order granting Development Consent would be subject to special parliamentary procedure, to the extent that the order authorises the compulsory acquisition of land, unless any of the exceptions specified in Section 131 or Section 132 of the PA2008 apply. Please advise whether you consider:<ul style="list-style-type: none">i) any of the exceptions specified in the above mentioned sections apply; orii) an Order granting Development Consent would need to be subject to special parliamentary procedure.Please provide detailed reasoning with your response.	N/A
Q1.6.18	Applicant	<ul style="list-style-type: none">NR in its RR [RR-026] currently object to the powers contained in Articles 19 (Discharge of Water), 21 (Authority to survey and investigate the land), 22 (Protective works to buildings), 24 (Compulsory acquisition of land), 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), 31 (acquisitions of subsoil or	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<p>airspace only), 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) and 39 (Felling or lopping of trees and removal of hedgerows) of the draft DCO.</p> <p>NR also advise that any temporary use of or entry upon NR's operational railway can only be granted with NR's consent as any such use of the railway must be in accordance with the statutory requirements imposed on NR as operator of the railway network and all requirements necessary to ensure the safe operation of the railway. Furthermore, NR states that in addition to Protective Provisions, the Applicant will need to enter into an Asset Protection Agreement, especially in relation to Work Nos. 4, 24, 24A, 25, 31B, 32, 38 and 43, to ensure the appropriate and necessary technical, engineering and safety requirements for working on or near NRs operational railway are applied to the DCO Scheme.</p> <p>NR set out criteria in its RR, which if met they anticipated they would be in a position to withdraw its objections.</p> <p>The ExA would ask the Applicant to respond in detail to NR's RR and advise what progress they are making to resolving the concerns raised with a view to them removing this objection.</p>	

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
Q1.6.19	Applicant	<ul style="list-style-type: none">SP Energy Networks in its RR [RR-075] states it must ensure the avoidance of any adverse impact on its network. It sets out the matters needing to be addressed and the ExA would ask for the Applicant to respond in detail to this RR and advise what progress has been made in regard to resolving the matters that have been raised.	N/A
Q1.6.20	Applicant	<ul style="list-style-type: none">In addition to the concerns of NR and SP Energy Networks highlighted in the above questions (Q1.6.18 and Q1.6.19), the CRT have also objected to the CA/ TP element of the Proposed Development. Much of its concerns and objections raised in this regard appear to centre around the fact that CA is intended as a last resort to secure the assembly of all the lands needed for the implementation of the projects and should only be made where there is a compelling case in the public interest. Bearing this in mind, please:<ul style="list-style-type: none">i) respond in detail to the RR made by the C&RT [RR-008]; andii) demonstrate what reasonable steps you have undertaken to acquire all of the land and rights included in the Order, both prior to and after the submission of this DCO Application.	N/A
Q1.6.21	Applicant	<ul style="list-style-type: none">Part 2 of the BoR is noted, however, the ExA would ask the Applicant whether there are any other persons who might be entitled to make a relevant claim under:	N/A

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ExQ1	Question to:	Question:	FCC Response
		<p>i) section 10 of the Compulsory Purchase Act 1965;</p> <p>ii) Part 1 of the Land Compensation Act 1973; and/ or</p> <p>iii) section 152(3) of the PA2008, if the DCO were to be made and fully implemented and should therefore be added as Category 3 parties to the BoR [APP-030]? This could include, but not be limited to, those that have provided representations on, or have interests in:</p> <ul style="list-style-type: none">• noise, vibration, smell, fumes, smoke or artificial lighting;• the effect of the construction or operation of the Proposed Development on property values or rental incomes;• concerns about subsidence/ settlement;• claims that someone will need to be temporarily or permanently relocated;• impacts on a business;• loss of rights, e.g., to a parking space or access to a private property;• concerns about project financing;• claims that there are viable alternatives; and/ or blight?	
Q1.6.22	Applicant	<ul style="list-style-type: none">• Are any land or rights acquisitions required in addition to those sought through the draft DCO before the Proposed Development can become operational?	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
Q1.6.23	Applicant, Affected Persons and IPs	<ul style="list-style-type: none">Do you consider all potential impediments to the development have been properly identified and addressed? <p>Additionally, are there concerns that any matters, either within or outside the scope of the draft DCO, that would prevent the development becoming operational may not be satisfactorily resolved? This includes matters related to acquisitions, consents, resources or other agreements?</p>	N/A
7. Cultural Heritage and the Historic Environment			
Q1.7.1	Applicant	<ul style="list-style-type: none">Flintshire CC comment that the Written Scheme of Investigation is largely robust and appropriate. However, clarification should be made from the Applicant/ consultants whether a rolling watching brief utilising a strip/ map/ excavate methodology will be included during the initial easement and pipe trench excavation to formation level, as this typically finds more features that were not revealed by the geophysics and trial trenching alone, particularly features of prehistoric date. Can the Applicant confirm? How will the commitment be formalised?	N/A
8. Design and Layout			
Q1.8.1	Applicant	<ul style="list-style-type: none">Relevant questions are dealt with in the Landscape and Visual section.	N/A

ExQ1: FCC Response

Responses due by Deadline 1: Monday 17 April 2023

ExQ1	Question to:	Question:	FCC Response
9.	Environmental Impact Assessment/ Environmental Statement		
Q1.9.1	FCC	<ul style="list-style-type: none">The ExA recognises that some of the baseline survey information included within the ES is of some age. There are also circumstances which have arisen (including from the COVID-19 pandemic) which may or may not had an effect to using the baseline data and any conclusions/ assumptions to be drawn from that.i) The Applicant is requested to set out in a single schedule (with reference to the relevant chapters) any additional baseline data gathering that has taken place or is ongoing, or otherwise set out the reasons why that existing baseline data remains fit for purpose.ii) Can the Applicant also set out their response to any potential impact on any baseline position and their views as to the overall reliability of submitted information taking into account that particular change of circumstance, and any other material change of circumstances anticipated.iii) With respect to cumulative effects related information. Confirm any updates to that. <p>IPs are you satisfied with the baseline surveys which inform cumulative impact in the ES? If not say why not.</p>	<ul style="list-style-type: none">FCC is satisfied with the baseline surveys which inform the cumulative impact of the ES.

ExQ1: FCC Response

Responses due by Deadline 1: Monday 17 April 2023

ExQ1	Question to:	Question:	FCC Response
Q1.9.2	Applicant and NE	<ul style="list-style-type: none"> NE [RR-065] have commented that the Applicant has provided insufficient evidence concerning the following issues: <ul style="list-style-type: none"> i) International and national designated sites as further information is required relating to impacts on functionally linked land and noise disturbance. ii) Protected species as further information is required regarding survey and assessment details. iii) Soils and best and most versatile agricultural land as further information is required within the Soil Management Plan and Outline Peat Management Plan. <p>Is further information forthcoming on these areas of the ES? How does the Applicant intend to resolve these deficiencies?</p>	N/A
Q1.9.3	FCC	<ul style="list-style-type: none"> The Well-Being of Future Generations (Wales) Act 2015 sets out a duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle. <ul style="list-style-type: none"> i) Applicant: Clarify how the cumulative impacts of the scheme alongside the mitigation measures have been assessed with that overarching principle in mind? ii) IPs: Provide any comments you wish to make on the implications of the above-mentioned Act if you have not already done so. 	<p>The Act places a duty on all public bodies to carry out sustainable development in order to achieve the well-being goals of:</p> <ul style="list-style-type: none"> • A prosperous Wales • A resilient Wales • A healthier Wales • A more equal Wales • A Wales of cohesive communities • A Wales of vibrant culture and thriving Welsh language • A globally responsive Wales. <p>In doing so, public bodies must also apply the Five Ways of Working as detailed below:</p>

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
			<ul style="list-style-type: none">• Collaboration• Prevention• Involvement• Long term• Integration. <p>The LDP explains in section 1.70 how it has had regard to the well-being goals and ways of working. Therefore, planning decisions made in the context of the adopted LDP will be in accordance with the requirements of the Act. Although the Well-Being Act duty applies to public bodies it would be helpful to the Examination for the applicant to demonstrate how the goals and ways of working have been applied through the evolution of the project.</p>
Q1.9.4	Applicant	<ul style="list-style-type: none">• The description of the Proposed Development in ES Chapter 3 [APP-055] does not include any reference to demolition of structures during the construction phase, although it is provided for in the draft DCO. Can the Applicant confirm whether any demolition works would be required and provide a description and assessment of significant effects as necessary? <p>Furthermore, this chapter of the ES states it was assumed for the purposes of the assessment that the full CO₂ transport capacity of the Proposed Development would be reached in 2027. Can the Applicant explain what assumptions were made about the throughput during the operational period prior to that, i.e., 2025 (part) and 2026 and how it was assessed?</p>	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<p>Only the vertical limits of deviation for the pipeline are set out in Article 6 of the draft DCO (the figures may be erroneous):</p> <ul style="list-style-type: none">- the pipeline works may deviate vertically upwards to not less than 1.2m below the surface of the ground; and- the pipeline works may deviate vertically downwards in respect of the sections using trenchless installation techniques to a maximum depth of 35m. <p>The Applicant is requested to explain why it considers it necessary for trenchless pipeline works to deviate vertically downwards to a maximum depth of 35m or indicate the revised figure.</p>	
Q1.9.5	Applicant	<ul style="list-style-type: none">• ES Chapter 18 [APP-070] paragraph 18.5.24 states that the relevant consultation bodies had not, at the time the ES was written, confirmed their agreement to usage of the methodologies (for assigning significance and magnitude) contained in NH's 'LA 113 Road Drainage and the Water Environment' and Department for Transport's 'TAG Unit A3 Environmental Impact Appraisal – Impacts on the Water Environment' for the assessment of groundwater impacts. Please can the Applicant confirm if the consultation bodies have subsequently responded and provide their comments to the Examination if so.	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
10.	Flood Risk, Hydrology, Water Resources and Contamination		
Q1.10.1	<i>Flood Risk</i> Applicant	<p>The Applicant has submitted Appendix 18.5 FCA, Parts 1-3 [APP-168-APP-170]. The documents indicate AGIs and BVSs are all shown to be located in Flood Zone A – areas of little or no risk of flooding from rivers and the sea. Parts of the Pipeline lie within Flood Zone 2 & 3 on the EA's Flood Risk Map for planning. The ES information also evidences the Newbuild CO₂ Pipeline will be crossing the River Dee which is a defended tidally influenced river. The River Dee existing flood defence consists of flood embankments. There are no known flood defences serving the four BVSs and the two AGIs given their distance from any major waterbodies and location away from any fluvial/tidal/coastal floodplains.</p> <p>For clarity. What is the approximate height range of the flood defences (embankments) being referred to and how far do they stretch? Is a plan available indicating the information?</p> <p>The EA [RR-024] have responded that any temporary or permanent works within 8m of any main river will be subject to the need for a Flood Risk Activity Permit under the EA Regulations from the EA. Their position is that they recommend that the Applicant twin track with the DCO and a permit application. At this stage they cannot give any assurances that the current proposals will be granted such a permit. Can the Applicant confirm if a permit is to be twin tracked in tandem with the Examination?</p>	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
Q1.10.2	<i>Flood Risk</i> FCC as LLFA	<ul style="list-style-type: none">• Applicant Paragraph 2.5.4 of [APP-168] identifies that Flint AGI has an open watercourse (Lead Brook) approximately north east of the site boundary. The watercourse flows north where it is culverted beneath Chester Road (A548). Thus, it is suggested that Flint AGI needs to ensure no surface run off water will cause flooding elsewhere given the watercourse it is close to. Paragraph 5.5.5 refers to an overland flow path discharging into a watercourse 50 metres to the east (which is unnamed). Is that the same watercourse as mentioned in paragraph 2.5.4 or a different watercourse? Clarify.• Applicant/ IPs Are indicative local watercourse flow rates available before and after development? Would options to slow local surface water flow/ formation rates in the DCO area, or nearby, with the formation of new ponds/ wetland advantageous to wider sustainability goals be feasible/ possible? If so, could that provision be accommodated?	<p>FCC has no details of indicative watercourse flow rates. The formation of new ponds / wetlands are to be encouraged, and are a positive step forward.</p>
Q1.10.3	<i>Flood Risk</i> FCC as LLFA	<ul style="list-style-type: none">• NRW are evidenced to hold one record of a past flood event along the Newbuild CO₂ Pipeline (Pipe Reach 4b). The incident occurred along the B5129 Chester Road which is located adjacent to Broughton Brook. FCC's Strategic	<p>FCC and NRW are both aware that flows are impeded in Sandycroft Drain North between the Bridge Inn and the River Dee which is a Main River.</p>

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		<p>Flood Consequence Assessment (2018) also indicates that the B5129 Chester Road has had an incidence of historic fluvial flooding although the full details are not known.</p> <ul style="list-style-type: none"> • Applicant and IPs <ul style="list-style-type: none"> i) Have any local views come forward/ available giving more details as to the cause or date of this historic flooding event? Is this in the area of Chester Road Brook? ii) The "DG5" flooding register is also referred to in Paragraph 3.3.4 of [APP-168]. Explain the origin, nature and status that register holds for the administrative area. • IPs <ul style="list-style-type: none"> iii) Please make whatever comments you deem applicable on assessing flood risk or any associated survey, mitigation or avoidance matter triggered. Including measures linked to achieving future climate change resilience through potential wetland creation. 	<p>Pentre Drain North which is also a Main River and which is located to the rear of the Footpath to the North of the B5129 between the Bridge Inn and Hamilton Avenue also has flows impeded. It is understood that works to address both issues will be undertaken within the next 12 months and have been programmed by NRW.</p> <p>FCC has no further details of this historic flood event.</p> <p>FCC are of the view that DG5 Flooding applies to Welsh Water assets. Welsh Water have identified properties at risk of Internal flooding at Chester Road, Pentre and also properties at risk of External flooding at Blackbrook Avenue, Hawarden.</p>
Q1.10.4	<i>Flood Risk</i> LLFA SDSAB	<ul style="list-style-type: none"> • Applicant: <ul style="list-style-type: none"> i) There is limited information on the groundwater levels at each of the proposed BVS and AGI sites. What groundwater survey information/ monitoring is proposed to understand any potential risk of groundwater flooding to inform the detailed drainage design? 	

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		<p>ii) The statutory consultation phase highlighted Chester Road, Pentre and Leaches Lane Mancot where both internal and external sewer flood risks due to hydraulic incapacity. In addition, the postcode area CH5 3HJ (Blackbrook Avenue, Hawarden) is an identified risk of external flooding. How have those specific risks been factored/ mitigated by the scheme?</p> <p>iii) Can the Applicant confirm if a Dewatering Management Plan and a Groundwater Management and Monitoring Plan is able to be submitted to inform the Examination?</p> <ul style="list-style-type: none">• Applicant and IPs <p>iv) Significant dewatering is expected adjacent to the River Gowy and the West Central Drain. These are in the Gowy and Ince Marshes WFD surface water bodies. Do IPs have any comments to make on that aspect or any other aspect of the proposal? Can any related ecological benefits be secured in tandem with dealing with flood risk management issues arising?</p>	<p>It is understood that the water Table in the Sandycroft and Pentre areas is generally found at a depth of circa 1.20 – 1.50 Metres and is widespread.</p>
Q1.10.5	<i>Flood Risk</i> Applicant	<ul style="list-style-type: none">• Appendix 18.5 - FCA [APP-168] Paragraph 7.1.6. states the Newbuild CO₂ Pipeline crosses areas with low, medium, and high risk of groundwater emergence and risk of flooding. The two main potential impacts of groundwater emergence are the formation of preferential groundwater flow pathways through the pipe bed and surrounding material of the proposed pipeline (after the construction) and also the risk of buoyancy of the proposed buried	N/A

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		<p>pipework. These risks are proposed to be mitigated by the implementation of measures to prevent groundwater migration e.g., clay plugs as part of the reinstatement of the proposed trenches and designing out the risk of buoyancy in key areas of concern for groundwater emergence.</p> <p>Can the Applicant confirm if the mitigations identified to be provided in the detailed drainage strategy and detailed drainage design would incorporate the views of the LLFA and SDSAB at FCC; CWCC; as well as Welsh Water and United Utilities? Additionally, through which requirement in the DCO are these details to be secured?</p> <p>Any potential flood risk mitigation issues are potentially linked to the robustness of the REAC [APP-222], Outline Landscape Ecology Management Plan/ LEMP [APP-178] [APP-229] [APP-230] and/ or the OMEMP. How have flood risks been factored into those plans at relevant risk areas pointed to by the FCA? Particularly if nearby ground were to become more saturated in future years.</p>	
Q1.10.6	<i>Update Applicant</i>	<ul style="list-style-type: none">Having regard to Appendix 18.3 WFD Assessment [APP-165] submitted. In terms of trenchless crossing use by the scheme - Horizontal Directional Drilling (HDD), Auger Boring Guided and Unguided and Micro-Tunnelling are the three types of trenchless installation techniques stated as most likely to	N/A

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		<p>be utilised by the Construction Contractor(s) once the Detailed Design has been completed.</p> <p>Please state:</p> <ul style="list-style-type: none">i) if you are anticipating, for whatever reason, whether any of the above mentioned trenchless crossing techniques would not be workable (i.e., should such trenchless crossing techniques not be an option/ viable in peatland areas).ii) in the event they are not workable/ available or they should they fail, please specify what other construction techniques could potentially be opted for.	
Q1.10.7	<i>Water Environment</i> Applicant and IPs, including NRW, NE and EA	<ul style="list-style-type: none">• Applicanti) Is the principle of achieving significant ecological enhancement or greater BNG using the broader offshore marine environment a feasible option to the Applicant? (i.e., Delivered through the Marine Protected Areas established UK wide which in combination are intended to form an 'ecologically coherent and well-managed network').ii) Has this approach been explored with JNCC and other statutory consultees? (i.e., for England – NE; and for Wales – NRW but both of those consultees for Marine Protected Areas in territorial waters?)iii) It is noted that NRW have three river basin districts in Wales and each has its own river basin management plan:<ul style="list-style-type: none">- Western Wales District – entirely in Wales;	

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		<ul style="list-style-type: none">- Dee District – cross-border with England; and- Severn District - cross-border with England (led by the EA). <p>Does the Applicant acknowledge and agree there may be scope available to support river basin management plans through potential enhancement? Has further dialogue been undertaken with NRW or the EA to support river basin management interests?</p> <p>iv) The Appendix 18.3 WFD Assessment states that Riparian vegetation clearance would be limited as far as practicable to the immediate areas of construction to permit the execution of works. Vegetation would be reinstated post-construction as far as practicable. Confirm the DCO mechanism which would ensure that.</p> <ul style="list-style-type: none">• Applicant and IPs <p>v) Vegetation clearance is expected to occur within the Mersey, Ince Marshes, Gowy, Stanney Mill Brook, Finchetts Gutter, Garden City Drain, Sandycroft Drain, Wepre Brook, Dee (North Wales), and North Wales WFD surface water bodies. In addition, significant dewatering is expected adjacent to the River Gowy and the West Central Drain. These are in the Gowy and Ince Marshes WFD surface water bodies. Please confirm the licensing provision required for the particular works listed above.</p>	<p>Works for vegetation clearance in close proximity to a Watercourse Crossing and dewatering works in general will require Ordinary Watercourse Consent.</p> <p>Any vegetation / trees removed should be replaced on a like for like basis which the Applicant would appear to be proposing.</p>

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Q1.10.8	<p><i>Water environment</i></p> <p>Applicant and IPS, including NRW and NE</p>	<ul style="list-style-type: none"> As context to the Examination The Water Resources (Control of Agricultural Pollution)(Wales) Regulations 2021 replaced the Nitrate Vulnerable Zone requirements. The regulations indicate that a new or substantially changed store must: <ul style="list-style-type: none"> follow the specific rules for the type of substance stored. have an expected lifespan of at least 20 years with maintenance (any part of a silage effluent system that is underground must be designed and constructed to last at least 20 years without maintenance). not be within 10 metres of any inland and coastal waters e.g., streams, ditches, ponds or any pipes or culverts. not be within 50 metres of any borehole, well or spring. not be within a groundwater source protection zone 1 unless site-specific mitigation measures that minimise the risk to drinking water supplies have been agreed in writing with NRW. <p>The ExA also notes that NE has recently updated its advice (16 March 2022) in relation to nutrient level pollution in a number of existing and new river basin catchments. The advice finds that an increasing number of waterbodies, in or linked with European Sites, are now deemed to be in 'unfavourable' conservation status for the purposes of the</p>	<ul style="list-style-type: none"> In terms of the potential for impact on protected water bodies in relation to nutrient level pollution, the relevant water body is the River Dee and Bala Lake Special Area of Conservation (the SAC). NRW introduced new tighter standards in February 2021 relating to permissible levels of phosphorous entering the SAC, but this at present relates to the sections of the river Dee upstream of Chester weir. These new standards do not yet relate to the Dee Estuary which given the proximity of the route of the pipeline, is the nearest protected water body. The NRW guidance relates to phosphate in the non-tidal River Dee and associated catchment. Watercourses associated with the DCO flow into the tidal Dee. Works associated with watercourses will follow construction mitigation measures referenced in REAC. It is understood that NRW are in discussion with HyNet regarding these measures therefore FCC would respectfully defer the Examining Authority to any comments from NRW on this matter. However, FCC mapping system shows that the route of the pipeline is completely outside of the Bala Lake and R. Dee SAC so there should be no implications of the scheme in terms of phosphates and the river SAC catchment area. The HRA may need to be updated to ensure the relevant water quality matters in relation to the River Dee/Dee Estuary are included.

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		<p>Habitats Regulations. This is likely to result in even more plans and projects, in relevant river basin catchment areas and proximate to a European site, needing to be screened in accordance with the Habitats Regulations. The likely result will be a need for more Appropriate Assessments and consideration of relevant information. The advice from NE also confirms that the tools available to inform the assessment of effects have been updated. The advice is also relevant to NRW (for cross border sites).</p> <p>The ExA further notes that competent authorities will need to carefully justify how further inputs from new plans or projects, either alone or in combination, will not adversely affect the integrity of the site in view of the conservation objectives.</p> <ul style="list-style-type: none">• Applicant and IPs Please could:<ul style="list-style-type: none">i) the Applicant confirm it acknowledges the updated advice of NRW/ NE;ii) the Applicant and IPs advise whether they consider there to be adequate background information available to gauge subsequent effects to water quality. <p>In addition to the above, the ExA notes sensitive land uses are identified within, or within 250m, of Sections 4, 5 and 6 include a SSSI, and a SAC and designated ancient</p>	

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		woodland. Moreover, the local water environment is interconnected. Effects to both surface and groundwater during construction is presently not mitigated as the Applicant indicates that additional targeted site investigation and remediation strategy for point sources would be undertaken if necessary. The ExA asks the Applicant and IPs how that approach ensures the effects and safeguards to European sites are able to meet HRA requirements?	
Q1.10.9	<i>Water environment</i> Applicant and IPs, including WW, United Utilities and EA	<ul style="list-style-type: none">• Applicant With respect to groundwater resources and quality explain what mechanisms are/ would be in place to ensure that no private water supply can be derogated because of the works or operation of the scheme, even temporarily, without the prior written consent of the owner and the provision of mitigation measures? Regarding potential impacts during construction and any proposed HDD activity. Clarify what investigations, assessments, mechanisms, and consultation requirements are to be secured to ensure HDD works will not pose a risk to groundwater resources.• IPs Your comments in regard to the above are invited.	FCC have no comments to make.

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ExQ1	Question to:	Question:	FCC Response
Q1.10.10	<i>Water environment</i> FCC	<ul style="list-style-type: none">The submitted WFD Assessment [APP-165] and Outline Construction Environmental Management Plan [APP-225] indicate that all new permanent structures would be set-back from watercourses, including outfalls, to avoid modifications to watercourses themselves. IPs <ul style="list-style-type: none">i) Accounting for any locally known watercourses, outfalls, or hydrogeological anomalies which may be apparent; do IPs agree the Applicant's approach detailed in [APP-165] and [APP-225] would be possible?ii) Paragraph 7.1.7 of the WFD Assessment [APP-165] states that the DCO Proposed Development has been assessed and concluded to have no impact on the Wirral and West Cheshire Permo-Triassic Sandstone Aquifers, the Dee Permo-Triassic Sandstone, the Dee Carboniferous Coal Measures and the Clwyd Carboniferous Limestone Groundwater WFD water bodies. Do IPs agree with that conclusion? If not, please state your reasons.iii) The Applicant states the objectives of the DCO Proposed Development is to reinstate habitats where practicable. Where watercourses and riparian vegetation would be impacted, they would be reinstated post-construction and most watercourses would recover within two years. The exception would be where mature tree cover in the riparian zone is removed. Therefore, riparian enhancements are proposed to mitigate those impacts. Riparian enhancements are	<ul style="list-style-type: none">i) There is considerable volume of content within both documents and it is considered that the Applicants approach would be possible.ii) FCC has no reason to disagree.iii) Please refer to the response provided with regards to Trees and the OLEMP. Otherwise, FCC are not aware of any further areas to be considered.

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ExQ1	Question to:	Question:	FCC Response
		<p>proposed at: East Central Drain; Finchetts Gutter Tributary; Backford Brook; Friars Park Ditch; and Alltami Brook. Should any further areas be considered? if so, state why.</p> <p>Applicant</p> <p>Paragraph 7.14 of the WFD Assessment [APP-165] states that the riparian enhancements may result in improvement in the River Condition Score for those watercourses once the tree cover is established. In addition, gravel augmentation is proposed on the Alltami Brook to off-set the potential reduction in spawning habitat and introduction of artificial bed material.</p> <p>Can the Applicant further explain what is meant by gravel augmentation and its implications to the management of watercourse silt? And how much artificial bed material is anticipated? Indicate the volume and the length of the brook impacted as well as the materials anticipated to be used.</p> <p>Has the inclusion of additional natural carbon sinks or water oxygen regeneration zones (or similar) to boost flora and fauna been considered at positions along watercourses? If not, state why not.</p> <p>The EA [RR-024] support the production of a Dewatering Management Plan and a Groundwater Management and Monitoring Plan. They wish to be a consultee on the approval of these plans.</p> <p>Can the Applicant confirm the provision within the DCO where the EAs request has been secured.</p>	

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Q1.10.11	<i>Water Environment</i> Applicant, NRW and EA	<ul style="list-style-type: none">It is noted that Section 6 of the Newbuild Infrastructure Boundary proposed by the DCO is not within a groundwater protection zone. Please confirm which sections of the pipeline would be located within ground water protection zones.	N/A
Q1.10.12	<i>Licenses</i> FCC	<ul style="list-style-type: none">The ExA notes that:<ul style="list-style-type: none">A transfer licence or impoundment licence may be necessary if a temporary or permanent structure is required that restricts the flow of a waterway/ watercourse.An Environmental Permit may be required for the importation and treatment of waste material falling outside the scope or limits detailed in the ES.With respect to any 'Waste Materials' generated, the consenting authority for certain mobile plant permits (such as concrete crushers) is the relevant local authority, and therefore they should be listed along with the relevant national public body within the draft DCO if such provision is anticipated. <p>iv) Applicant: Please provide clarification and an update on these matters, where applicable;</p> <p>v) IPs: Comments in regard to the above are invited.</p>	<p>Any mobile plant and equipment should seek to apply for the relevant Part B permits required with the relevant Local Authority. For the Development Site within Flintshire, the relevant Local Authority is Flintshire County Council.</p> <p>From a land contamination perspective, materials excavated during the works may be suitable for consideration by the Applicant through the CL:AIRE EA/NRW Disposal of Waste Code of Practice scheme, to enable those materials, as appropriate, to be used at other sites which have been approved to receive specific materials, and to divert those materials from landfill.</p> <p>This scheme is neither administered nor regulated by the Local Authority or LPA and the Applicant would be advised to seek advice from the relevant regulatory body (EA/NRW) and the administrator appointed for the Scheme, CL:AIRE.</p>

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Q1.10.13	<i>Licenses</i> Applicant	The submitted 'Other Consents and Licences' document [APP-046] states applications are to be made to NRW for a Marine Licence and to Welsh Water for a Foul Water Sewer Requisition, post-DCO submission and before determination. In addition, it is indicated that an application may be made to NRW for a Water Abstraction Licence post-submission of the DCO application. Please can the Applicant: i) provide an update on progress of these applications and any other consents, licences and permits as relevant; and ii) explain the basis for its approach in this regard.	N/A
Q1.10.14	<i>Outstanding matters</i> FCC	<ul style="list-style-type: none">• Provide your comments on any outstanding land contamination or pollution control matters arising if you have not already done so.	<p>Where materials excavated from the ground during the works are considered waste, information to demonstrate the lawful production, transport and disposal of those materials excavated from the ground will be required to be provided.</p> <p>Should the applicant choose to rely upon the DoWCoP scheme (QU1.10.12), the Local Authority's Contaminated Land Officer is required to be consulted in accordance with that Scheme. Otherwise, the information in respect of materials excavated from the ground, is to be provided in the form of a report to verify why, how, and where the material has been disposed.</p> <p>This approach has been discussed with the Applicant and is a usual requirement of the process of land contamination and assessment.</p>

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Q1.10.15	<i>Context</i> Applicant	<ul style="list-style-type: none">The ExA notes that the pipeline termination point detailed within the DCO proposed development presently applied for finishes inland. There are further consenting processes applicable/ anticipated for the pipeline termination point to eventually reach the underground storage facility located at sea. <p>ES Chapter 2 – The Project [APP-054] Paragraph 2.1.5 states that a proposed network of underground onshore and buried subsea pipelines will transport CO₂ produced and captured by future hydrogen producing facilities and existing industrial premises in North-West England and North Wales for permanent offshore storage.</p> <p>As context to inform the Examination: -</p> <ul style="list-style-type: none">i) Provide an outline of the full consenting process needed for the section of the scheme anticipated from the inland DCO termination point to the storage facility at sea.ii) How will CO₂ once deposited in underground storage facility react over time? Will its physical composition alter in any significant way? For example, would it absorb into bedrock or other geological forms?iii) What is the total overall capacity of underground storage anticipated? Can an approximate be given of the number of years the storage facility (as a whole) could potentially be operationally active for?	N/A

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		<p>iv) What are the specific reasons the DCO proposed development has not been applied for as a start to end pipeline project rather than as separate components?</p> <p>v) Should the pipeline route become blocked or inactive for significant periods how will carbon capture storage be dealt with inland? For example, is some short term inland interim carbon capture storage capacity anticipated? How does the DCO deal with such risks?</p>	
Q1.10.16	<i>Scoping Applicant</i>	<ul style="list-style-type: none">ES Chapter 11 (Land and Soils) [APP-063] at Paragraph 11.4.3 lists the elements scoped into the assessment, which are noted. However, the ExA asks whether the likely significant effect listed in the operation phase related to "Changes in site levels..." should also be considered as a likely significant effect during the construction phase of the Proposed Development and if not why.	N/A
Q1.10.17	<i>Unexploded Ordnance FCC</i>	<ul style="list-style-type: none">Chapter 11 (Land and Soils) of the ES [APP-063] indicates that 'no significant source of unexploded ordnance' was identified (Paragraph 11.6.25), but recommends formal unexploded ordnance awareness briefings be provided to all personnel involved in excavations. It also identifies an updated unexploded ordnance assessment will be produced prior to the commencement of construction. The ExA would ask: i) how these measures should be secured; and ii) whether such assessments should be submitted to and approved in writing by an appropriate body.	The approach to the potential presence of unexploded ordnance (UXO) put forward by the Applicant is as would be expected for the works proposed. This would not be a regulatory requirement associated with the assessment of land contamination. However, it is expected that UXO is considered as a component of the assessment of land contamination. It is both diligent and necessary to consider the presence of UXO before and during the works from an occupational health and safety perspective and to prevent risks to the public and property. UXO is not considered a 'substance' and is therefore outside the scope of the contaminated land regulatory regime.

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			<p>The assessment of UXO is site specific and it is expected that updated UXO assessments would be sought for each location where the disturbance of the ground or works within the ground are taking place. Again, this would be from a health and safety perspective and should therefore be captured by the associated risk assessment process and method statements relied upon by the Applicant during the works.</p> <p>If UXO is suspected or discovered during the works, it is expected that the advice of the emergency services should be sought without delay. This would also be captured from a health and safety perspective.</p>
Q1.10.18	<i>Mining and further investigations</i> Applicant	<ul style="list-style-type: none">• Paragraph 11.6.44 of ES Chapter 11 (Land and Soils) [APP-063] notes that both the Coal Mining Consultant Reports conclude further investigation is required. This paragraph also indicates that the eastern extent of Section 5 is close to areas previously investigated and remediated due to specific hazard reports and recommends that further investigations regarding these hazards be undertaken during any additional ground investigations. <p><u>The ExA asks:</u></p> <p>i) Are the Coal Mining Consultant Reports, referred to above, the same as the Coal Mining Risk Assessment (Parts 1 to 10 inclusive) ([APP-121] to [APP-130]) submitted as part of the DCO Application Documentation. If not please signpost the ExA to where within the submitted</p>	N/A

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ExQ1	Question to:	Question:	FCC Response
		Application documentation the Coal Mining Consultant Reports can be located. ii) When will the recommended further investigations be undertaken and will they be submitted into the Examination.	
Q1.10.19	<i>Lead mining and contamination risks</i> Applicant	<ul style="list-style-type: none">ES Chapter 11 (Land and Soils) [APP-063] refers to former lead mining and for potential lead contamination in the vicinity of Babell and Pentre Halkyn BVSS. However, the ExA has not been able to locate any further reference to such contamination risks and mitigation measures proposed, within the submitted DCO Application documentation. As such, please signpost where such information has been provided within the DCO Application documentation or submit information in regard to how such risks will be mitigated.	N/A
Q1.10.20	<i>Personal protective equipment</i> Applicant	<ul style="list-style-type: none">Will any extra-ordinary personal protective equipment be required due to risk of lead contamination?	N/A
Q1.10.21	<i>High volatile organic carbons</i> CWCC	<ul style="list-style-type: none">Paragraph 11.6.112 of ES Chapter 11 (Land and Soils) [APP-063] identifies a high volatile organic carbon result within the Stanlow manufacturing complex and notes further assessment will be required. It is also noted further ground investigation works will take place prior to construction. The ExA would ask whether prior to construction for the further ground investigation works to take place is appropriate and, if not, when should such further ground investigation works take place.	N/A

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Q1.10.22	<i>Historical mine shafts or shallow workings</i> Applicant	<ul style="list-style-type: none"> The ExA notes ES Chapter 11 (Land and Soils) [APP-063] paragraph 11.8.5 and that the routing of the pipeline "...will be performed to avoid potential historical mine shafts or shallow workings identified by the Coal Authority..." However, the ExA would ask how the Applicant can be sure they are avoiding such mine shafts and shallow workings and what would happen in the event that during the course of construction unidentified mine shaft(s) or shallow workings were identified. 	N/A
11. Habitat Regulations Assessment			
Q1.11.1	NE and NRW	<ul style="list-style-type: none"> NE has not made any comments on the Applicant's assessment of effects on the River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid SAC or Deeside and Buckley Newt Sites SAC. Can NE confirm whether it agrees with the Applicant's conclusions presented in [APP-226] in respect of these sites? NRW has not highlighted any concerns in respect of the Applicant's assessment of effects on the River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid SAC, Halkyn Mountain/ Mynydd Helygain SAC and Alyn Valley Woods/ Coedwigoedd Dyffryn Alun SAC. Can NRW confirm whether it agrees with the Applicant's conclusions in respect of these sites? 	N/A
Q1.11.2	NE and NRW	<ul style="list-style-type: none"> Does the Applicant's assessment of effects on European sites identify all the relevant sites and qualifying features which could be affected by the Proposed Development? 	N/A

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		Please confirm if the conservation objectives presented in Appendix A of [APP-226] are the correct ones for the sites covered in the Applicant's assessment of effects on European sites.	
Q1.11.3	Applicant	<ul style="list-style-type: none">It is noted that the draft DCO refers to decommissioning but the effects on European sites are not assessed in [APP-226]. The Applicant is requested to provide an updated HRA report which addresses this. <p>In relation to in-combination effects on European sites, can the Applicant confirm if there are any updates to its in-combination assessment expected.</p>	N/A
Q1.11.4	<i>Methodology</i> FCC	<ul style="list-style-type: none">HRA – Information to inform an appropriate assessment [APP-226] indicates that there are 9 European sites within 10km of the DCO proposed development area:<ul style="list-style-type: none">i) River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid SAC.ii) Deeside and Buckley Newt Sites SAC (immediately adjacent to the DCO proposed development area).iii) Halkyn Mountain/ Mynydd Helygain SAC (400m north at its closest point).iv) Mersey Estuary SPA (approx. 1.05km to the north).v) Mersey Estuary Ramsar (approx. 1.05km to the north).	

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ExQ1	Question to:	Question:	FCC Response
		<p>vi) Dee Estuary/ Aber Dyfrdwy SAC (approx. 1.2km to the north).</p> <p>vii) The Dee Estuary SPA (approximately 1.2km to the north).</p> <p>viii) The Dee Estuary Ramsar (approximately 1.2km to the north).</p> <p>ix) Alyn Valley Woods/ Coedwigoedd Dyffryn Alun SAC (approximately 6km to the southwest).</p> <ul style="list-style-type: none"> • IPs Do IPs concur with the list and agree that there are no omissions for the purposes of formal assessment? Have the defining features of all European sites been properly addressed by the Applicant? • Applicant The River Dee flow channel appears to run out towards, around and behind Hilbre Island. Where does the SPA/ Ramsar boundary for the Dee Estuary formally run to? Can a plan be provided/ signposted of the SPA boundaries relative to the pipeline route. 	<p>FCC concur with the list provided and agree that there are no omissions for the purposes of formal assessment.</p> <p>It is considered that the defining features of all European sites have been properly addressed by the Applicant.</p>
Q1.11.5	<i>Mitigation</i> FCC	<ul style="list-style-type: none"> • The ExA acknowledges that the Applicant's proposal is that the REAC [APP-222] would be secured & implemented within the CEMP (an Outline CEMP [APP-226] is provided). Overall mitigation referred to includes best practice to control dust arising from construction processes. 	<p>It is understood that the detailed Dust Management Plan would be submitted as part of the detailed Construction Environmental Management Plan (Requirement 5).</p> <p>The Dust Management Plan would provide details of dust management and how the applicant would ensure dust arising from the construction processes would be</p>

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		<p>What 'best practice' is covered and what would it entail?</p> <p>Is any locally applied best practice applicable/ relevant in the respective administrative areas?</p>	<p>managed to acceptable levels to ensure that dust would not give rise to nuisance.</p> <p>Planning Officers within the North Wales Minerals and Waste Planning Service, hosted by Flintshire County Council are familiar with a number of best practice and dust management practices from the monitoring and enforcement of quarry and waste sites in the region.</p> <p>The Service are familiar with approving Dust Management Plans that are required pursuant to mineral planning permissions and therefore FCC officers could advise the applicant on these measures when considering the submission of the Dust Management Plan at each stage of the development at the requirement stage.</p> <p>However, it is considered that it would be the Applicant's responsibility to propose what types of dust management techniques would be appropriate for their construction.</p> <p>Possible measures include ensuring access tracks are dampened by water bowser/sprays, stockpiles of soils to be dampened, covered or seeded as appropriate.</p>
Q1.11.6	<i>Mitigation</i> FCC	<ul style="list-style-type: none">Measures are referred to in the ES that aim to avoid entrapment of otters in pipes. How will these measures be made compatible with the mitigations suggested for general safety and drainage technical details?	<ul style="list-style-type: none">It is understood that this is standard procedure for laying pipelines to prevent animal entrapment and satisfy H&S matters.

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ExQ1	Question to:	Question:	FCC Response
		Additionally, are there any further technical constraints anticipated in light of this added provision?	
Q1.11.7	<i>Mitigation/Enhancement</i> FCC	<ul style="list-style-type: none"> The ExA notes that Biodiversity Enhancements Planning Policy Wales 10 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. This policy and subsequent policies in Chapter 6 of Planning Policy Wales 10 respond to the Section 6 Duty of the Environment (Wales) Act 2016. In line with that what options are available to provide ecological enhancements in offsite locations for Priority Habitats or other habitats including both terrestrial and aquatic environments? 	<p>Please refer to FCC response to Q1.4.7 regarding local and regional environmental strategies</p> <p>Also, please refer to Q 1.4.5 which suggests mechanisms for offsite enhancement projects.</p>
Q1.11.8	<i>Mitigation/Enhancement</i> FCC	<ul style="list-style-type: none"> Point out within the ES documentation (or elsewhere) where there are local strategic nature improvement or recovery strategies in the geographical area subject to the DCO that could potentially be used for the delivery of further ecological enhancement. 	Please refer to FCC response to Q1.4.7 regarding local and regional environmental strategies
12. Landscape and Visual			
Q1.12.1	<i>Update</i> FCC	<ul style="list-style-type: none"> Have there been any changes to the built environment in the vicinity of the land subject to scheme improvement currently submitted? If so, please identify where, and consider if 	FCC is not aware of there being any significant changes to the built environment in the vicinity of the land subject to the proposed DCO development.

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ExQ1	Question to:	Question:	FCC Response
		the plans and statements would need to be updated/ amended.	
Q1.12.2	<i>Update</i> Applicant and IPs, including CWCC	<ul style="list-style-type: none"> Within Chapter 12 – Landscape and Visual Table 12.1 – Summary of Consultation Undertaken highlights Areas of concern for CWCC along the Newbuild CO₂ Pipeline route are those where open cut trench method would impact upon vegetation and in particular mature trees. The ExA shares those concerns. <p>Whilst it is stated by the Applicant this is to be avoided where possible via micro-siting the route and/ or using tunnelling methods. Can the Applicant further explain with signposting to other elements of the ES how the visual impact would be mitigated?</p> <p>Can a plan be submitted showing this detail to give more certainty?</p>	FCC considers that the submitted Arboricultural Impact Assessment is essentially a scoping exercise of the trees that will be removed, may need to be removed or won't be removed according to their positions within the DCO. The Outline Arboricultural Method Statement (OAMS) refers to the AMS being a working document that will be developed at the detailed design stage. Although it is not expressly said in the Introduction to the OAMS it is assumed, at the detailed design stage, it will be stated what amber (At Risk of Removal Aiming to Retain) trees will be retained and how they will be protected. FCC also shares the ExA and CWCC's concerns regarding the uncertainties relating to the mature trees and the impact that the loss of many could have on the landscape. Greater detail is requested at this stage. (Also see response to Q1.4.18)
Q1.12.3	<i>Update</i> FCC	<ul style="list-style-type: none"> Applicant and IPs <ol style="list-style-type: none"> Please confirm if a local 'Design Review' (or any Conservation/ Heritage Working Party decision or similar) process anticipated to be undertaken for any aspect of the DCO scheme proposed? Applicant <ol style="list-style-type: none"> Explain how any working change or modification to the scheme as a result of local design considerations/ 	FCC can confirm that a design review has not been undertaken for any aspects of the proposed DCO development.

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ExQ1	Question to:	Question:	FCC Response
		representations could be accommodated if necessary.	
Q1.12.4	<i>Methodology</i> IPs	<ul style="list-style-type: none">Chapter 12 Landscape and Visual, Table 12.2 lists the elements scoped out of the assessment. This includes recognition each AGI, BVS and control cabinet will require a connection to the local electricity network at the nearest practicable connection points. For the EIA, it is assumed that would be via the closest adopted highway. Any connection works up to that point would be undertaken via the respective statutory undertakers so are not included as part of the DCO Proposed Development. Do statutory undertakers agree the use of the highway is feasible? Do IPs agree with the elements scoped out? If not state why not.	FCC agree with the elements scoped out of the LVIA.
Q1.12.5	<i>Methodology</i> IPs	<ul style="list-style-type: none">ES Chapter 12 – Landscape and Visual indicates that for all stages of construction, operation and decommissioning, the following elements have been scoped into the assessment:<ul style="list-style-type: none">Landscape character and visual amenity of residents and recreational users within the 2km Study Area of the Newbuild Infrastructure Boundary;Landscape character and visual amenity of residents and recreational users within the 500m Study Area of the three BVSs along the Flint Connection to PoA Terminal Pipeline.	FCC agrees that the thresholds applied to the LVIA are suitable.

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ExQ1	Question to:	Question:	FCC Response
		Do IPs agree with the suitability of those thresholds? If not state your reasons.	
Q1.12.6	<i>AGIs/ BVIs Elevations Mitigation</i> Applicant	<ul style="list-style-type: none">• Having regard to the Elevation/ Arrangement Plans [APP-019] and [APP-020] for AGIs and the BVIs [APP-016] and [APP-017]:-<ul style="list-style-type: none">i) Provide accurate Elevation Plans that reflect what is detailed on the Arrangement Plans. Currently the Elevation Plans depict the site and adjoining land as being flat and level. However, the Arrangement Plans clearly depict engineering operations will be required to create a flat and level surface, by cutting into the land/ creating banking. Clearly this cannot be correct and the ExA would request the elevation plans be amended to correctly show levels/ topography of the proposed AGI/ BVS sites and the immediately adjoining land.ii) Confirm the external finishing materials and colour for the kiosks within the BVIs.iii) Confirm the colour of the exposed valves and perimeter fencing. Is there scope for recessive external finishings matching surrounding greenery to be selected?iv) With respect to perimeter fencing, what scope is there to improve its attractiveness as well as ensuring functional requirements are met?	N/A

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ExQ1	Question to:	Question:	FCC Response
		<p>v) Similarly, can coloured gravel/ paving be utilised in the same way for exposed areas?</p> <p>vi) Acknowledging new landscaping would take time to establish, please set out what complementary perimeter landscaping is to be used/ could be used to improve the attractiveness of the BVIs and AGIs from further afield?</p> <p>vii) Explain how appearance choices of the AGI/ BVIs inclusive of any mitigation reflect current national and local design policies covering England and Wales.</p> <p>viii) Confirm how the final external appearance details would be secured by the DCO.</p> <p>ix) Explain how the incorporation of 'stack heights' referred to in venting processes and odour mitigation are factored in the likely significant effects to the appearance of the area.</p>	
Q1.12.7	Applicant	<ul style="list-style-type: none">It is stated in ES Chapter 19 Table 19.2 that all cultural heritage 'non-below ground' construction effects were scoped out from the cumulative assessment because the cultural heritage assessment found they would be negligible. However, ES Chapter 8 identifies all the cultural heritage residual effects as slight adverse except one, which was predicted to experience a moderate adverse effect. Similarly, cumulative visual effects in Year 15	N/A

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ExQ1	Question to:	Question:	FCC Response
		of operation are scoped out in Table 19.2 on the basis that they all would have been effectively mitigated by then. However, according to the assessment contained in ES Chapter 12, all the visual amenity receptors, apart from two, for which a residual effect has been identified are predicted to experience a minor adverse effect at Year 15. Can the Applicant explain the discrepancies and provide a justification as to why cumulative effects can be excluded.	
13.	Mineral Resources		
Q1.13.1	<i>General</i> FCC	<ul style="list-style-type: none">Having regard to the Applicant's assessments contained within Appendix 11.3 Minerals Resource Assessment – Part's 1& 2 [APP-131] and [APP-132], are there any MSAs which are impacted upon by the proposed DCO in a way not already considered by the ES? <p>If so, how is the impact different to the conclusions reached in [APP-131] and [APP-132]. What are the implications?</p> <p>If relevant highlight how any further sterilisation of mineral extraction areas not accounted for (formally safeguarded or otherwise) would specifically occur.</p> <p>Suggest any avoidance/ alteration/ mitigation that is needed.</p> <p>Are any new MSAs expected/ proposed by way of plan update or any other means?</p>	<p>Applicant's assessments in Appendix 11.3 Minerals Resource Assessment - Part's 1 & 2 [APP-131] and [APP-132] have used the most up-to-date safeguarding map available. As a result, all relevant MSAs have been taken into account during the assessment process. No further avoidance/ alteration/ mitigation is suggested.</p> <p>The Flintshire LDP was adopted in January 2023, which includes the most recent and relevant data on MSAs. As the LDP has only recently been adopted, no new MSAs are expected or proposed during the plan period.</p>

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ExQ1	Question to:	Question:	FCC Response
		Highlight the details and status of any restoration plans for minerals areas relevant to the DCO area.	
Q1.13.2	<i>General</i> IPs	<ul style="list-style-type: none">Third-party aggregate operators (such as Tarmac and Hanson) are noted within the ES to be located within 10-15 miles of some MSAs intercepted by the DCO Proposed Development. Are there any comments from IPs on any subsequent direct or indirect impacts to current commercial operations taking place in the area?	N/A
Q1.13.3	<i>Mining Risks</i> FCC	<ul style="list-style-type: none">Hawarden Community Council [RR-038] comment that Flintshire is a heavily mined area (historically) with numerous mine shafts (coal, iron, lead) and, the country rock below the drift geology is extensively faulted. The ExA also acknowledges that historic mining is shown to be present across the western section for the pipeline route. There is potential for historic shallow workings along Colliery Lane, Deeside along the road and edges of the road itself. This includes areas to the west of Gladstone Way where a previous opencast was present. The area of Alltami Brook is also evidenced as having significant historical mining for which records have been obtained. It is recommended in the Applicant's assessments that pipeline routing be performed to avoid these historic workings albeit there is always the potential encounter unknown workings	<p>FCC would respectfully defer The Examining Authority to any comments made by the Coal Authority with regards to this matter.</p> <p>FCC would support any requirements the Coal Authority deem necessary.</p>

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ExQ1	Question to:	Question:	FCC Response
		<p>across this area. There are other coal shafts evidenced as recorded from the Coal Authority along the route, yet none have been observed during site walkovers and so it is not known how these have been capped and backfilled.</p> <p>With the above in mind, how would human safety be protected during construction given those potential hazards?</p> <p>In addition to the above, the ExA notes the Applicant's Coal Mining Risk Assessment, Part 1 [APP-121], which states that the risk of potential shallow workings around Colliery Lane and Gladstone Way should be considered in any construction plan and that site investigation will be performed. When would the details of the construction plan and site investigation become available?</p> <p>Furthermore, the ExA asks how would/ should unexpected ground conditions be dealt with if the DCO is granted consent?</p> <p>Are adequate consultation measures, in regard to this matter, included within the DCO?</p>	
Q1.13.4	<i>Post Development Infrastructure Risks</i> FCC	<ul style="list-style-type: none">• Applicant <p>The ExA notes that the ES states that mineral extraction would not be permitted within the pipeline easements. Can the Applicant explain the specific DCO mechanism(s) dealing with that restriction and the extent/ size of the easements involved?</p> <p>The ExA understands that above ground access over the pipeline route would be unrestricted</p>	Based on the recently adopted Flintshire LDP, which includes the most recent and relevant data on MSAs, FCC is not aware that permanent acquisition of the subsurface would inhibit minerals extraction over the plan period.

ExQ1: FCC Response

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ExQ1	Question to:	Question:	FCC Response
		<p>by the DCO having regard to current and any future mineral extraction in the local areas involved. What specific elements of the DCO allow such potential future access provision? Or is the provision achieved through omission of such restrictions only? Please clarify.</p> <ul style="list-style-type: none"> • IPs <p>Would permanent acquisition of the subsurface inhibit minerals extraction elsewhere?</p>	
14.	Noise and Vibration		
Q1.14.1	Monitoring FCC	<ul style="list-style-type: none"> • Applicant <ol style="list-style-type: none"> i) Outline how monitoring thresholds would be identified and implemented, and indicate whether the DCO should include a commitment to secure remedial measures should monitoring identify higher than predicted noise and vibration levels? ii) Can the Applicant explain if monitoring (and appropriate trigger levels) would be required to determine whether measures need to be implemented to further reduce noise? If so, how would these and any requisite remedial measures be secured? iii) How can noise/ vibration mitigation for ecology be relied upon as being suitable based on the information presently known? Or is further information expected? iv) Prove an update where necessary. • Relevant Planning Authorities/ IPs: 	<p>FCC would support the need for monitoring during the construction phase to enable the Local Authority to undertake the necessary investigations should concerns and/or complaints be received and to ensure compliance with the CEMP and REAC.</p> <p>During the operational phase, noise and vibration monitoring should be undertaken in the vicinity of the AGI and BVS to ensure no breaches take place..</p> <p>Again, monitoring data would be required to undertake any investigation and to enforce any requirements that may be imposed, or enforce any limits set.</p>

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ExQ1	Question to:	Question:	FCC Response
		v) Comment on the need for monitoring of construction/ operational phase noise and mitigation.	
Q1.14.2	Applicant	<ul style="list-style-type: none">The residual noise and vibration effects identified during construction (moderate and major) and decommissioning (moderate) are described as significant subject to the mitigation that would be contained in the Noise and Vibration Management Plan, which is required by draft DCO [APP-024] Requirement 5 to be included in the CEMP. Please can the Applicant:<ul style="list-style-type: none">i) Clarify whether it is anticipated that the effects would remain significant following the implementation of the Plan; andii) Explain how such a plan is secured for the decommissioning phase, given that the draft DCO only secures it for the construction phase.	N/A
Q1.14.3	Applicant	<ul style="list-style-type: none">Please signpost the ExA to where within ES Chapter 15 (Noise and Vibration) [APP-067] the proposed standard construction hours have been specified. If the proposed standard construction hours are not specified within ES Chapter 15, please confirm the proposed standard construction hours (ie are they proposed to be 08:00 to 18:00 hours Monday to Sunday inclusive or another period).	N/A
Q1.14.4	FCC	<ul style="list-style-type: none">The ExA notes the Applicants decision not to submit an Operational Vibration Assessment and that no discussions, in regard to this	

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ExQ1	Question to:	Question:	FCC Response
		<p>matter, were held with the relevant Local Authorities (CWCC and FCC). However, the ExA would ask:</p> <ul style="list-style-type: none">i) the Applicant for a fuller explanation as to why it considered such an assessment was not required; andii) whether the Relevant Local Authorities (CWCC and FCC) agree with the Applicant's decision that such an assessment was not required and, if not, why they do not agree.	<p>ii) FCC agrees with the Applicant's decision that an Operational Vibration Assessment is not required. Our understanding is that vibration during operational stage is not a concern so FCC would agree with the applicant's decision based on previous discussion.</p>
Q1.14.5	Applicant	<ul style="list-style-type: none">• Please clarify paragraph 15.5.8 of ES Chapter 15 (Noise and Vibration) [APP-067]. Do you mean a home/ homes for elderly residents or homes of a certain age?	N/A
Q1.14.6	FCC	<ul style="list-style-type: none">• Having reviewed the methodology and calculations set out in ES Chapter 15 (Noise and Vibration) [APP-067], it would appear that very noisy equipment will be in use at certain locations for approximately 80% of the time. Indeed Paragraph 15.9.4 notes "...some receptors in all sections are likely to experience either a medium or a high adverse noise impact at some point during the construction phase." It also records the magnitude of impact as being considered to be a "significant effect (significant)".	

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ExQ1	Question to:	Question:	FCC Response
		<ul style="list-style-type: none"> Bearing this in mind the ExA would ask the Relevant Local Authorities (CWCC and FCC) whether they: <ul style="list-style-type: none"> i) consider there to be a potential for complaint resulting from the use of such equipment and/ or the duration of such use of equipment; and ii) have any concerns in regard to Article 9 (Defence to Proceedings in respect of statutory nuisance) as set out in the draft DCO [APP-024]. 	<ul style="list-style-type: none"> i) Given the predicted noise output for certain locations during the construction phase, there is a high probability and severe likelihood of the FCC receiving complaints from residents. ii) FCC do not agree with the defence to statutory nuisance methodologies that the applicant has proposed. Mitigation is not a defence if any proceedings are brought under the Environmental Protection Act. Clarification is required in respect the defence to proceedings and arbitration in respect of statutory nuisance for noise and its interplay with existing statute. Furthermore, FCC are not clear on construction/operational /decommissioning time frames
Q1.14.7	Applicant	<ul style="list-style-type: none"> ES Chapter 15 (Noise and Vibration) [APP-067] paragraph 15.5.23 is noted but the ExA would ask the Applicant whether they acknowledge that noise levels in excess of the calculations could occur for limited periods and, if so, what mitigation is being proposed to address such occurrences. 	N/A
Q1.14.8	Applicant	<ul style="list-style-type: none"> Paragraph 15.5.46 of ES Chapter 15 (Noise and Vibration) [APP-067] is noted, as is the fact that secondary noise mitigation will be achieved through localised screening and best practicable means. However, the ExA would ask how such mitigation measures are to be 	N/A

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ExQ1	Question to:	Question:	FCC Response
		secured at the detailed design stage. For example are such details to be specified as part of Requirement 4 (Scheme design) or Requirement 5 (CEMP) or some other mechanism. Please clarify, explaining your response in detail.	
Q1.14.9	Applicant	<ul style="list-style-type: none">The ExA notes paragraph 15.9.5 of ES Chapter 15 (Noise and Vibration) [APP-067], but would ask what the Applicant means by the term 'difficult ground conditions'. Please define and provide examples, where necessary.	N/A
Q1.14.10	Applicant	<ul style="list-style-type: none">Paragraph 15.10.4 of ES Chapter 15 (Noise and Vibration) [APP-067] is noted, as is the Applicants comment that, in consultation with the Relevant Local Authority, it will consider temporary re-housing where other mitigation measures do not prove sufficient. The ExA would ask:<ul style="list-style-type: none">i) the Applicant to signpost where such mitigation is to be secured in the draft DCO [APP-024], REAC [APP-222] or other similar document and whether the use of the word 'consider' would be precise and/ or enforceable?ii) Relevant Local Authorities (CWCC and FCC) whether the use of the word 'consider' would be precise and/ or enforceable?	N/A
Q1.14.11	Applicant	<ul style="list-style-type: none">ES Chapter 15 (Noise and Vibration) [APP-067] Paragraph 15.13.1 – Please clarify what is meant by the term 'Construction Constructor'. Is this an error?	N/A

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ExQ1	Question to:	Question:	FCC Response
15.	Planning Policy		
Q1.15.1	Applicant and IPs	<ul style="list-style-type: none"> The Levelling-up and Regeneration Bill: reforms to national planning policy open consultation which opened in December 2022 is currently running to 2 March 2023, run by the Department for Levelling Up, Housing and Communities. A raft of reforms is being considered. <p>The Applicant is requested to acknowledge that changes to national planning policy during the examination period would fall within the definition of important and relevant considerations in regard to the consideration of the DCO application made. Secondly, the Applicant is asked to address any of the policy changes currently anticipated, as they would be relevant to this DCO Application.</p> <ul style="list-style-type: none"> IPs comments in regard to the above mentioned potential changes to national planning policy are invited. 	<p>As this legislative consultation applies to England, Flintshire County Council has not been consulted on these planning reforms and will not be responding.</p>
Q1.15.2	FCC	<ul style="list-style-type: none"> Have direct/ indirect impacts related to planning policy for traveller sites/ communities been adequately addressed? 	<p>The Flintshire LDP allocates in Policy HN8 a total of three residential Gypsy and Traveller Sites.</p> <p>HN8.1 relating to an existing site on Magazine Lane, Ewloe which is located 150m to the south west of the DCO boundary. This site now has the benefit of planning</p>

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ExQ1	Question to:	Question:	FCC Response
			<p>permission and is for the remodelling of the existing site to accommodate an additional 9 pitches. The site is separated from the DCO route by both Magazine Lane and intervening land and it is not considered there would be any impacts on this site or its residents.</p> <p>HN8.3 at Riverside, Queensferry relates to an extension to an existing Council run residential site. The existing HN8.3 site is proposed to be remodelled and extended to deliver an additional 10 pitches (subject to planning permission, a planning application is presently being drafted up in relation to this allocated site.) It is noted that during the Scoping stage of the project there was a westerly route option which would have potentially directly affected allocation HN8.3</p> <p>Allocation HN8.2 on Gwern Lane, Caer Estyn is located approximately 9km to the south of the proposed pipeline and therefore this application would not affect this allocation.</p> <p>As stated above in the response to question 1.1.14, planning application 061368 was refused on the 31st August 2022, and no appeal has been submitted to date pursuant to Section 78 of the Town and Country Planning Act 1990 and the appeal period has now lapsed.</p> <p>The full application details, along with committee report, the link to the recording of the committee meeting, minutes of the meeting and decision notice can be found at the links below.</p>

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ExQ1	Question to:	Question:	FCC Response
			<p>Full application details and committee report- https://planning.agileapplications.co.uk/flintshire/application-details/63543</p> <p>Committee report - https://committeemeetings.flintshire.gov.uk/documents/s71885/061368%20-%20Change%20Of%20Use%20Of%20Land%20To%20Residential%20Gypsy%20Traveller%20Community.%20The%20Sie%20To%20Contain%20One%20S.pdf?LLL=0</p> <p>Recording of the committee meeting: https://flintshire.public-i.tv/site/mg_bounce.php?mg_a_id=25524&mg_m_id=5227&language=en_GB</p> <p>Minutes of the Meeting: https://committeemeetings.flintshire.gov.uk/documents/g5222/Printed%20minutes%2031st-Aug-2022%2013.00%20Planning%20Committee.pdf?T=1&LLL=0</p>
16. Health	Socio-economic Effects, Including Population and Human		
Q1.16.1	<i>General Applicant</i>	<ul style="list-style-type: none">Section 1.3 of the submitted Planning Statement [APP-048] refers to the construction of the CO₂ pipeline as having the potential to generate regional and national demand for construction, engineering and manufacturing skills which will contribute to the economic	N/A

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ExQ1	Question to:	Question:	FCC Response
		<p>benefits of 'The Project' of which the DCO Proposed Development applied for and subject to this Examination is part of.</p> <p>Can the Applicant:</p> <ul style="list-style-type: none">i) Further clarify (or through reference to the specific application information submitted) the specific nature and level of any job creation as part of the related economic benefits it is broadly referring to?ii) Confirm whether any of the associated anticipated economic benefits attributable to the DCO scheme able to be directed locally? For example, benefits which could potentially facilitate local employment opportunity/ social mobility from nearby settlement areas?iii) Advise of any discussions been undertaken to provide potential work pathway links/ opportunities with local education providers?iv) Confirm if there is scope within the expected procurement mechanisms available to the Applicant to enable local employment provision/ opportunities?v) Commit to engagement with relevant Council's/ stakeholders to further explore maximising local socio-economic benefits wherever possible?vi) Explain any socio-economic benefits associated to new fibre optic cable installation.	

ExQ1: FCC Response

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ExQ1	Question to:	Question:	FCC Response
Q1.16.2	General FCC	<ul style="list-style-type: none"> Having regard to the list of Stakeholders the Applicant has engaged with listed in Appendix A Meetings with Stakeholders [APP-032]. <p>Do IPs have any points they would wish to raise about potential construction, engineering and manufacturing skills, which could have the potential to provide economic benefits or local opportunity? For example are there any local employment or cross linked educational initiatives to make the Applicant aware of which they may be able to take into account in gauging the overall social-economic opportunities available?</p>	<ul style="list-style-type: none"> It is considered that there are opportunities for the HyNet proposals to link into the green skills, advanced manufacturing and construction priorities for the Regional Skills Partnership. In addition, a close working relationship is encouraged with both the Deeside Decarbonisation Business Forum and the Ambition North Wales 'Low Carbon Energy' Programme and the Hydrogen Hub, which is part of the Growth Deal Capital Programme for North Wales. https://ambitionnorth.wales/low-carbon-energy/hydrogen-hub/ Locally, it is hoped that the applicant will give early consideration to skills needs and recruitment and will take a proactive approach to planning these with local Further Education and Higher Education providers within the County/Region and the Council's Employment Team to ensure that the supply chain is able to recruit effectively. It is also suggested that the applicant contributes to the work underway locally and regionally to promote careers in manufacturing, green skills and construction to parents, children and young people and unemployed / career changing individuals.
Q1.16.3	General FCC	<ul style="list-style-type: none"> Scope for a Community Benefit Fund is referenced within the full Relevant Representations received from FCC [RR-034] [RR-035]. They specifically comment "<i>that the construction of the pipeline would cause significant disruption to a number of communities in Flintshire for the duration of construction. Furthermore, should consent be</i> 	<p>HYNET COMMUNITY BENEFIT FUND</p> <p>FCC is of the view that HyNet should provide a voluntary community benefit scheme, established and managed by the developer to mitigate against the impacts of the development.</p> <p>The fund could be used to fund projects in the communities affected by the construction of the pipeline</p>

ExQ1: FCC Response

Responses due by Deadline 1: Monday 17 April 2023

ExQ1	Question to:	Question:	FCC Response
		<p><i>granted, this would result in extending the life of the PoA Terminal which is currently expected to be restored by 2023. However, it is noted that the communities and industry of Flintshire would not benefit from receiving hydrogen until much later in the project as there are no immediate plans to construct a hydrogen pipeline in Flintshire. As such, it is considered reasonable for the developers to commit to providing a community benefit fund for those affected communities".</i></p> <ul style="list-style-type: none"> • FCC <ul style="list-style-type: none"> i) Explain what the suggested Community Benefit Fund you describe would be specifically used for? ii) By what formal regulatory mechanism would you be seeking such funding from the Applicant if it is to be pursued? iii) Detail how any policy/ statutory test associated to securing the funding requests described would be met. iv) If you have not already done so advise on the full details any CILCS in place for the administrative area or any plans to introduce one. • Applicant <ul style="list-style-type: none"> v) What are your views on the principle of achieving a Community Benefit Fund having regard to the policy and legislative context it would need to be considered within? 	<p>and the above ground installations/BVS, and also the development at the Point of Ayr Terminal.</p> <p>Projects that the fund could support include those that would either promote the use or invest in the development of the reduction of carbon emissions, skills and research regarding Carbon Capture Storage and green hydrogen production, and de-carbonisation of transport for example. It could also work in partnership with the Ambition North Wales Low Carbon Energy Hydrogen Hub programme as discussed above.</p> <p>Example of this type of developer funding scheme in Flintshire include the Parc Adfer Community Benefit Fund: Which supports local projects that will help or benefit the local environment in some way. There are five main project criteria, one theme includes carbon reduction and also de-carbonisation of transport. More details can be found:</p> <p>https://www.flintshire.gov.uk/en/Resident/Funding-Opportunities/Parc-Adfer-Community-Benefit-Fund.aspx</p> <p>The Gwynt y Môr Offshore Windfarm Community Fund is also available for communities in coastal areas of Flintshire.</p> <p>https://cvsc.org.uk/en/funding/gwynt-y-mor-community-fund</p> <p>The Burbo Bank Extension Community Fund is also another example of a large infrastructure project that has</p>

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<p>vi) The submitted Planning Statement [APP-048] references that mitigation is to be provided in accordance with paragraph 5.12.9 of EN-1 which states that the SoS should consider whether mitigation measures are necessary to mitigate any adverse socio-economic impacts of the development. Having regard to all existing adverse socio-economic impact mitigation envisaged and proposed, do you agree there is policy scope to provide an additional broader local community benefit package in line with EN-1?</p> <p>vii) If you are in agreement, how would those elements be formally captured by the proposed DCO?</p>	<p>established a community fund to provide funding for those communities affected by the development. https://grantscape.org.uk/fund/burbo-bank-extension-community-fund/</p> <p>It is understood that there is no formal regulatory mechanism to seek such funding from the applicant. Furthermore, as stated above in the Council's response to question Q1.1.3, there is no Community Infrastructure Levy Charging Schedule in place in Flintshire.</p> <p>Following the adoption of the LDP on 24/01/23 Flintshire County Council will be reviewing the feasibility of introducing a Community Infrastructure Charging system compared against the continuation of the present s106 based approach. If a CIL were to prove viable it is unlikely to be implemented within the timescales for determining this present development proposal.</p>
Q1.16.4	Agriculture Applicant	<ul style="list-style-type: none">• Please:<ul style="list-style-type: none">i) Confirm whether the Proposed Development would result in any severance issues for farms and, if so, how such severance issues are to be addressed/ mitigated?ii) Explain if/ how short and long-term breaches of Agri-Environment schemes potentially caused by the Proposed Development, would be dealt with and who would take responsibility for dealing with any breaches – the Applicant	N/A

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ExQ1	Question to:	Question:	FCC Response
		or the signatory of the scheme? If it is the signatory, is the Applicant proposing to provide any support/ advice? iii) Signpost where in the Application documents this information can be found if it has already been provided.	
Q1.16.5	<i>Agriculture Applicant</i>	<ul style="list-style-type: none">A number of landowners have cited interference with agricultural business activity and other business activities with concerns to how compensation measures would be dealt with. Whilst the level of any potential compensation is not a matter for the Examination to determine, the Applicant is requested by the ExA to further clarify/ explain how it intends to deal with compensation issues for the benefit of all IPs.	N/A
Q1.16.6	<i>Agriculture Rainford Hall Estate Limited on behalf of Messrs J & E Williams</i>	<ul style="list-style-type: none">Your Relevant Representation [RR-069] cites the unavailability of the land at Aston Hill Farm, Aston Hill Lane, Deeside during the construction phase will have a serious impact to the farm's ability to spread slurry. You advise of regulatory changes come into effect from 1st April 2023 that would impact farmers in Wales, as they will be setting a maximum limit of 170kg/ha of nitrogen permitted for spreading. For the avoidance of doubt, please confirm the specific regulatory provision you are referring to? Additionally, please provide full details of: i) the total land farmed by your client and ii) the areas that you consider would be subject	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		to disruption caused by the development proposed by this DCO Application.	
17.	Transportation and Traffic		
Q1.17.1	<i>Traffic Management</i> FCC Highways	<ul style="list-style-type: none"> Having regard to the Outline Construction Traffic Management Plan (OCTMP) [APP-224] submitted. The measures are indicative and there are several traffic management concerns being raised by IPs through relevant representations. Considering those concerns as well as the characteristics of the local road network the ExA requests that traffic management issues are resolved during the examination as far as possible. Relevant Highway Authorities What are your views in relation to the scope and content of the Outline Traffic Management Plan? Please explain your reasoning in relation to preferred options and any suggested inclusions or amendments. IPs Comment on the content of the OCTMP are invited. 	<p>The OCTMP is a high-level document and does contain indicative detailed measures.</p> <p>It is considered that the scope and content of the OCTMP is adequate at this point. It is understood that with each phase/stage of the DCO development, should it be consented, that a full construction traffic management plan would be submitted for approval by the Local Highway Authority.</p> <p>FCC have no concerns with the outline traffic management plan at this stage. Meetings have taken place to discuss areas of concern in relation to temporary traffic management (B5129 Sandycroft & Chester Road, Northop Hall).</p>
Q1.17.2	<i>Parking/ Access</i> FCC Highways	<ul style="list-style-type: none"> Applicant Construction operatives are assumed to be parking at the main compound(s) during construction. However, the ExA would ask you to confirm whether the above assumption is correct and, if not to provide details of construction operative parking. The ExA would also request full details of the location and design parameters of the parking provision for 	<p>It is understood that the details of construction operatives parking that would be required at the main construction compounds would be submitted as part of the full construction traffic management plan for that particular stage of development. This would ensure that adequate facilities would be provided to safeguard "fly parking" from occurring.</p>

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ExQ1	Question to:	Question:	FCC Response
		<p>construction operative's vehicles to demonstrate that parking areas would include sufficient capacity to avoid "<i>fly parking</i>" on nearby local roads or other parking facilities in the vicinity. Clarify how would "<i>fly parking</i>" be prevented.</p> <ul style="list-style-type: none"> • Relevant Highway Authorities/ IPs The ExA notes the content of ES - Figure 17.5 [APP-215] which provides proposed Access Locations envisaged; ES- Figure 17.4 Construction Traffic Routes [APP-214]; ES- Figure 17.7 Road Diversions [APP-217]; and the submitted OCTMP [APP-224]. However, the ExA would ask: <ul style="list-style-type: none"> i) Are there any further comments on the access locations or road diversions expected which would have a bearing on the content of the OCTMP at this stage? ii) Do parties agree the OCTMP is suitable? If not, state why not. iii) Other comments on the content of the above mentioned documents are invited. 	<p>The proposed access points have been noted together with the Access Principles Note and suggested mitigation contained within the OCTMP.</p> <p>There are no identifiable issues which would have a bearing on the content of the OCTMP at this stage. It is considered that the OCTMP is suitable at this stage of the examination, with a full CTMP to be submitted prior to each stage of development.</p> <p>Construction Traffic Routes – Sheets 6, 7 & 8 include access via rural lanes. There are no feasible alternatives, therefore temporary traffic management, such as one-way systems should be considered in the detailed CTMP.</p> <p>AGI CTR4 – Starkey Lane BVS CTR 4 – Lleprog Lane BVS CTR 6 – Toll House Crossroads to Plymouth Copse Junction</p>
Q1.17.3	Access Applicant and Relevant Highway Authorities and CWCC	<ul style="list-style-type: none"> • Peel NRE in its Relevant Representation [RR-078] states that the proposed access road from Grinsome Road roundabout to the Pipeline/ AGI conflicts with the delivery of the approved Protos Plastics Park (CWCC Planning application ref. 21/04076/FUL) and that this could constrain the delivery of the development. Therefore, at this stage, Peel 	<p>This particular site is located within Cheshire West and Chester therefore FCC Highways Authority have no comment to make and would respectfully defer the Examining Authority to Cheshire West and Chester Council for comments on this point.</p>

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<p>NRE objects to the proposed access to the Ince AGI and the Pipeline.</p> <p>The ExA notes Peel NRE's claim that it is the stated owner of land required for the Pipeline for the Ince AGI, and the associated proposed access, pipeline corridor, and construction compound (as shown on Works Plan ref. EN070007-D.2.4-WP-Sheet 1) ('Affected Land'). The Affected Land includes land at Ince Park, known as Protos – a 130ha development site comprising a major energy and resource recovery hub and ecological management areas which is a major employer near to Ince, Cheshire. Protos has extant planning permissions in place and the delivery of development is already well advanced. Protos benefits from outline planning permission (ref. 14/02277/S73) for a resource recovery park, and additionally, separate planning consents have been secured across individual plots for developments that are aligned to the ethos of Protos, including an Energy from Waste Facility (ref. 18/01543/S73), a biomass facility (ref. 14/02278/S73), a timber recycling plant (ref. 14/02271/S73), a plastic to hydrogen facility (ref. 19/03489/FUL), and a plastics park (ref. 21/04076/FUL).</p> <p>It is also noted by the ExA that Protos is stated as allocated in the Cheshire West and Chester Local Plan (Local Plan Part One Policies STRAT 4 and ENV 8; and Local Plan Part Two Policy EP6) and is safeguarded for a multi-modal</p>	

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<p>resource recovery park and energy from waste facility for use in connection with the recycling, recovery and reprocessing of waste materials.</p> <ul style="list-style-type: none">• Applicant<ul style="list-style-type: none">i) Has an alternative means of access been identified to avoid conflicting with planned development at Protos?ii) Would it be able to utilise simpler crossings over existing and proposed railway tracks and ditches? If so, how could that be undertaken?iii) The Consultation Report (document ref. D.5.1, Revision A, September 2022, reference S1-09), states the Applicant is open to changing the access route provided continued access is made available to the AGI. Can confirmation be given of any progress with those discussions and any next steps intended?• CWCC<ul style="list-style-type: none">iv) Do you have any additional points to raise regarding the access provision issue outlined or comments towards securing any potential solutions?	
Q1.17.4	<i>Existing Highway Infrastructure / Road maintenance</i> Applicant and IPs, including the	<ul style="list-style-type: none">• Applicant<p>Relevant Representation [RR-015] highlights concerns regarding the condition of existing highway infrastructure (including the A494 Dee Bridge) which could be potentially worsened by the DCO Proposed Development.</p>	The A494 Dee Bridge is part of the trunk road network so would fall under the jurisdiction of Welsh Government/North and Mid Wales Trunk Roads Agency and therefore FCC would respectfully defer the Examining Authority to any comments made by Welsh Government/NMWTRA

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
	Relevant Highway Authorities (ie Welsh Government, National Highways, Etc.)	<p>Indeed, this issue may have already been anticipated in the formulation of the OCTMP.</p> <p>i) Can the Applicant further clarify how road maintenance issues associated with the condition of existing highway infrastructure is to be managed/ and or mitigated?</p> <p>ii) What specific provisions in the DCO deal with road maintenance matters and how do they relate to the acknowledgement of any existing highway structure affected?</p> <p>iii) How would compensatory measures be dealt with for any unintended damage caused to the public highway or highway related infrastructure inclusive of any local bridges-</p> <ul style="list-style-type: none">• IPs <p>iv) Submit whatever comments you deem necessary.</p> <p>v) Are there any existing recognised surveys which have been conducted which provide a basis for detailing the condition of any existing highway infrastructure potentially impacted upon. If so, please provide that information to the Examination.</p>	<p>There is a reference in the OCTMP that condition surveys would be undertaken in consultation with the relevant Highway Authorities.</p>
Q1.17.5	<i>Highway Infrastructure</i> FCC Highways	<ul style="list-style-type: none">• The Welsh Government has announced (February) the cancellation of a series of road building projects. Does the announcement or the suggested alternative improvements envisaged to the A494 at Aston Hill have any implications for the proposed DCO development?	<p>Roads Review Panel recently released their report and recommendations to the Welsh Government, one of which related to the removal of the proposed A55 'Red Route' as a new road scheme.</p> <p>The Welsh Government has yet to finalise its response to the Panel's recommendations, as it is understood that</p>

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		If so, please explain what those implications are and what are they likely to involve?	<p>there are ongoing considerations following a notice of motion.</p> <p>The Flintshire LDP was adopted prior to the panel's report being published, and the Red Route is therefore referenced within Policy PC10 New Transport Schemes, under criterion i., and is shown on the proposals maps as a protected route. Until such a time as the WG publish their formal response to the Road Review Panel Report, the position must be assumed to be as set out in the LDP and it cannot be said at present that there will not be any potential conflict between the Hynet proposals and this road.</p> <p>Notwithstanding the above point, FCC are not aware of any suggested alternative improvements envisaged to the A494 at Aston Hill. However, the Highway Authority for the A494/Aston Hill is Welsh Government/North and Mid Wales Trunk Roads Authority (NMWTRA) therefore FCC would respectfully defer the Examining Authority to any comments made by WG/NMWTRA with regards to this point.</p>
18.	Waste Management		
Q1.18.1	N/A	<ul style="list-style-type: none">No specific questions at present, which are not already covered by other questions within this document.	<ul style="list-style-type: none">N/A
19.	Draft Development Consent Order		

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
Q1.19.1	<i>DCO - Associated Development</i> Welsh Government / FCC	<ul style="list-style-type: none">Paragraph 1.4 (Associated Development) and 3.2 (Overview of the Legislative and Consenting Framework) of the submitted Planning Statement [APP-048] is noted. However, the ExA would draw the attention of the IPs listed against this question to Section 115 of the PA2008 (as amended by Section 43 of The Wales Act 2017), and to the definition of "pipeline" in Section 65 of the Pipelines Act 1962, specifically in relation to the BSVs and AGIs which form part of the scheme and are located in Wales. In the light of these Sections of the relevant Act, the ExA would ask the IPs listed:<ul style="list-style-type: none">i) To review the above mentioned Sections/ Acts and confirm whether there is any Associated Development for the purposes of Section 115 of the PA2008 in relation to the elements of the proposed development wholly located in Wales and if so identify this.ii) Confirm if they agree with the Applicant's analysis of the application of the Pipelines Act 1962 in relation to the Welsh BSVs.iii) In the event that an IP disagrees with the Applicant's position on this matter, please set out the legal reasoning supporting the position taken.	FCC agree with the applicant's view that the BSV's and AGI's are not considered to be 'Associated Development' because it is considered that they fall within the definition of a 'pipeline' in Section 65 of the Pipe-lines Act 1962.

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ExQ1	Question to:	Question:	FCC Response
Q1.19.2	<i>DCO General Applicant</i>	<ul style="list-style-type: none">Should there be a Schedule within the DCO that specifically lists the Plans and Documents to be certified? Please review and amend as required. In the event that such a schedule is not determined to be required please explain why.	N/A
Q1.19.3	<i>DCO General Applicant</i>	<ul style="list-style-type: none">Contents page - Article 6 is not referenced correctly on the contents page, as it appears to have merged with Article 5 within the main body of the text within these Articles, as set out in the draft DCO . Please review and amend, as required.	N/A
Q1.19.4	<i>DCO General Applicant</i>	<ul style="list-style-type: none">Contents page - Schedule 10 (Protective Provisions) – Some of the Parts are incorrectly referenced. For example Part 4 refers to 'Cadent' but Part 4 actually relates to National Grid as Gas Undertaker, Part 5 relates to Cadent Gas Ltd and remaining sections need renumbering. Please review and update if required.	N/A
Q1.19.5	<i>DCO General Applicant</i>	<ul style="list-style-type: none">Contents Page – Schedule 11 (Removal of hedgerows) The Parts are not numbered and the Part that refers to 'Removal of important hedgerows' is blank. Please review and amend, as required.	N/A
Q1.19.6	<i>DCO General Applicant</i>	<ul style="list-style-type: none">Contents page – paragraphs 2 and 3 below Schedule 12 on the contents page need updating. Please review and update, if required.	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
Q1.19.7	<i>DCO Articles</i> Applicant	<ul style="list-style-type: none">Article 2 (Interpretation) – Definition of “authorised development” refers to Schedule 1. However, the ExA considers the reference to “associated development” here to be odd, especially as no further reference is made to “associated development” in the draft DCO. Reference to “ancillary works” is made in Schedule 2. The Applicant should identify what is “associated development” confirming that it satisfies the criteria in section 115 of the PA2008. Please review and amend, as required.	N/A
Q1.19.8	<i>DCO Articles</i> Applicant	<ul style="list-style-type: none">The Article 2 (Interpretation) – The term ‘CEMP’ is used in the draft DCO in Article 9 before it is explained in Schedule 2, Requirement 1 (Interpretation). Should it be included in Article 2, Interpretation?	N/A
Q1.19.9	<i>DCO Articles</i> Applicant	<ul style="list-style-type: none">Article 2 (Interpretation) – Definition of “commence” and enabling activities. Various enabling activities (site preparation works etc.) are specifically excluded from the definition of “commence” in Article 2. Some of these activities may overlap with the “such other works as may be necessary or expedient” at the end of Part 1 of Schedule 1. The ExA needs to be satisfied that these enabling activities will not give rise to any significant adverse environmental effects, contrary to the ES. Additionally, this definition would allow the enabling activities to take place before the relevant planning authority have approved	N/A

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ExQ1	Question to:	Question:	FCC Response
		details of measures to protect the environment under the Requirements and the ExA is aware that similar wording has been removed in other DCOs. Bearing these comments in mind, the ExA requests the definition of "commence" and enabling activities to be reviewed and amended to address the above mentioned comments, where necessary. The ExA would also ask that where no amendments are considered necessary the Applicant justifies its decision and provides any precedent for the position it has taken.	
Q1.19.10	<i>DCO Articles</i> Applicant	<ul style="list-style-type: none">Article 2 (Interpretation) – The definition of "maintain" in Article 2 is extremely wide ranging and appears to offer considerable flexibility with no obligation, currently, to bound maintenance activities to those that would not give rise to any materially new or materially different environmental effects to those identified in the ES. Please review and amend, if required.	N/A
Q1.19.11	<i>DCO Articles</i> Applicant	<ul style="list-style-type: none">Article 2 (Interpretation) – Definition of the 'access and rights of way plan' refers to it being '...the plan certified as such by the SoS for the purposes of this Order'. However, the access and rights of way plan' is not listed in Article 44 (Certification of Plans, Etc). Please review and amend, as required.	N/A

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ExQ1	Question to:	Question:	FCC Response
Q1.19.12	DCO Articles Applicant	<ul style="list-style-type: none"> Article 2 (Interpretation) – Definition of 'Ancillary works' – The definition is wide ranging and the ExA is concerned as to the extent of what would be encompassed by this definition and what 'ancillary works' would be granted by virtue of Article 3(1)(b) should the DCO be made. Additionally, the ExA would comment that Schedule 1, Part 2 of the draft DCO appears to be vague. Please review and amend, as necessary. Should the Applicant disagree with the ExAs concern in this regard, please set out legal precedent justifying the position being put forward. 	N/A
Q1.19.13	DCO Articles Relevant Local Authority	<ul style="list-style-type: none"> Article 2 (Interpretation) – Definition of 'Commence' Are the Relevant Local Authorities satisfied as to the list of exceptions within the definition of commencement? 	<p>Article 2 (Interpretation) – Definition of 'Commence'.</p> <p>Suggested amendment to the following (in bold blue):</p> <p><i>"commence" means carry out a material operation, as defined in section 155 of the 2008 Act (which explains 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 fencing to site boundaries or marking out of site boundaries, installation of amphibian and reptile fencing, the diversion or laying of services or environmental mitigation measures, and any such accesses that may be required in association with the above exclusions and "commencement", "commenced" and cognate expressions are to be construed accordingly;</i></p>

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ExQ1	Question to:	Question:	FCC Response
Q1.19.14	<i>DCO Articles</i> FCC Highways	<ul style="list-style-type: none">Article 2 (Interpretation) – Definition of 'Highway authority' – This definition is noted, but the ExA would ask whether or not NHs and/ or The Welsh Government should be included in this definition.	FCC agree that this definition should be extended to include NHs and/or The Welsh Government. WG/NMWTRA are the relevant authority in relation to the trunk roads: A494(T) & A55(T)
Q1.19.15	<i>DCO Articles</i> Applicant	<ul style="list-style-type: none">Article 2 (Interpretation) – Article 2(3) refers to 'work' whereas Article 2(6) refers to 'works'. Should reference be singular or plural? Additionally and in the interest of clarity, there is no definition of 'work'/ 'works' and the ExA would ask whether these reference should be referring to 'Work Numbers and/ or Work Plans?	N/A
Q1.19.16	<i>DCO Articles</i> Applicant	<ul style="list-style-type: none">Article 3 includes consent for the ancillary works (i.e. those in Part 2 of Schedule 1). However, the ExA is concerned that there is a potential disconnect between paragraph 2.2(i) of the Explanatory Memorandum (EM), which refers to "<i>temporary ancillary works integral to the construction of the CO₂ Pipeline including construction compounds and temporary access tracks</i>" and Part 2 of Schedule 1 which does not list the 'ancillary works' but says they are "<i>for the benefit or protection of land affected by the authorised development</i>" and fall "<i>within the scope of the work assessed by the ES</i>". The ExA is concerned this definition is too vague. Please review and amend, if required. Should no amendment be considered required, please justify why you consider the wording used to be adequate and not open to	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		interpretation and provide legal precedents that supports the Applicant's position in this regard. Also please direct the ExA to where within the submitted Application documentation full details of the 'ancillary works' has been provided.	
Q1.19.17	<i>DCO Articles</i> Applicant/ FCC	<ul style="list-style-type: none"> Article 4 (Operation and use of the authorised development) – <p>Please confirm whether or not the use of the existing pipeline is currently restricted to the carrying of a specific gas/ liquid?</p> <p>Should such a restriction exist please provide full details of that restriction and whether, other than the DCO, any other permissions, consents, licences, etc. would be required for the repurposing of the existing pipeline.</p>	<p>The existing Point of Ayr to Connah's Quay pipeline proposed to be repurposed as part of this DCO application that was granted under the Pipe-Lines Act 1962 under reference 5/A/93 PL B52 on 16th December 1993. The Consent restricts the use of the Pipeline for the conveyance of natural gas.</p> <p>Flintshire County Council's submission to the Examining Authority for Deadline 1 includes a copy of the Point of Ayr to Connah's Quay Pipeline consent for information. FCC is not aware of, other than the DCO application, any other permissions, consents, or licences that would be required for the repurposing of the existing pipeline.</p>
Q1.19.18	<i>DCO Limits of deviation</i> Applicant	<ul style="list-style-type: none"> There appear to be a number of discrepancies and inconsistencies between the Limits of Deviation/ parameters specified in the ES and the draft DCO: <p>i) ES Chapter 3 [APP-055] identifies the dimensions of the AGIs, BVSS and construction compounds, whilst the draft DCO at Table 1 in Schedule 2 Part 1 Requirement 4 identifies the maximum area of each, but the figures do not appear to match.</p>	N/A

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ExQ1	Question to:	Question:	FCC Response
		<ul style="list-style-type: none">ii) ES Chapter 3 [APP-055] at paragraph 3.4.6 states that fencing at the AGI sites would be up to 3m high. However, the draft DCO at Table 1 in Schedule 2 Part 1 Requirement 4 appears to reference two maximum height; one refers to a 5m maximum for "buildings and structures including operational fencing" and the other refers to a 3.5m maximum for "fencing and gating". The same Work Nos are identified against each.iii) The maximum width of the permanent access tracks from the BVSs and AGIs is specified in ES Chapter 3 [APP-055] as 3m wide at the BVS sites and 6m at the AGI sites while it is set at 6m in draft DCO (Schedule 2 Part 1 Requirement 4 Table 1) for both the BVSs and the AGIs.iv) ES Chapter 3 [APP-055] paragraph 3.6.26 states that the maximum working width of the open cut trenching works would be 32m; this parameter is not specified in the draft DCO;v) Draft DCO at Article 6 refers to a 35m maximum depth of the trenchless installation works, but this parameter is not mentioned in the ES.vi) The depth of the open cut trenches is specified in the ES Chapter 3 at paragraph 3.6.39 as typically between	

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ExQ1	Question to:	Question:	FCC Response
		<p>2.5m and 6m; no reference is made to this parameter in the draft DCO.</p> <p>vii) ES Chapter 5 [APP-057] at paragraph 5.12.10 states that a 5m Limit of Deviation in all directions from the edge of the earthworks for each of the AGIs and BVSS is depicted on ES Figure 3-2 [APP-176]. This is not specified in the draft DCO, which cross-refers to the Works Plans for the lateral Limits of Deviation.</p> <p>Please can the Applicant address these points.</p>	
Q1.19.19	<i>DCO Limits of deviation</i> Applicant	<ul style="list-style-type: none">• Limits of deviation –<ul style="list-style-type: none">i) Article 6(1)(b) sets the minimum limit the pipeline must be position below the surface of the ground, but allows an exception where compliance with that upward limit would be impractical. Please explain in what circumstances it is anticipated that this exception would be required?ii) Article 6(1)(c) – The ExA notes the limitations elsewhere within Article 6(1) and would ask why no limitation is being set within Article 6(1)(c)?iii) Article 6(1)(d) and (e) are one sentence. Please review and amend, as required.iv) Article 6(1)(f)(ii) – The ExA would question the use of the word 'convenient' and would ask the Applicant	N/A

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ExQ1	Question to:	Question:	FCC Response
		<p>to justify why such a flexible term is acceptable/ appropriate for use in a DCO.</p> <p>v) The EM at paragraph 4.28 refers to the upwards limits of deviation for valve work as described in Schedule 1. However, no upwards limits of deviation for valve work appears to have been included in Schedule 1. Please review and amend, as required.</p> <p>vi) The power to deviate vertically downwards is broad and whilst the explanation in paragraph 4.27 of the EM is noted the ExA would ask whether any such deviation should be restricted to that which would not give rise to any materially new or different environmental effects to those identified in the ES.</p>	
Q1.19.20	<i>DCO Articles</i> Relevant Statutory Undertakers	<ul style="list-style-type: none">The ExA would ask relevant Statutory Undertakers for their comments in regard to the disapplication of the provisions set out in Article 8(1) of the draft DCO, which related to the powers to make bylaws under the Water Resources Act 1991 and the powers to make bylaws, the prohibition of obstructions, etc. in watercourses and authorisation of drainage works in connection with a ditch under the Land Drainage Act 1991.	N/A
Q1.19.21	<i>DCO Articles</i> Applicant	<ul style="list-style-type: none">Article 9 – This is the first use of the abbreviation CEMP in the draft DCO and there	N/A

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ExQ1	Question to:	Question:	FCC Response
		is no explanation of the term prior to this point. Please define in Article 2 (interpretation) and check the remainder of the draft DCO for any other abbreviations used and not defined elsewhere.	
Q1.19.22	<i>DCO Articles</i> Applicant	<ul style="list-style-type: none">Article 10 (Street works)<ul style="list-style-type: none">i) The EM at para 4.48-9 states "<i>similar wording</i>" can be found in other DCOs and the DCOs listed as examples are noted. However, as the Southampton to London Pipeline DCO 2020 is also a pipeline DCO, the ExA would ask the Applicant to explain how and why Article 10 of the Proposed DCO differs from the Southampton to London Pipeline DCO and other equivalent pipeline DCOs.ii) The Article refers to Schedule 3, Part 1 (streets subject to street works). However Schedule 3, Part 1 refers to (...permanent street works). Please review the whole document to ensure consistency, amending as required. (eg Article 12(1)(a) and (b)).	N/A
Q1.19.23	<i>DCO Articles</i> Relevant Local Authorities/ Statutory Undertaker	<ul style="list-style-type: none">Article 10 (Street works)<p>Article 10(5) refers to the consequences of a failure to notify the undertaker (Applicant/ developer) of a decision within a fixed period of time. In this instance it is 42 days, but there are some incidents of 28 days</p>	FCC have no concerns with proposed timescales set within DCO with regards to Article 10 (Street works)

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ExQ1	Question to:	Question:	FCC Response
	FCC Highways	<p>(see Articles 19(9) and 21(7)) . The need to provide a decision within a fixed period, and the consequence of the failure to do so, occurs throughout the draft DCO generally (eg Articles 11(5), 14(7), 18(7), Etc.). The ExA would ask whether the Relevant Local Authorities/ Statutory Undertakers are satisfied in regard to the time limits specified and if not what alternative would be considered acceptable?</p> <p>In addition to the above, in regard to all Articles that express a consequence for failure to notify, the ExA would ask whether such articles should also specify the procedure to follow in the event of the Relevant Local Authority/ Statutory Undertaker making a negative decision which is received by the undertaker within the relevant period? Should there be some form of cross reference to Article 47 (Requirements, Appeals, etc.) and Schedule 2, Part 2, Etc. of the draft DCO for example? If not please explain your reasoning in full.</p>	
Q1.19.24	<i>DCO Articles Applicant</i>	<ul style="list-style-type: none">Article 11 (Power to alter layout, etc. of streets):<ul style="list-style-type: none">i) Article 11(1) - Please check the references to the column numbers in this Article, as they would appear to be inconsistent with the column numbers in the related Schedule and Part.ii) In addition to the above please check the remainder of the draft DCO in terms of the cross referencing of the column numbers	N/A

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ExQ1	Question to:	Question:	FCC Response
		<p>specified in an Article with the corresponding column numbers in the schedule to ensure consistency throughout the document; and</p> <p>iii) The power in Article 11(2) is broad and applies to any street including outside the Order Limits and to an extensive list of potential works. The rationale for this should be explained in the EM, but appears to be missing. Please provide the missing rationale or direct the ExA to the location of the rationale within the submitted Application documentation.</p> <p>iv) Article 11(2)(h) has a superfluous 'and'. Additionally please review the punctuation in Article 11(2) generally and throughout the draft DCO (ie see Article 15(2), 30(6)(b) and 32(5)(b)).</p>	
Q1.19.25	<i>DCO Articles Applicant</i>	<ul style="list-style-type: none">Article 12 (Application of the 1991 Act) - The powers within this Article 11(2) are broad and the rationale behind them should be explained in the EM. However, it is missing. Please provide the missing rationale or direct the ExA to the location of the rationale within the submitted Application documentation.	N/A
Q1.19.26	<i>DCO Articles Applicant</i>	<ul style="list-style-type: none">Article 13 (Temporary restrictions of public rights of way) - Article 13(5) – Please review for superfluous wording and amend, if required.	N/A
Q1.19.27	<i>DCO Articles</i>	<ul style="list-style-type: none">Article 14 (Temporary restriction of use of streets):	N/A

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ExQ1	Question to:	Question:	FCC Response
	Applicant	<ul style="list-style-type: none"> i) Article 14(4) refers to Works Plans, but Schedule 5 Column 3 specifies the Access and Rights of Way Plans. Please check and clarify what Plans should be being referred to and amend as required; ii) Article 14(5)(a) – This is the only sub-paragraph, so why is it set out as a sub-paragraph? Additionally, should a paragraph similar to Article 14(5) be included within Article 13 (Temporary restrictions of public rights of way); and iii) Article 14(7) refers to ‘...consent under paragraph (5)(c) but there is no such paragraph. Please review and amend, if required. 	
Q1.19.28	<i>DCO Articles</i> Applicant	<ul style="list-style-type: none"> • Article 15 (Access to works) – The second reference in Article 15(2) to ‘...paragraph (1)...’ appears to be incorrect. Please check and amend, if required. 	N/A
Q1.19.29	<i>DCO Articles</i> Applicant	<ul style="list-style-type: none"> • Article 17 (Use of Private Roads) - The EM at para 4.70 states that “This article does not create a right of the undertaker to exclude other users...” However, the ExA is concerned that the power in Article 17(1) may in fact have this effect. As such the ExA would ask the Applicant to review Article 17(1) and amend, if required. 	N/A
Q1.19.30	<i>DCO Articles</i>	<ul style="list-style-type: none"> • Article 18 (Traffic regulations) and Article 20 (Maintenance of drainage works) – The powers 	N/A

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ExQ1	Question to:	Question:	FCC Response
	Applicant	within these Articles are broad and the rationale behind them should be explained in the EM. However, they are missing. Please provide the missing rationale or direct the ExA to the location of the rationale within the submitted Application documentation.	
Q1.19.31	<i>DCO Articles</i> Applicant	<ul style="list-style-type: none">Article 21 (Authority to survey and investigate the land) – This Article would give power to enter onto “any land which may be affected by the proposed development” and only requires 14 days prior notice to be given. The need for such a broad power and the short duration of any notification period needs to be clearly explained in the EM. The ExA would ask for such a clear explanation and for any precedent and/ or legal justification to be clearly set out.	N/A
Q1.19.32	<i>DCO Articles</i> Applicant/ Relevant Local Authority	<ul style="list-style-type: none">Article 23 (Removal of human remains)<ul style="list-style-type: none">i) In terms of Article 23(2)(a), bearing in mind the prospective length/ width, which includes the limits of deviation, of the Proposed Development, the ExA would ask whether it would be appropriate to include the Work Number(s) where such human remains were found to be included within any such advertisement. If not please explain the reasons why.ii) In terms of Article 23(2)(b), should this require the display of the notice in a conspicuous place on or near the Order	<p>FCC has sought internal advice on Article 23 in order to answer the questions and is awaiting a response.</p> <p>FCC would respectfully request the Examining Authority defer this question to ExQ2 should the following response require further detail from FCC.</p> <ul style="list-style-type: none">i) FCC considers that during the construction, should human remains be found it would be appropriate to include the Works Number(s) within any such advertisement, to indicate

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ExQ1	Question to:	Question:	FCC Response
		<p>land which is close to the location where the human remains were found?</p> <p>iii) Article 23(3) – How long is 'reasonably practicable'? Please clarify and amend, if required.</p>	the location of where such human remains were to be found.
Q1.19.33	<i>DCO Articles</i> Applicant	<ul style="list-style-type: none"> Article 24 (Compulsory acquisition of land) – within this Article and subsequent Articles the numbering of the Articles, within the main body of the text, appears to get out of sequence (ie Article 24(2) refers to Articles 25 and 34 but should be referring to Articles 26 and 35, respectively). Please review all such references within the main body of the text of each Article to ensure they are correctly referenced and amend, if required. 	N/A
Q1.19.34	<i>DCO Articles</i> Applicant	<ul style="list-style-type: none"> Article 26 (Compulsory acquisition of rights and restrictive covenants) – Article 26(3) and (4) cross refers to Schedule 9 of the draft DCO. However, the title of Schedule 9 does not include the wording "and imposition of restrictive covenants". Please check and amend, if required. 	N/A
Q1.19.35	<i>DCO Articles</i> Applicant	<ul style="list-style-type: none"> Articles 27 (Statutory Authority to override easement and other rights) and Article 29 (Private rights) – Article 29 covers the suspension of private rights, whilst Article 27 gives the power to interfere with easements, etc. The ExA notes Paragraph 4.106 of the EM (in relation to Article 29) where it indicates the Applicant thinks private rights include 	N/A

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ExQ1	Question to:	Question:	FCC Response
		easements and that no detailed investigations have been carried out. The ExA asks why the DCO needs to include both Articles, as the reasoning is not clear from the EM, and requests an explanation in regard to this matter. The ExA also asks what endeavours the Applicant has made to investigate these rights and easements and consult with the Affected Parties.	
Q1.19.36	<i>DCO Articles</i> Applicant	<ul style="list-style-type: none">Article 34 (Temporary use of land for carrying out the authorised development) and Article 35 (Temporary use of land for maintaining the authorised development) –<ul style="list-style-type: none">i) Article 34(1)(a)(ii) – should this sub-paragraph be specifying columns (1) and (2) in Part 2 of Schedule 7? The ExA would ask whether it should be referring to columns (3) and (4) instead?ii) Article 34(1)(e) gives power to construct permanent works on the land in question. The ExA requests the Applicant justifies why Articles 34(1)(e) would fall within this Article related to temporary use, when permanent works are required and why full CA of the land is not being sought. Please provide a full written explanation, which provides legal president for such power to be granted as TP.iii) The ExA notes that whilst the majority of the land over which TP may be taken during	N/A

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ExQ1	Question to:	Question:	FCC Response
		<p>construction of the authorised development is listed in Schedule 7, Article 34(1)(a)(iii) extends this power more broadly to any other Order Land. The same applies in regard to Article 35(1)(a) in relation to maintenance. The ExA requests the Applicant justifies why Article 34(1)(a)(iii) and 35(1)(a) should allow such broad powers. The ExA asks what steps have been taken to alert all landowners/ occupiers of land within the Order Limits of this possibility.</p> <p>iv) Article 34(3)(a) – this sub-paragraph refers to Column (4) of Schedule 7, but does not clarify whether it is referring to Part 1 or Part 2 of Schedule 7 or both. Please clarify and amend, as required.</p> <p>v) Article 34(3) states 'The undertaker must not... remain in possession of any of the land...' but then sets out specific periods in relation to the land specified in paragraphs (1)(a)(i) and (1)(a)(iii) of the Article. The ExA would ask if there is any need to specify a specific period in relation to the land specified in paragraph (1)(a)(ii) of this Article?</p> <p>vi) The ExA would ask why a similar paragraph to Article 35(2) has not be included within Article 34?</p> <p>vii) Should paragraphs be inserted within Articles 34 and 35 stating:</p>	

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ExQ1	Question to:	Question:	FCC Response
		<p>a) nothing in the Articles 34 and 35 prevents the taking of TP more than once?</p> <p>b) any dispute as to the satisfactory removal of temporary works and restoration of land does not prevent the undertaker giving up possession of the land?</p> <p>viii) Should there be a cross reference within Articles 34 and 35 to the prevention of 'Double Recovery' as set out in Article 46?</p> <p>Please review (i) to (viii) above, providing a response to the questions raised and amend the DCO and EM, if required.</p>	
Q1.19.37	DCO Articles Applicant	<ul style="list-style-type: none">Article 35 (Temporary use of land for maintaining the authorised development) subparagraph (11) reads: <i>"In this article "the maintenance period", in relation to any part of the authorised development means the period following completion of that part of the authorised development until the commencement of decommissioning."</i> <p>The operational life span of the Proposed Development is indicate being assumed to be 25 years, although it also recognises the pipeline infrastructure could be operational for up to 40 years. As such please explain how the maintenance uses secured by this Article can be considered to be temporary use of land and why it would not constitute permanent</p>	N/A

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ExQ1	Question to:	Question:	FCC Response
		acquisition of land. In responding, please set out any legal precedents and provide a legal opinion in relation to this matter.	
Q1.19.38	Applicant	<ul style="list-style-type: none">Article 39 (Felling or lopping of trees and removal of hedgerows) and Schedule 11 (Removal of hedgerows) –<ul style="list-style-type: none">i) The ExA does not consider it is clear whether the hedgerows covered by Schedule 11 are all of those which the Applicant is seeking power to remove. Part 2 refers to “important hedgerows” but is currently blank. Please clarify.ii) As currently drafted Schedule 11 is not called up by Article 39, so would appear to be a ‘dangling schedule’. Therefore Article 39 should be amended to address this matter.iii) Paragraph 4.138 of the EM states that Article 39 authorises the removal of any hedgerow as defined in the Hedgerow Regulations 1997. However, in the absence of a specific provision or definition to this effect, this is not the case as currently drafted. As such the ExA would ask for clarity as to whether the Applicant is only seeking power to remove hedgerows, as covered by Schedule 11 or the removal of any hedgerow within the Order Limits, as currently set out in Article 39(4)? Also please amend the EM, if required.	N/A

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ExQ1	Question to:	Question:	FCC Response
		iv) Below paragraph (4) the texts starting "In this Article..." appears. Should this texts be marked Paragraph (5)? Please review and amend, if required.	
Q1.19.39	<i>DCO Articles</i> Applicant	<ul style="list-style-type: none">Article 40 (Trees subject to a TPO) – The ExA would ask the Applicant to clarify why this Article is required when the submitted Arboricultural Impact Assessment ([APP-115] and [APP-116]) note there to be no TPO along the line of the route, within the Order limits.	N/A
Q1.19.40	<i>DCO Articles</i> Applicant	<ul style="list-style-type: none">Article 41 (Crown rights) – Paragraph 4.140 of the EM states that this Article reflects the terms of section 135 of the PA2008. As such, if it reflects this Section the ExA would ask why the Article is necessary. Furthermore, having reviewed the Article against the Section, the ExA would question whether it is truly reflective of that Section. Please expand the explanation in the EM as to why this Article is necessary and how it reflects Section 135 of the PA2008. In the event this Article is retained unchanged, the ExA would draw your attention to:<ul style="list-style-type: none">i) Article 41(2) refers to the compulsory acquisition of an interest in any Crown land and then states, "as defined in the 2008 Act". The ExA considers this should be more specific with the relevant sections of that Act being listed. Please review and amend, if required.	N/A

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ExQ1	Question to:	Question:	FCC Response
		<p>ii) The ExA asks whether there should be a paragraph preventing the authorised development from commencing until agreement has been secured from the relevant Secretary of State/ Government Department, Etc. for the use of its land for the authorised development.</p> <p>Please review i) and ii) above and amend, if required.</p>	
Q1.19.41	<i>DCO Articles</i> Applicant	<ul style="list-style-type: none">Article 42 (Protective Provisions) – Refers to Schedule 10, but the ExA would ask the Applicant to be more specific by adding the wording 'to the Order', so the text reads 'Schedule 10 (protective provisions) to the Order has effect.' Any alternative wording which would have the same effect is of course welcome.	N/A
Q1.19.42	<i>DCO Articles</i> Applicant	<ul style="list-style-type: none">Article 44 (Certification of plans, etc.) –<ul style="list-style-type: none">i) The Crown Land Plans (Article 44(1)(b)) and the Special Category Land Plans (Article 44(1)(c)) both specify they consist of a key plan and sheets 1-37 inclusive. However, the Crown Land Plans [APP-009], as submitted, only consists of a key plan and sheet numbers 1/37, 2/37, 5/37, 6/37, 7/37, 8/37, 9/37, 17/37, 18/37, 19/37 and 22/37; and the Special Category Land	N/A

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ExQ1	Question to:	Question:	FCC Response
		<p>Plans [APP-014] only consists of one plan (Drawing Number: EN070007-D.2.6-LP-Sheet 1). Please review and amend, if required.</p> <p>ii) Article 44(1)(m) refers to the 'outline written scheme of archaeological investigation', but the document reference is blank. A document of a similar, but not identical name has been submitted into the Examination (Document 6.5.2 'Outline Archaeological Written Scheme of Investigation) [APP-223]. Please clarify if the documents referred to are the same or whether they are different. If the latter when can the ExA expect that document to be entered into the Examination.</p> <p>iii) The ExA would ask why the general arrangement plans, as defined in Article 2 and repeated at Article 44(1)(e) does not include the Location Plans for the BVSs (Document Reference D.2.7) [APP-015] or the AGIs (Document Reference D.2.10) [APP-018]. Please clarify.</p>	
Q1.19.43	<i>DCO Schedules</i> Applicant	<ul style="list-style-type: none">• Schedule 1 – Part 1 (Authorised development) – i) The Work Numbers consisting of the AGIs (Work Nos. 1, 9, 45 and 48) slightly vary from each other (i.e., Work nos. 1 and 45 refers to PIG launcher facilities, whereas	N/A

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ExQ1	Question to:	Question:	FCC Response
		<p>Work Nos. 9 and 48 have PIG launcher and receiver facilities; Work nos. 9, 45 and 48 all have isolation valves, whereas Work No. 1 does not; Work no. 9 has a high intensity pressure protection system whereas Work nos. 1, 45 and 48, Etc).</p> <p>ii) Works nos. 1 and 9 both refer to 'comprising equipment for the control of the authorised development' whereas Work nos. 45 and 48 do not include reference to the 'Authorised Development.</p> <p>iii) The Work Numbers consisting of the BVSs (Work Nos. 20, 26, 36, 51, 53 and 55) slightly vary with some referring to 'indicative location' (Work nos. 26 and 53) with the others only referring to 'location'. There is nothing on the submitted BVS Location Plan (Document Reference D.2.7)[APP-015] to indicate the locations of Work nos. 26 and 53 are indicative.</p> <p>iv) No Works no. 23B is included within Schedule 1 Part 1, but Work No 23A is listed twice, although they clearly relate to two different Work nos.</p> <p>v) The format of most of the descriptions related to each Work no. confirm which Work Plans sheet number the Works No. are detailed on. However, this does not occur in all instances (ie Work Nos. 5C,</p>	

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ExQ1	Question to:	Question:	FCC Response
		<p>13A, 23B, 29A, Etc.) Additionally, there are various discrepancies throughout the Work Nos where some Work Number plans are either included where they should be or vice versa.</p> <p>vi) The ExA needs to be clear that the rights granted by the DCO are legitimate, proportionate, and necessary. In this regard and having reviewed the Work nos. included within Schedule 1 of the draft DCO and compared them against the Work Plans, the ExA would, in the first instance seek clarification in regard to size/ amount of land proposed to be subject to CA/ TP, especially in relation to Work nos. 20, 40A, 44B, 47B, 51 and 53. Please note this list is not exhaustive and the ExA will seek to test the CA/ TP rights being sought throughout the Examination with a view to ensuring they are legitimate, proportionate, and necessary.</p> <p>vii) Work no. 57F is not shown on the Work Plans ([APP-010] and [APP-011]) (See sheet 5) and Work No. 57M appears twice (see Sheet 20). In terms of the Work No. 57M, the ExA would question whether there should be a Work No. 57N?</p> <p>viii) Work no. 57I. The ExA would question whether the reference to ‘...west of Church Lane’ is accurate enough for</p>	

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ExQ1	Question to:	Question:	FCC Response
		locational purposes and whether reference to 'Aston Hill' or East of Shotton Lane would be more appropriate for locational purposes.	
Q1.19.44	<i>DCO Schedules</i> Applicant	<ul style="list-style-type: none">• Schedule 2 (Requirements) – Please review and respond to the questions set out below and amend, as required:<ul style="list-style-type: none">i) Please confirm the Applicant has engaged with the discharging authorities, as per the guidance contained in Advice Note 15 (See paragraph 19.2).ii) The ExA considers the EM to be thin on detail in regard to Requirements, particularly as regard to the appropriateness and relevance of the requirements listed to this particular scheme. Prior precedents (although only described as “similar wording” rather than identical wording) have been cited, although their similarity to this scheme is not explained. Additionally, the EM states that many of the requirements are based on the (old) model provisions but does not explain why changes have been made or provide a justification for the inclusion of the Requirement. An example of this is Requirement 8 where no justification in the EM has been given.	N/A

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ExQ1	Question to:	Question:	FCC Response
		<p>iii) Schedule 2 (Requirements) refers to Article 3 in the top right of its first page. This should refer to Article 43.</p> <p>iv) Throughout the Requirements terms such as 'undertaken', 'constructed' and 'implemented' appear to be used interchangeably. The ExA would ask for consistency and would ask that the use of such terms is reviewed and, where possible, the term 'implemented' or a variation thereof is used.</p> <p>v) In addition to iv) above, the ExA is concerned that, in the majority of cases, there does not appear to be any element within the Requirements for what is secured to be maintain as approved thereafter for the duration of the lifetime of the Authorised Development or whatever alternative period of time.</p> <p>vi) There are several instance of the use of the word 'substantially'. Please see Requirements 5, 10 and 11 as examples. The ExA would ask whether the use of this word would be precise, in the interests of clarity.</p> <p>vii) Requirement 1 (Interpretation) "CTMP" is missing the word 'means'.</p> <p>viii) Requirement 3 (stages of authorised development) and Requirement 4 (Scheme Design) are noted, as is</p>	

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<p>Requirement 19 that relates to applications that have been made to a relevant Local Authority. However, the ExA would ask for clarity in regard to whether these Requirements, and other similar Requirements, need to be submitted to the Relevant Local Authority as an Application and are therefore subject to the procedures set out in Part 2 (Applications made under requirements) of Schedule 2 of the draft DCO. This concern arises due to the wording of the Requirements differing from other Requirements, such as Requirement 5 where it explicitly refers to '...approval of the relevant planning authority...'</p> <p>ix) Should Requirement 6 include cross-reference to the relevant mitigation measures identified in the REAC?</p> <p>x) Requirement 7(3) is noted. However, the ExA would ask how long the consultation period would be and how this would fit with the timescales specified in Requirement 19(1) in relation to the notification of a decision.</p> <p>xi) Requirement 8 (Surface water drainage) – The ExA would ask why Work Nos. 36 and 55 are excluded when these BVS also appear to propose surface water drainage?</p>	

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<p>xii) Is there a need for a foul drainage Requirement, especially in relation to temporary logistic and construction compounds and AGIs/ BVS construction sites?</p> <p>xiii) Requirement 9 (Contaminated land and groundwater) – This requirement is noted, but the ExA would ask whether the works within the area of the contamination find should cease whilst the matter is investigated and reported on and what timescales are being incorporated into the different elements of this Requirement. (i.e., When does the reporting of a contamination find have to be reported to the Relevant Planning Authority; When does an investigation and risk assessment need to be completed; Etc.)</p> <p>xiv) Requirement 12 (Ecological surveys) – What happens in the event EPS are found to be present?</p> <p>xv) Requirement 13 (Construction hours) – The ExA notes the wording of Requirement 13(1) and would comment:</p> <ul style="list-style-type: none">a) weekend working would appear to be unfettered.b) reference to construction work only taking place between 0800 and 1800 on weekdays (except public and	

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<p>bank holidays), does not appear to restrict working outside of these hours on public or bank holidays. Bearing a) and b) in mind, the ExA would ask whether weekend working is being proposed and, if so, whether such working should be restricted; and what is proposed in terms of public and bank holidays?</p> <p>c) In terms of Requirement 13(2), what is reasonably practical?</p> <p>d) Requirement 13(5) includes a definition of 'non-intrusive activities', which would include activities that would not create any discernible light, noise or vibration. The ExA would ask for a definition of the word 'discernible' and whether any consideration has been given to other nuisances such as smell, fumes, smoke, soot ash, dust grit, Etc.</p> <p>xvi) Requirement 14 (Operational noise) – The term 'lawfully inhabited at the date of the making of this Order' causes some concern to the ExA. The ExA would ask:</p> <p>xvii) What happens in regard to a lawful properties included in Table 15-24 that are empty on the date of the making of the Order. For example, the property may</p>	

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<p>be vacant pending sale or rental; not inhabited as the occupiers are on holiday or otherwise away; empty for any number of justifiable reasons, but lawfully capable of occupation. With this in mind, how would a Requirement including the above term be enforceable, precise and reasonable in all other respects. For example how does the Applicant or Relevant Local Authority demonstrate a particular residential property was 'lawfully inhabited' or otherwise at the date of the making of this Order'?</p> <p>xviii) Requirement 15 (Restoration of land) refers to 'authorised project'. Should this read authorised development?</p> <p>xix) Requirement 16 (Post CEMP) – The ExA would ask:</p> <ul style="list-style-type: none">e) whether the OMEMP must include the operational monitoring, maintenance and management works required by the OCEMP.f) whether the Requirement should refer to the CEMPc) whether decommissioning should be a Requirement in its own right, rather than being combined with post construction requirements;d) whether a minimum period of 6 months specified in Requirement	

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<p>16(3) would be adequate in terms of decommissioning works?</p> <p>e) why this Requirement does not prevent decommissioning works taking place in advance of any formal approvals from the Relevant Local Authority.</p> <p>f) should the demolition management plan required by Requirement 16(4) include the need for: a phasing plan for any demolition and/ or removal works; a timetable for the implementation of the plan; and a plan of land restoration for any land not covered by Requirement 15.</p> <p>g) should Requirement 16(4), specify the waste management plan must include details related to the removal of all materials resulting from the decommissioning works from the land.</p> <p>xx) Should Requirement 19 specify that an Application made to a relevant authority must be accompanied by confirmation as to whether it is likely that the subject matter of the application will give rise to any materially new or materially different environmental effects compared to those in the environmental statement and if it will then the Application must be accompanied by information setting out what those effects are.</p>	

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<p>xxi) Requirement 20 (Multiple relevant authorities) – The ExA would ask what happens in the event of failure to provide comments within the specified time period?</p> <p>xxii) Requirement 21 (Further information) – The number '5' is used interchangeably with the word 'five'. Also reference to 'business days' is the first reference to such a term in this requirement and appears to be at odds to the term 'days' used elsewhere in the document. Please review and amend as required. Finally, the ExA would question whether the period specified for consultee responses (ie within 21 days of receipt of the application) is adequate?</p> <p>xxiii) Requirement 22 (Fees) – The ExA would ask:</p> <p>a) what happens in the event of a change to the Fees Regulations.</p> <p>b) Requirement 22(1)(b) specifies a fee of £97 per application. However, this would appear to be at odds with the current Fees Regulations.</p> <p>c) what happens in the event of a validation dispute? (See Article 12 of the Town and Country Planning (Development Management Procedure) Order, 2015 (as amended).</p>	

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<p>xxiv) Requirement 23 (Appeals) – Requirement 23(1)(b) to (e) inclusive, should read '23(1)(a)(i) to (iv). In addition, what happens where any application to discharge a requirement will give rise to any materially new or materially different environmental effects compared to those in the environmental statement. Should there be a mechanism for that Application to have deemed to have been refused by the relevant planning authority at the end of the relevant period?</p> <p>xxv) Requirement 24(7) refers to Planning Practice Guidance that has been superseded. Please review and amend, if required.</p>	
Q1.19.45	<i>DCO Schedules Applicant</i>	<ul style="list-style-type: none">• Schedules 3 to 6 of the draft DCO [APP-024] cross refer to letters and numbers marked on the Access and Rights of Way Plans ([APP-012] and [APP-013]). However, not all of the letters and numbers marked on the Land Plans appear to be correctly referenced in the above mentioned Schedule, whilst some do not appear to be reference at all. For example Part 1 of Schedule 3 to the draft DCO [APP-024] does not list the letter/ number points related to work numbers:<ul style="list-style-type: none">- 46 (Sheet 20) - letter/ number points 20-F, 20-N and 20-O;- 49 (Sheet 22) - letter/ number points 22-G, 22-K and 22-L; or	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<ul style="list-style-type: none">- 50 (Sheet 50) letter/ number points 25-A, 25-C and 25-D. Similar incidences appear to occur in relation to Work Numbers: 54 (Sheets 27 and 28); and 59 (Sheet 29). Please review the Access and Rights of Way Plans ([APP-012] and [APP-013]) and the draft DCO [APP-024] to ensure all relevant reference points on the above mentioned plan are correctly referenced in the relevant schedules of the draft DCO [APP-024] and vice versa.	
Q1.19.46	<i>DCO Schedules</i> Applicant	<ul style="list-style-type: none">• Schedule 3, Part 1 (Streets subject to permanent street works) –<ul style="list-style-type: none">i) the second row under column 3 refers to Work no. X. This also occurs in:<ul style="list-style-type: none">- Schedule 3, Part 2 on page 75 in the third complete row under column 3.ii) Multiple occurrences in Schedule 4, Part 1. Please clarify.Please review and amend, if necessary.	N/A
Q1.19.47	<i>DCO Schedules</i> Applicant	<ul style="list-style-type: none">• Schedule 4, Part 1 has the title 'Highway to be stopped up for which no substitute is to be provided' Is this title correct?	N/A
Q1.19.48	<i>DCO Schedules</i> Applicant	<ul style="list-style-type: none">• Schedule 5, Column (3) – every entry starts TBC. Please clarify.	N/A

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ExQ1	Question to:	Question:	FCC Response
Q1.19.49	<i>DCO Schedules</i> Applicant	<ul style="list-style-type: none">Schedule 6 - Second row column 3 refers to points marked 3-A and 3-B on sheet 3 of the access and rights of way plan. However, only 3-A is shown on this plan. Please clarify.	N/A
Q1.19.50	<i>DCO Schedules</i> Applicant	<ul style="list-style-type: none">Schedule 7:<ul style="list-style-type: none">i) refers to Article 33 in the top right hand corner. This should refer to Article 34.ii) Part 1 (page 87) penultimate row in Column (2) lists plot number 5-04 twice.iii) Part 1 (page 89) Plot 15-02 appears to have been missed from the listings.iv) Part 1 (page 90) final five entries are duplicates of entries already listed above.	N/A
Q1.19.51	<i>DCO Schedules</i> Applicant	<ul style="list-style-type: none">Schedule 8 (Land in which new rights etc., may be acquired) – The ExA would question the broad approach taken in relation to the acquisition of new rights. Column 2 contains the list of new rights which may be acquired under Article 26. However, this is extremely long and open ended. The ExA considers the Applicant should specify which rights are being acquired, in respect of which plots, in the form of an extra schedule that mirrors the information given in the BoR. Please review and amend, if required.	N/A
Q1.19.52	<i>DCO Schedules</i> Applicant	<ul style="list-style-type: none">Schedules 9 and 10 – The ExA would question the Article numbers referenced in the top right hand corner. Please check and amend, if required.	N/A

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ExQ1	Question to:	Question:	FCC Response
Q1.19.53	<i>DCO Schedules</i> Applicant	<ul style="list-style-type: none">Schedule 11, Part [] on page 136. The correct Part number needs to be added and the fields within this Part are all blank. Please review and update, as required.	N/A
Q1.19.54	<i>DCO Highways infrastructure</i> Applicant	<ul style="list-style-type: none">NHs [RR-064] has noted that the Compulsory Powers are sought in relation to land forming part of the SRN being the M53 and M56, including acquisition of the subsurface of the carriageway itself at two locations where the pipeline crosses the SRN. To safeguard NHs' interests and the safety and integrity of the SRN, NHs objects to the inclusion of the Plots in the Order and to Compulsory Powers being granted in respect of them. The Plots constitute land acquired by NHs for the purpose of its statutory undertaking and, accordingly, this representation is made under section 56 and sections 127 and 138 of the PA2008. NHs considers that there is no compelling case in the public interest for the Compulsory Powers and that the Secretary of State, in applying section 127 of the PA2008, cannot conclude that the permanent acquisition of land forming the SRN and the creation of new rights and restrictions over all of the Plots can be created without serious detriment to NHs' undertaking. No other land is available to NHs to remedy the detriment.	N/A

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		How does the Applicant propose to remedy the objection in terms of: (a) the inclusion of protective provisions in the Order for its benefit; and (b) agreements with the Applicant that regulate (i) the manner in which rights over the Plots are acquired and the relevant works are carried out including terms which protect NHs' statutory undertaking and agreement that compulsory acquisition powers will not be exercised in relation to such land; and (ii) the carrying out of works in the vicinity of the SRN to safeguard NHs' statutory undertaking.	
20.	Other		
Q1.20.1	<i>Lighting</i> IPs EHO	<ul style="list-style-type: none">The ExA notes that changes to light levels in the immediate area through artificial lighting during construction periods or subsequent operation has the potential to alter amenity conditions for existing nearby properties and/or have potential impacts to wildlife and the wider local environment. Considering the scheme as a whole:- <p>Do any IPs have any concerns regarding lighting during proposed construction phases, or arising from any other element of the scheme?</p>	<p>FCC do have concerns about artificial lighting as it is not clear on periods of time during construction phases we would require a more detailed lighting mitigation plan relative to operational hours</p> <p>None of the BVS sites are located within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) but they are they are close to this designation and the lighting would affect the setting of the AONB.</p> <p>The Dark Night Skies SPG gives useful advice on how to reduce glare, design appropriate lighting to safeguard wildlife and reduce the impact on the night sky.</p>

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ExQ1	Question to:	Question:	FCC Response
			<p>https://www.clwydianrangeanddeevalleyaonb.org.uk/wp-content/uploads/2020/07/Dark-Skies-Strategy-Final.pdf</p> <p>The Planning statement mentions that the height of the lighting has been lowered to reduce the impact on the surrounding area, it may be that further alterations can be made to reduce any impact to a minimum.</p>
Q1.20.2	<i>Safety</i> FCC	<ul style="list-style-type: none">Relevant Representation [RR-081] indicates that the new pipeline and the AGI terminal at Ince is within very close proximity to land which is the subject of a Control of Major Accident Hazards (COMAH) impact zone. <p>Applicant Please advise what consultation has taken place with the Health and Safety Executive (HSE) and whether the HSE have provided any site plans showing the HSE Zones. (Note: The ExA is aware that such plans may have been issued on a confidential basis and is not seeking the submission of such plans at this time. However, during the course of the examination it may seek the submission of such plans. If such plans are requested they would be likely to be sought through the submission of a public version that is redacted, along with an unredacted confidential version for the ExAs consideration).</p>	<p>The AGI Terminal at Ince lies within the administrative boundaries of Cheshire West and Chester Council and therefore FCC have no comments in relation to this question but would respectfully defer the Examining Authority to comments from Cheshire West and Chester Council and the Health and Safety executive.</p>

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		<p>Please provide a copy of any correspondence received from the HSE in regard to this Proposed Development, excluding any plans that may have been issued by the HSE confidentially, or signpost the ExA to where within the submitted application documentation such correspondence can be located.</p> <p>Also please confirm what provision would be made during the construction and operational phases to safeguard the public health of those involved in construction and operation of the facility? How would such provision be secured by the DCO?</p> <p>Health and Safety Executive/ Relevant Local Authorities</p> <p>Please confirm whether:</p> <ul style="list-style-type: none">i) the Proposed Development lies within the proximity of any designated Control of Major Accident Hazard site(s), and if so please advise the ExA of any concerns you may have in regard to the Proposed Development and its proximity to those sites.ii) the HSE has issued any comment and/or issued any advice in relation to the Development which is the subject of this DCO Application. (ie has the HSE issued any letters in relation to the development proposed by this DCO Application that states they 'Do Not	

ExQ1: FCC Response**Responses due by Deadline 1: Monday 17 April 2023**

ExQ1	Question to:	Question:	FCC Response
		Advise Against' or 'Advise Against'). If so, please submit a copy of that advice letter in to the Examination.	
Q1.20.3	<i>Pipeline safety Regulations</i> Health and Safety Executive	<ul style="list-style-type: none">• Please confirm whether or not, in the opinion of the Health and Safety Executive:<ul style="list-style-type: none">i) the transportation of CO₂ as proposed by this DCO Application would constitute the transportation of a 'Dangerous fluid' as defined in the Pipeline Safety Regulations 1996; andii) the proposed pipeline would/ would not be classified as a Major Accident Hazzard Pipeline by the same Regulations.	N/A

ExQ1: FCC Response

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ANNEX A

[HyNet CO2 Pipeline Project]:

List of all objections to the grant of Compulsory Acquisition or Temporary Possession powers.

In the event of a new interest in the land, or Category 3 person, being identified the Applicant should inform those persons of their right to apply to become an Interested Party under s102A PA2008.

Obj No. ⁱ	Name/ Organisation	IP/AP Ref No ⁱⁱ	RR Ref No ⁱⁱⁱ	WR Ref No ^{iv}	Other Doc Ref No ^v	Interest ^{vi}	Permanent / Temporary ^{vii}	Plot(s)	CA? ^{viii}	Status of objection

i Obj No = objection number. All objections listed in this table should be given a unique number in sequence.

ii Reference number assigned to each Interested Party (IP) and Affected Person (AP)

iii Reference number assigned to each RR (RR) in the Examination library

iv Reference number assigned to each Written Representation (WR) in the Examination library

v Reference number assigned to any other document in the Examination library

vi This refers to parts 1 to 3 of the Book of Reference:

- Part 1, containing the names and addresses of the owners, lessees, tenants, and occupiers of, and others with an interest in, or power to sell and convey, or release, each parcel of Order land;
- Part 2, containing the names and addresses of any persons whose land is not directly affected under the Order, but who “would or might” be entitled to make a claim under section 10 of the Compulsory Purchase Act 1965, as a result of the Order being implemented, or Part 1 of the Land Compensation Act 1973, as a result of the use of the land once the Order has been implemented;
- Part 3, containing the names and addresses of any persons who are entitled to easements or other private rights over the Order land that may be extinguished, suspended or interfered with under the Order.

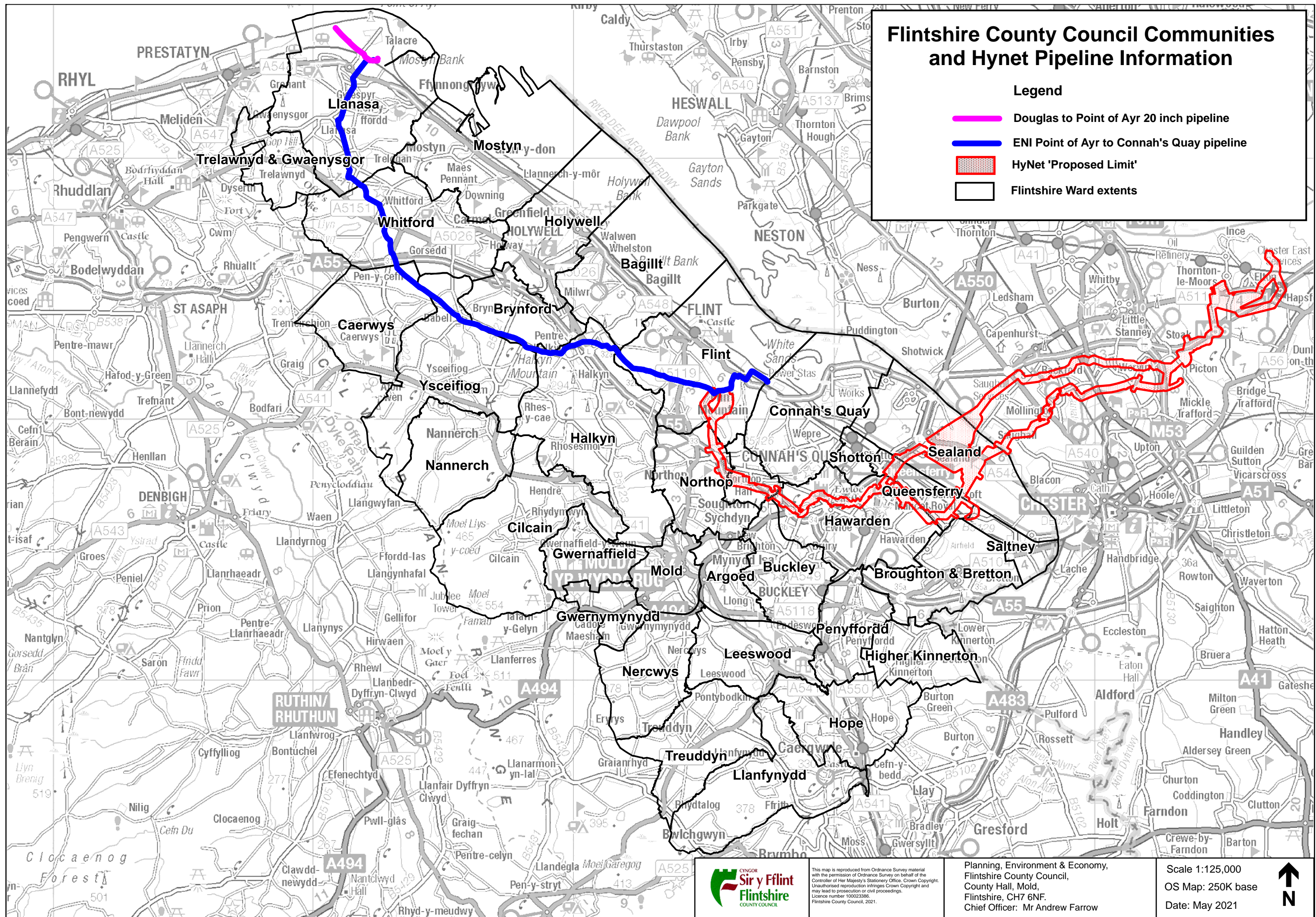
vii This column indicates whether the Applicant is seeking compulsory acquisition or temporary possession of land/ rights

viii CA = compulsory acquisition. The answer is ‘yes’ if the land is in parts 1 or 3 of the Book of Reference and National Grid are seeking compulsory acquisition of land/ rights.

Flintshire County Council Communities and Hynet Pipeline Information

Legend

- Douglas to Point of Ayr 20 inch pipeline
- ENI Point of Ayr to Connah's Quay pipeline
- HyNet 'Proposed Limit'
- Flintshire Ward extents



5/A/93

PL B52



PIPE-LINES ACT 1962

HAMILTON OIL COMPANY LIMITED

**POINT OF AYR TO CONNAH'S QUAY 24 INCH NATURAL GAS CROSS-
COUNTRY PIPE-LINE**

1. In pursuance of section 1 of the Pipe-lines Act 1962, the Secretary of State hereby authorises Hamilton Oil Company Limited to execute works in land for the construction of a cross-country pipe-line having a nominal diameter of 24 inches for the conveyance of natural gas between the proposed Onshore Process Plant at Point of Ayr and the proposed power station at Connah's Quay in the county of Clywd in North Wales along the route delineated by a red line on the maps annexed hereto and signed by a person authorised by the Secretary of State in that behalf, or, except as provided in paragraph 2 below, within 200 metres therefrom.
2. That part of the pipe-line which is to cross the stippled area shown on map number H-131-GT-001-05 may be constructed within 300 metres from the route delineated by the red line on that map.
3. The Secretary of State hereby directs, in pursuance of section 5 of the Pipe-lines Act 1962, that, in so far as the execution of the works authorised by, or by virtue of, this authorisation, or any change in the use of land which is involved in the execution of those works, constitutes development within the meaning of the Town and Country Planning Act 1990, permission for that development shall be deemed to be granted under Part III of that Act, subject to the conditions specified in the Schedule hereto.

Dated: 16th December 1993

J R Wakely
Assistant Secretary

Department of Trade
and Industry



SCHEDULE

1. The siting, design and external appearance of, and the access to, any building or apparatus to be erected above ground level, including markers to be erected to facilitate aerial inspection but excluding markers of types approved by the Health and Safety Executive to be erected at road, river, canal and railway crossings, shall be such as may be agreed with Clwyd County Council, or in default of agreement, as may be determined by the Secretary of State.
2.
 - (a) Where any part of the pipe-line crosses a highway, river, railway or canal, any works for the construction or maintenance of the pipe-line shall, except in so far as the Secretary of State otherwise directs, be carried out in accordance with the requirements of Clwyd County Council or the National Rivers Authority or the British Railways Board or the British Waterways Board as the case may be.
 - (b) Where any part of the pipe-line may affect any apparatus belonging to a statutory undertaker within the meaning of the Town and Country Planning Act 1990, any works for the construction or maintenance of that part shall, except in so far as the Secretary of State otherwise directs, be carried out in accordance with the requirements of Clwyd County Council and of that undertaker.
 - (c) Where any part of the pipe-line may affect any water course, well or aquifer belonging to any statutory water undertaker, Local Water Authority, water undertakers or the National Rivers Authority, any works for the construction, operation or maintenance of that part shall, except in so far as the Secretary of State otherwise directs, be carried out in accordance with the requirements of the appropriate authority.
3.
 - (a) No access to a highway over which subsists a right of way enjoyable by vehicular traffic shall be made from land occupied in connection with works for the construction of the pipe-line except at such points as may be agreed with the Local Highway Authority or, in default of agreement, as may be determined by the Secretary of State.
 - (b) Any means of access at any of the points referred to it in sub-paragraph (a) above shall be formed or laid out in accordance with designs which shall be agreed with the Local Highway Authority or, in default of agreement, shall be determined by the Secretary of State.
 - (c) Temporary traffic management measures for the routing of vehicles during construction and measures to mitigate the effects of pipe-line construction on new road schemes shall, prior to the start of installation of the pipe-line, be agreed with the Local Highway Authority or, in default of agreement, shall be determined by the Secretary of State.
4. No works for the construction of the pipe-line shall be carried out which give rise to a noise level in excess of such limits as may be specified in any scheme regulating the noise of such works agreed with Clwyd County Council or, in default of agreement, as may be determined from time to time by the Secretary of State.





5. Prior to the preparation of the working width along the route of the pipe-line, a general scheme for the protection of trees and hedgerows to be retained, the stripping and restoration of soil resources, the replanting of trees and hedgerows and other vegetation shall be agreed with Clwyd County Council, the Welsh Office Agriculture Department and the Countryside Council for Wales as appropriate or, in default of agreement, shall be determined by the Secretary of State.
6. Prior to the commencement of pipe-line construction, the Mineral Planning Authority shall be notified of the work programme and be offered an opportunity to inspect such excavations and examine the results of such site investigations which have revealed the presence of old mine workings and mineral veins.
7. Prior to completing the final design of the pipe-line scheme, Hamilton Oil Company Limited shall consult the Mineral Planning Authority with regard to any current or proposed mining operations along the pipe-line route.
8. Prior to the commencement of pipe-line construction, a programme of archaeological work prepared by Hamilton Oil Company Limited, within the fenced off working width of the pipe-line route, shall be implemented in accordance with a written scheme of investigation which shall be approved by Clwyd County Council or, in default of agreement, which shall be determined by the Secretary of State.
9. The pipe-line shall be constructed according to the specifications set out in the Environmental Statement, Reference H-130-GT-002 dated May 1992.
10. All discarded and other unwanted surplus materials and articles on land occupied in connection with works for the construction of the pipe-line shall be collected and removed to a place provided for the deposit of waste by the Disposal Authority at intervals of not less than one month so long as the land is so occupied and at the time when the land ceases to be so occupied.