

APPLICANT'S RESPONSE TO RELEVANT REPRESENTATIONS

HyNet Carbon Dioxide Pipeline DCO

Planning Act 2008

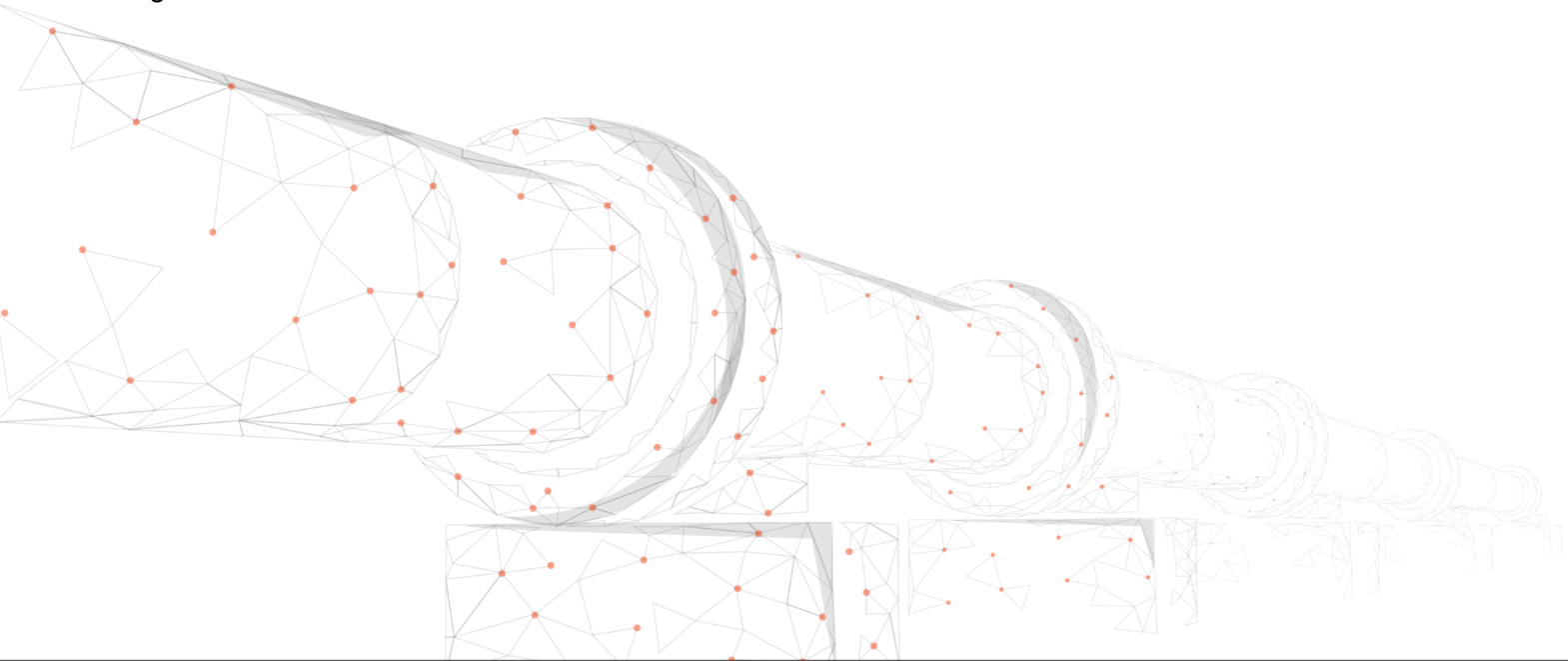
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1. INTRODUCTION

1.1. PURPOSE OF THIS DOCUMENT

- 1.1.1. This document has been prepared on behalf of Liverpool Bay CCS Limited ('the Applicant') and relates to an application ('the Application') for a Development Consent Order (DCO) that has been submitted to the Secretary of State (SoS) for Energy Security and Net Zero (DESNZ) (formerly BEIS) under Section 37 of the Planning Act 2008 ('the PA 2008'). The Application relates to the carbon dioxide (CO₂) pipeline which constitutes the DCO Proposed Development.
- 1.1.2. This document provides the Applicant's responses to the Relevant Representations submitted by Interested Parties.

1.2. THE DCO PROPOSED DEVELOPMENT

- 1.2.1. HyNet (the Project) is an innovative low carbon and hydrogen energy project that will unlock a low carbon economy for the North West of England and North Wales and put the region at the forefront of the UK's drive to Net-Zero. The detail of the project can be found in the main DCO documentation.
- 1.2.2. A full description of the DCO Proposed Development is detailed in Chapter 3 of the 2022 Environmental Statement (ES) (as submitted with the DCO application) **[APP-055]**. The previously submitted ES is hereafter referred to as the '2022 ES'.
- 1.2.3. Following the Preliminary Meeting on 20 March 2023 and the Applicant's submission of its Notification of Intention to Submit a Change Request **[AS-060]** on 21 March 2023, the Applicant submitted a Change Request on 27 March 2023. The Applicant's Change Request includes '2023 ES Addendum Change Request 1' (document reference: **D.7.7**) and ES Addendum Chapter 3 provides an update to the description of the DCO Proposed Development in the 2022 ES **[APP-055]** resulting from the proposed design changes and clarifications to assessments.

2. APPLICANT'S RESPONSE

- 2.1.1. This section includes a table for each of the Relevant Representations received and a response from the Applicant to each point raised where possible in the order they are published on the Planning Inspectorate's website. Where Relevant Representations submitted were identical in wording, they are only addressed once in a single table to avoid repetition.

Table 2-1 - 2 Sisters Food Group – RR-001

Reference	Relevant Representation Comment	Applicant's Response
2.1.1	We have a factory (as Tenant) at Glendale Avenue, Sandycroft Industrial Estate, Deeside, Clwyd, CH5 2QP and have received letters to our registered off in Wakefield of this development. We have had a call recently with WSP on this matter. In order to register, below are our (and our Landlords) concerns:	The Applicant recognises 2 Sisters Food Group (2SFG) as a tenant and intends to continue to engage with 2 Sisters and the landlord (Amber Real Estate Investments (Industrial) Limited). The Applicant has set up a Statement of Common Ground (SOCG) with 2SFG (document reference: D.7.2.28) which has been submitted at Deadline 1. The Applicant will keep an ongoing record of discussions in the SoCG with 2SFG which will be updated throughout the Examination.
	Installation	
2.1.2	Type of construction planned – trench cut or Horizontal Directional Drill or other?	The pipeline shall be installed by trenchless methods underneath Chester Road, using the land adjacent to the 2SFG facility as a launch/reception area for the trenchless crossings.
2.1.3	What is the expected duration of construction?	The overall programme of construction is to be in the region of 16 months. Specific timelines for the trenchless crossings of Chester Road are to be determined by the appointed construction contractor but are anticipated to be a fraction of this.
2.1.4	Will the area of the site be considered to be Hynet or 2SFG controlled during the construction process?	The Applicant's appointed construction contractor would hold CDM responsibilities over all construction areas.
2.1.5	Please confirm what SH&E resource Hynet will appoint to support the installation phase?	The Applicant's appointed construction contractor would hold CDM responsibilities over all construction areas. The Applicant shall employ a robust project management team, including SH&E resource, to assure contractor activities.
2.1.6	Please provide more information on the proposed installation (e.g., contents and associated risks, risk mitigation, inspection and maintenance arrangements post installation)	The Applicant refers to Section 3.6 of Chapter 3 – Description of the DCO Proposed Development [APP-055] , which describes the key construction activities for the DCO Proposed Development and provides more information on the items raised. Section 3.6 of Chapter 3 of the 2022 ES provides details on the temporary works that will need to be provided for the installation of the Newbuild Carbon Dioxide Pipeline, AGIs, BVSs and associated permanent infrastructure. This section considers pre-construction, construction techniques, reinstatement and programming.
2.1.7	Will Hynet be communicating with neighbouring property beforehand, and will it have a complaints management system?	The Applicant shall employ a robust project management team, including public liaison resource, to assure contractor activities.
2.1.8	Is there any existing service media beneath the land Hynet propose to take an option over? If so, how will this be affected?	There are two existing Welsh Water pipes beneath the land the Applicant proposes to take an option over. The Applicant refers to paragraph 1.3.3 of

Reference	Relevant Representation Comment	Applicant’s Response
		the Statement of Reasons [AS-021] which states that the minimum depth from the top of the pipe to the ground surface will be 1.2m to avoid existing services. It will be deeper than this beneath Chester Road as it is a trenchless crossing. Therefore, the Applicant does not envisage that the existing service media will be affected.
	Liability	
2.1.9	We cannot agree to the exclusion of consequential losses. If Hynet damaged our electric or water supply or if access was denied or some other incident caused us to stop production which was attributable to Hynet we would need to be fully compensated.	The Applicant will seek to discuss this further in the context of voluntary negotiations as there is insufficient information currently to respond in detail. In general, the Applicant notes that claims for compensation for the effects of the project in line with the Compensation Code are provided for under the draft Development Consent Order (dDCO) [AS-016] where the relevant statutory tests are met.
2.1.10	The limits of £5m each individual claim must exclude damage to buildings.	The Applicant is responding to these points in the commercial negotiation process.
2.1.11	Please confirm over what period is the aggregate limit of £15m. Is it the 6-year period mentioned in the summary? If so, we would require a higher aggregate limit.	
2.1.12	We will require evidence of, and an undertaking, that Hynet have/will have Public Liability insurance policy in place throughout the period in question with a limit of indemnity of a minimum of £10M each and every claim (on the basis no buildings are to be impacted).	
	Environmental	
2.1.13	If Hynet cause significant pollution which impacts 2SFG’s permitted operations, 2SFG would require assurances from Hynet that this would be compensated for.	The Applicant will seek to discuss this further in the context of voluntary negotiations as there is insufficient information currently before to respond in detail. In general, the Applicant notes that claims for compensation for the effects of the project in line with the Compensation Code are provided for under the dDCO [AS-016] where the relevant statutory tests are met.
2.1.14	2SFG operate the site under a NRW permit. We are investigating any impact on our permit with NRW and will revert in due course. We will need to seek confirmation from NRW in writing that 2SFG wouldn’t be held responsible for HyNet’s pollution whether within or outside of our permit/boundary and if this is not available, we will need undertakings from Hynet we would be compensated for any points lost, fines or costs we incur as a result of their project.	The Applicant is responding to these points in the commercial negotiation process in the first instance as further discussion is required.
2.1.15	If Hynet cause environmental damage, Hynet will be required to rectify the damage and also compensate 2SFG for any impact the damage and/or rectification works cause on 2SFG operations.	The Applicant will seek to discuss this further in the context of voluntary negotiations as there is insufficient information currently to respond in detail. In general, the Applicant notes that claims for compensation for the effects of the project in line with the Compensation Code are provided for under the dDCO [AS-016] where the relevant statutory tests are met.

Reference	Relevant Representation Comment	Applicant's Response
2.1.16	Please confirm the situation should Hynet identify contaminated land which makes the soil unsuitable for their pipeline. Who would be responsible for the remediation?	If significant visual or olfactory contamination is encountered the Environmental Clerk of Works would notify the appropriate qualified person to ensure all works are legally compliant REAC Ref: D-LS-014 [AS-053] and as secured by Requirement 5 of the dDCO [AS-016] .
	Site	
2.1.17	We would like to know exactly where the pipe is to be laid and whether any services or buildings are potentially impacted prior to entering the option.	The pipeline shall be laid within the defined DCO corridor. No service interruption or removal of 2SFG buildings is planned as a part of the pipeline construction process.
2.1.18	Can surveys (both intrusive and non-intrusive) be carried out on a 'licence' basis before grant of the option?	Both intrusive and non-intrusive can be carried out but only under an access licence that is signed by the landowner before the grant of an option.
2.1.19	Is it possible to reduce the size of the option area to run as close to the boundary as possible?	The option area has been sized on both temporary works and permanent works space requirements. The Applicant will seek to reduce the working where practicable however the option has to allow for the land identified as being required.
	We are concerned about the parking. This is not an accessible area with shift pattern workers and thus we are reliant on the parking. Hynet should arrange alternate parking arrangements for our staff which are satisfactory to 2SFG. If car parking space is lost, then Hynet will need to find a suitable alternative location for the pipeline.	The Applicant shall continue to engage with 2SFG to minimise disruption to the facility operation.
2.1.20	We cannot agree to include the yellow area as that is used as part of access – The current google satellite photo is out of date, the yellow highlighted area below is approximately where we have cut off the corner - this was done to accommodate fridge units. This is now concrete not grass. If this area is blocked the site will stop as we would not be able to move vehicles to and from Despatch. Storage Facility	The option area has been defined based on temporary works and access requirements, as well as the permanent rights required for the Newbuild Carbon Dioxide pipeline itself. The Applicant notes 2SFG concerns and shall continue to engage with them to mitigate potential disruption in the construction phase.
2.1.21	Do Hynet need a storage facility? If so, this can only be on a temporary basis.	The Applicant's facilities shall be self-contained within the Order Limits for the duration of the construction period.
	Costs	
2.1.22	The £3000 Option Fee is too low, and we need to discuss increasing this.	The Applicant is responding to these points in the commercial negotiation process in the first instance as further discussion is required.
2.1.23	The land value of £11,500 per square metre is incorrect and needs to be increased.	

Table 2-2 - Bell Ingram LLP on behalf of Essar Oil (UK) Limited (Essar Oil (UK) Limited) – RR-002

Reference	Relevant Representation Comment	Applicant's Response
2.2.1	Essar Oil (UK) Limited support the HyNet proposals and support this DCO. However, to the extent that the DCO includes land within our ownership and within our operational site boundary, we are not willing to sell the freehold interest or any perpetual rights, as this could have a significant impact on our operation of the Stanlow Refinery. We intend to negotiate occupational agreements of any essential land voluntarily on appropriate terms with all or any parties that need to be accommodated as part of this scheme. The proposed terms that have been issued by HyNet to date are not acceptable to Essar Oil (UK) Limited and we will commence negotiations shortly.	<p>The Applicant will further engage with Essar Oil (UK) regarding occupational agreements of any essential land.</p> <p>The Applicant is engaging with Essar Oil (UK) under SoCG discussions, a draft of which is submitted at Deadline 1 (document reference: D.7.2.13).</p>

Table 2-3 - BNP Paribas Real Estate on behalf of Royal Mail Group Limited – RR-003

Reference	Relevant Representation Comment	Applicant's Response
2.3.1	Royal Mail Group Limited supports this proposed Hynet Carbon Dioxide Pipeline, but is seeking to secure mitigations to protect its road-based operations during the construction phase.	<p>The Applicant acknowledges the response from the BNP Paribas Real Estate (on behalf of Royal Mail Group).</p> <p>The Applicant has engaged with Royal Mail and has held an initial meeting to plan SoCG discussions on 17 March 2023 and is awaiting a response from BNP Paribas Real Estate (on behalf of Royal Mail Group Limited).</p>
2.3.2	Under section 35 of the Postal Services Act 2011 (the "Act"), Royal Mail has been designated by Ofcom as a provider of the Universal Postal Service. Royal Mail is the only such provider in the United Kingdom. The Act provides that Ofcom's primary regulatory duty is to secure the provision of the Universal Postal Service. Ofcom discharges this duty by imposing regulatory conditions on Royal Mail, requiring it to provide the Universal Postal Service. The Act includes a set of minimum standards for Universal Service Providers, which Ofcom must secure. The conditions imposed by Ofcom reflect those standards. Royal Mail is under some of the highest specification performance obligations for quality of service in Europe. Its performance of the Universal Service Provider obligations is in the public interest and should not be affected detrimentally by any statutorily authorised project.	The Applicant acknowledges the response from the BNP Paribas Real Estate (on behalf of Royal Mail Group).
2.3.3	Royal Mail's postal sorting and delivery operations rely heavily on road communications. Royal Mail's ability to provide efficient mail collection, sorting and delivery to the public is sensitive to changes in the capacity of the highway network. Royal Mail is a major road user nationally. Disruption to the highway network and traffic delays can have direct consequences on Royal Mail's operations, its ability to meet the Universal Service Obligation and comply with the regulatory regime for postal services thereby presenting a significant risk to Royal Mail's business.	
2.3.4	Royal Mail has 4 operational properties within 8 miles of the DCO application site: BE 2472 Flint DO, BE 2475 Chester MC, BE 2454 Chester DO, and BE BE2528 Ellesmere Port DO (8 miles).	

Reference	Relevant Representation Comment	Applicant's Response
2.3.5	The draft Outline Construction Traffic Management Report which was published in October 2022 states construction traffic will use the M53, A55, A494, B roads, and other adjacent local roads. In exercising its statutory duties, Royal Mail vehicles use all of these roads on a daily basis for access to the Delivery Offices and for deliveries. Any disruption and congestion on these roads have potential to adversely affect Royal Mail operations.	<p>The Applicant has considered the Traffic and Transport effects arising from the construction of the DCO Proposed Development.</p> <p>Table 17.9 of Chapter 17 Traffic and Transport [APP-069] of the 2022 ES considers the impacts of driver delay amongst other effects across the Strategic Road Network (SRN) and the Local Road Network (LRN).</p> <p>The DCO Proposed Development would take its main construction access through the routes highlighted on Table 4 in the Outline Construction Traffic Management Plan (OCTMP) [APP-224] and closures are proposed for that.</p> <p>Table 17.9 of the OCTMP [APP-224] documents that there are not anticipated to be any residual significant Traffic and Transport effects associated with the DCO Proposed Development.</p> <p>For the avoidance of doubt, the Applicant notes that the pipeline crossing for the M53 and A494 will all be carried out as trenchless crossings to prevent traffic disruption. These are referenced as TRS-14 and TRS-37 respectively in the ES Volume III, Appendix 3.1 – Table of Trenchless Crossings [APP-077]. As such no road closures of the cited routes of the M53, A55 and A494 are planned. There will be the streets subject to street works and stopping-up of some adjacent and 'B' roads as part of the construction of the pipeline, as outlined in Schedules 3, Schedule 4 and Schedule 5 of the dDCO [AS-016].</p>
2.3.6	Royal Mail previously submitted a response to the application's Section 42 consultation in July 2022. Building on that response, Royal Mail is registering to be an Interested Party to the Examination in order to protect its position and ensure that the future CTMP secures mitigations for Royal Mail.	The Applicant acknowledges the response from the BNP Paribas Real Estate (on behalf of Royal Mail Group).

Table 2-4 - Boparan Private Office – RR-004

Reference	Relevant Representation Comment	Applicant's Response
2.4.1	We would like to know exactly where the pipe is to be laid and whether any services or buildings are potentially impacted prior to entering the option.	The Newbuild Carbon Dioxide pipeline shall be laid within the Newbuild Infrastructure Boundary as shown on the Work Plans [AS-012] . No service interruption or removal of 2SFG buildings is planned as a part of the pipeline construction process.
2.4.2	Can surveys (both intrusive and non-intrusive) be carried out on a 'licence' basis before grant of the option?	Both intrusive and non-intrusive surveys can be carried out but only under an access licence that is signed by the landowner before the grant of an option.
2.4.3	Is it possible to reduce the size of the option area to run as close to the boundary as possible?	The option area has been defined based on temporary works and access requirements, as well as the permanent rights required for the Newbuild Carbon Dioxide pipeline itself.

Reference	Relevant Representation Comment	Applicant's Response
2.4.4	We are concerned about the parking. This is not an accessible area with shift pattern workers and thus we are reliant on the parking. Hynet should arrange alternate parking arrangements for our staff which are satisfactory to 2SFG. If car parking space is lost then Hynet will need to find a suitable alternative location for the pipeline.	The Applicant notes 2SFG concerns and shall continue to engage with them to mitigate potential disruption in the construction phase.
2.4.5	We cannot agree to include the following yellow area as that is used as part of access – The current google satellite photo is out of date, the yellow highlighted area below is approximately where we have cut off the corner - this was done to accommodate fridge units. This is now concrete not grass. If this area is blocked the site will stop as we would not be able to move vehicles to and from Despatch.	<p>The option area has been defined based on temporary works and access requirements, as well as the permanent rights required for the Newbuild Carbon Dioxide pipeline itself.</p> <p>The Applicant notes 2SFG concerns and shall continue to engage with them to mitigate potential disruption in the construction phase.</p>

Table 2-5 - Brian Cook – RR-005

Reference	Relevant Representation Comment	Applicant's Response
2.5.1	The land in question is 1.5 acres adjacent to our property and is basically used for training our dogs on and growing fruit and other small plants (all for our own consumption). On the other side of our boundary there is a farmer's field, and it is something that the original owner willed to his granddaughters, and it is used purely for hay making once or twice a year. It would appear that the owners of this land are happy to let you run straight through this land. Since purchasing this land, we have put in a stock proof fence, a hawthorn hedge, fruit trees and some other trees for the Queen's plant a tree project. It would appear Hynet wish to proceed with running the line through our land. We have appointed Roston's to act as our land agents and we were surprised when they stated we had to lodge this with you.	The Applicant will continue to engage with the landowner and compensation will be assessed on a case-by-case basis in accordance with the Compensation Code.
2.5.2	From a commercial view point we feel that carrying straight on with the pipeline for another couple of metres would be far more economical than trashing our land when we feel the farmer on the fields next to us would be very agreeable to any income to be gained from this venture.	The Applicant will continue to engage with the landowner to address their concerns.
2.5.3	Having spent time and money getting the land how we want it will be seeking our solicitor's assistance for any damages caused especially as it has taken ages draining the land to stop the flooding which may cause the bore holes affecting us.	The Applicant will continue to engage with the landowner and compensation will be assessed on a case-by-case basis in accordance with the Compensation Code.
2.5.4	Also Hynet stated they would not cross any land where greater crested newts are. Our local Policeman has categorically stated that there is a conservation order on this land.	Regarding the purported presence of great crested newt in the area; the species is widespread across Flintshire and the Applicant is aware of the presence of the species within and beyond the Order Limits. Dedicated and targeted surveys have been undertaken to determine the presence of great crested newt within waterbodies to better understand potential constraints to construction and enable the Applicant to devise appropriate and suitable mitigation measures to safeguard the species. Applications for protected species licenses will be made to Natural Resources Wales and Natural England (as appropriate) in advance of construction. Precautionary working

Reference	Relevant Representation Comment	Applicant's Response
		methods and mitigation requirements will form part of the traditional licensing applications which the constructing contractor will adhere to throughout construction to safeguard great crested newt.
2.5.5	As for the Hynet project, the hydrogen they wish to produce is far from being green since it relies on Gas to create it??? Surely this is a contradiction to the whole project!	<p>The Applicant's DCO application for a Newbuilt Carbon Dioxide pipeline enables the construction of a critical part of infrastructure for the HyNet Project. The pipeline enables the transport of carbon dioxide from emitter sites to be stored offshore in Liverpool Bay in order to mitigate emissions from 'hard to decarbonise' industrial sites. This will be carried out using technology proven and available today.</p> <p>The carbon dioxide from the emitters arises from a number of sources, some come from emissions that are unavoidable without a significant societal shift.</p> <p>With respect to the type of emissions produced from hydrogen, from reforming methane or "Blue Hydrogen", the production of such hydrogen will need to conform to the governments Low Carbon Hydron Standard Low Carbon Hydrogen Standard.</p>

Table 2-6 - Cadent Gas Limited – RR-006

Reference	Relevant Representation Comment	Applicant's Response
2.6.1	Representation by Cadent Gas Limited (Cadent) to the HyNet Carbon Dioxide Pipeline Development Consent Order (DCO)- Cadent is a licensed gas transporter under the Gas Act 1986, with a statutory responsibility to operate and maintain the gas distribution networks in North London, Central and North West England. Cadent's primary duties are to operate, maintain and develop its networks in an economic, efficient and coordinated way. Cadent wishes to make a relevant representation to the HyNet Carbon Dioxide Pipeline DCO in order to protect its position in light of infrastructure which is within or in close proximity to the proposed DCO boundary. Cadent's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the order limits should be maintained at all times and access to inspect such apparatus must not be restricted.	The Applicant is undertaking further engagement with Cadent regarding Protective Provisions.
2.6.2	The documentation and plans submitted for the above proposed scheme have been reviewed in relation to impacts on Cadent's existing apparatus located within this area, and Cadent has identified that it will require adequate protective provisions to be included within the DCO to ensure that its apparatus and land interests are adequately protected and to include compliance with relevant safety standards. Cadent has several low, medium and high-pressure gas pipelines and associated apparatus located within the order limits which may be affected by works proposed and for which further details on interactions will be required. As a responsible statutory undertaker, Cadent's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations.	

Reference	Relevant Representation Comment	Applicant's Response
2.6.3	Cadent has not been consulted upon the form of Protective Provisions included within the Order and therefore these are not agreed. Adequate protective provisions for the protection of Cadent's statutory undertaking will be required and Cadent welcomes further discussion with the Applicant in relation to asset protection matters. Cadent wishes to reserve the right to make further representations as part of the examination process but in the meantime will seek to engage with the promoter with a view to reaching a satisfactory agreement.	

Table 2-7 - Cadw– RR-007

Reference	Relevant Representation Comment	Applicant's Response
2.7.1	The application is accompanied by an environmental statement with Chapter 8 Cultural Heritage which is based on information provided in a desk-based heritage assessment produced by WSP. These works have considered the potential impact on historic assets which are located inside 3km of the proposed development.	The Applicant is undertaking ongoing engagement with Cadw to discuss a range of matters and has drafted a SoCG submitted at Deadline 1 (document reference: D.7.2.7) and further discussion on these topics will be captured in further iterations of this document related to areas of agreement and/or matters to be resolved.
2.7.2	It has concluded that apart from the Registered Hollywell Common and Halkyn Mountain Landscape of Outstanding Historic Importance the proposed development will not have a direct impact on these designated historic assets or their settings.	The impact on the designated historic assets located in Wales, including effects on their settings, is discussed between paragraphs 8.2.21 and 8.2.57 of Appendix 8.1 [APP-084] . The Holywell Common and Halkyn Mountain Historic Landscape is discussed in Appendix 8.1 [APP-084] in paragraphs 9.2.2-9.2.3 and 13.1.2. The effects are not significant.
2.7.3	In regard to the impact of the proposed development on the Registered Historic Landscape it has concluded that whilst there will be a direct physical impact but the impact to the asset's value will be minor and not significant. We concur with this conclusion.	The effects on the Holywell Common and Halkyn Mountain Historic Landscape are discussed in Appendix 8.1 [APP-084] in paragraph 13.1.2.

Table 2-8 - Canal & River Trust ("The Trust") – RR-008

Reference	Relevant Representation Comment	Applicant's Response
2.8.1	The Canal & River Trust ("The Trust") has previously provided comments to the Applicant on the route options for the pipeline and now wishes to register and comment as an Interested party for the Examination relating to the above Application. The Trust is a statutory undertaker for the purposes of s.127 Planning Act 2008 ("the 2008 Act") and a statutory party for the purposes of s.88(3)(c) of the 2008 Act. The Trust has operational land, infrastructure and other interests affected by the works and powers proposed.	The Applicant acknowledges the response from The Trust.
2.8.2	The Trust has a duty under the Trust Agreement with the Secretary of State for Environment, Food and Rural Affairs (28 June 2012) to operate and manage the waterways and towpaths for public use and enjoyment.	

Reference	Relevant Representation Comment	Applicant's Response
	Additionally, the Trust has a duty under s.105 Transport Act 1968 to maintain commercial and cruising waterways in a suitable condition for use by the public.	
	Background	
2.8.3	The Trust is the charity which looks after and brings to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a prescribed consultee in the Nationally Significant Infrastructure Projects (NSIP) process pursuant to Schedule 1 of the Infrastructure Planning (Application: Prescribed Forms & Procedure Regulations 2009).	The Applicant acknowledges the response from The Trust and notes their intention to make further detailed submissions.
2.8.4	The Trust owns and manages the Shropshire Union Canal, which is within the designated Chester Canal Conservation Area and is a County Wildlife site. The proposed route of the pipeline would have one interface/crossing (underground) with the Trust owned waterway, just north of the Trust owned Bridge 134 (Caughall). A section of the proposed pipeline would also run parallel to the canal corridor here. This is a rural stretch of canal with a mixture of open fields, mature hedgerows and pockets of woodland. The canal corridor is well used for leisure and recreation and the towpath here also carries National Cycle Route 5 (NCR5).	
2.8.5	<p>The representations made here are without prejudice to any further/amended representations which the Trust may make following a comprehensive review of the Application as part of the Examination Process. Currently the Trust intends to make submissions in relation to the following:</p> <ul style="list-style-type: none">• Compulsory Acquisition of Trust Land• The draft Development Consent Order (DCO)• Protective Provisions for the Trust• The Trust's Third Party Works Code of Practice• Surface water drainage to the canal• Environmental Mitigation and the Outline Landscape Environmental Management Plan• The Construction Environment Management Plan• The Construction Traffic Management Plan• Landscape and Visual Impact	
	Compulsory Acquisition of Trust Land	
2.8.6	We refer to the Applicant's Book of Reference and note that the Trust is listed as owner of 2 plots of land which would either be subject to permanent or temporary acquisition. The Order seeks to permanently acquire the subsurface of the canal, bank, verge, towpath and NCR5 lying to the east of Caughall Road (plot 8-03) in relation	Regarding plot 9-06, this currently relates to Work No. 22 rather than Work No. 23A. However, the Applicant can confirm the dDCO has been updated

Reference	Relevant Representation Comment	Applicant's Response
	to Work No.18. This is held under our title CH569303. The Order also seeks temporary possession of land, woodland and track lying to the east of Liverpool Road (plot 9-06) in relation to Work No.23A (this should be Work No.23B as the Order as drafted contains two Work No.23A's). This is held under our title CH503654.	from Rev B onwards to correct the error of stating two Work No. 23A's [AS-016] .
2.8.7	Land Plan Sheet 8 of 37 (Document Reference D2.2) also shows the red line between plots 8-02 and 8-06 including the Shropshire Union canal. These parcels of land are required temporarily in relation to Work No 18A and include a section of canal. It is understood that in terms of the red line including the canal corridor that this is a drafting error. It is understood that the Applicant will be correcting this during the course of the Examination process.	The Applicant confirms that this section of the Shropshire Union canal will be corrected / removed from the Order Limits during the DCO examination. It should also be noted that it is both Work No 18 and 18A that will be corrected.
2.8.8	The Trust hereby formally objects to the Compulsory Acquisition of Trust Land. This is on the basis that there is not a compelling case in the public interest for compulsory purchase powers to be acquired in the manner sought by the Applicant. Such powers are intended to be used as a matter of last resort and the Applicant has failed to use reasonable efforts to voluntarily acquire the land and rights they require from the Trust. Based on the submitted Land Plans we also question the justification for the extent of our land they seek to acquire for a single pipeline crossing of the canal. We consider acquiring a right over a narrow section of subsoil at least 3.5m below the bed level of the canal would be sufficient for the pipeline.	<p>The Applicant will continue to engage with the intention to reach a voluntary agreement.</p> <p>As stated in the Statement of Reasons [AS-021], land is required for the construction, operation and maintenance of the pipeline. Consistent with the land rights held over the existing Connah's Quay to Point of Ayr Pipeline, the Applicant is seeking to agree voluntary long leases over strata of subsurface land for the Newbuild Carbon Dioxide Pipeline, to the extent necessary to construct, operate and maintain it. As it is not possible to compulsorily acquire a lease, the Applicant requires compulsory acquisition powers over strata of subsurface land in the event that an agreement for a lease cannot be reached. The Applicant requires all estates and interests in the subsurface in which the pipeline would lie, together with a 'layer' of additional subsurface land around the pipeline itself to form a protective barrier. The proposed width of the subsurface acquisition is a maximum of 24.4m.</p> <p>The Applicant has agreed that the Newbuild Carbon Dioxide Pipeline will be installed no less than 3.5m below the canal.</p>
2.8.9	The Trust is a statutory undertaker which has specific duties to protect the waterways. Accordingly, we have a duty to resist the use of compulsory purchase powers which may negatively affect our land or undertakings. Alternatively, should any compulsory acquisition powers over the Trust's land be retained in the Order, such acquisition should only be with the consent of the Trust. As set out below, the Trust are further prejudiced in relation to this matter as the draft Order does not contain any protective provisions for the Trust to safeguard and protect our undertakings.	The Applicant is engaging with The Trust on Protective Provisions.
2.8.10	The Trust is willing to engage with the Applicant to enter into an agreement in respect of the rights which the Applicant requires to deliver the works.	The Applicant acknowledges the response from The Trust.
2.8.11	As the Trust owned land related to the waterway is registered as Infrastructure Trust Property (plot 8-03) then the separate consent of DEFRA would also be required. We would advise that the timeframe for obtaining such DEFRA consent can take between 3-6 months.	

Reference	Relevant Representation Comment	Applicant's Response
	The draft Development Consent Order (DCO)	
2.8.12	There are a number of provisions within the draft DCO which will impact on the Trust and interests it seeks to protect and promote as owner and operator of the Shropshire Union Canal and associated infrastructure.	The Applicant acknowledges the response from The Trust.
2.8.13	The draft DCO was not shared with the Trust as part of a pre-application consultation. The Trust are in the process of reviewing this document with the aim of providing initial comments to the Applicant. On first review we would have concerns with Article 6 (limits of deviation); Article 19 (discharge of water); Article 21 (survey and investigate land); Part 5 powers of acquisition and Article 24 (compulsory acquisition of land); Article 31 (acquisition of subsoil); Article 34 (temporary use of land); Article 36 (statutory undertakers) and Article 39 (removal of hedgerows) – this list is not exhaustive. The Trust do require further opportunity to consider the detail of these provisions in light of the documents now submitted by the Applicant before any further representations are made on these matters.	The Applicant is engaging with The Trust on the dDCO [AS-016] .
	Protective Provisions for the Trust	
2.8.14	The draft DCO as submitted does not contain any specific protective provisions for the Trust as a statutory undertaker. The Trust notes that other statutory undertakers have been afforded protective provisions within the Order under Schedule 10. Following the acceptance of this application for Examination, the Applicant has indicated in writing separately to the Trust that they have no objection in principle to including protective provision for the Trust within the Order and that the omission was only because they had not had the opportunity to discuss these with the Trust.	The Applicant is undertaking further engagement with The Trust regarding Protected Provisions.
2.8.15	To aid the Examination we have provided the Applicant with a set of protective provisions which would resolve and satisfy our principal concerns. The protective provisions have been adapted from the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 (made 7 December 2022), being the most recent NSIP to be examined and which contains provisions relevant to the Trust land and assets. A copy of these are appended to this letter. The Trust reserves the ability to add to and amend the draft protective provisions as part of the examination process as may be required following a full review of the Application.	The Applicant acknowledges receipt of the Protected Provisions provided by The Trust.
	The Trust's Third Party Works Code of Practice	
2.8.16	The Applicant has agreed with the Trust that any works that interface with our waterways would be carried out in accordance with the Canal & River Trust Third Party Works Code of Practice (CoP) and indeed application forms have already been provided to the Trust in relation to Work No.18. As with previous DCOs authorising works affecting the Trust's land or assets, the Trust requires an express obligation obliging the Applicant to have regard to the CoP in the detailed design, construction and approval of the relevant works. The protective provisions enclosed with this representation contain appropriate wording.	The Applicant will continue to engage with The Trust regarding Protective Provisions and proposed working requirements around The Trust's assets. The Applicant has agreed to complete works in accordance with the COP as stated in the SoCG (document reference: D.7.2.11).
2.8.17	The Trust's CoP is designed to safeguard our assets and to deal with the nuances of developing adjacent to a 200-year-old waterway heritage asset which is not built to modern engineering standards. These features have an inherent fragility and the extent to which development adjacent to or under them may affect their stability can	The Applicant acknowledges the response from The Trust.

Reference	Relevant Representation Comment	Applicant’s Response
	reach far beyond any narrow waterway corridor. Ensuring that development is appropriately located and controlled on land adjacent to our network is crucial to limit the potential for failure of our infrastructure and the associated economic, environmental and social consequences of this.	
2.8.18	Through the CoP, developers engage with the Trusts engineers. The Trust’s engineers are specialists in canal engineering and the protection and safeguarding of our specialist waterway assets. It is essential that the proposals incorporate appropriate measures to protect the structural integrity of our waterways and their users both during and after construction for all temporary and permanent works affecting our waterways. Engaging with the Trust’s engineers ensures the appropriate measures are taken.	The Applicant is engaging with The Trust on Protective Provisions.
2.8.19	In terms of Work 18, relating to the pipeline crossing of the canal, we welcome that this would be undertaken via trenchless techniques. Submission document 6.2.3 (ES Chapter 3, Description of DCO proposed development), paragraph 3.6.61: sets out that trenchless techniques include “Horizontal Directional Drilling (HDD), Auger Boring Guided (GAB) and Unguided (UAB)) and Micro-Tunnelling are three types of trenchless installation techniques that are most likely to be utilised by the Construction Contractor(s) once the Detailed Design has been completed”. From prior discussion with the Applicant it is understood that the underground canal crossing would be installed using horizontal directional drilling with the launch pit and reception pit set well away from the canal corridor. We look forward to reviewing the technical drawings in accordance with the mechanisms to be contained in the protective provisions in relation to these works in due course and in terms of the launch and reception areas for the canal crossing, ensuring appropriate measures are put in place to protect and safeguard our assets.	
	Surface water drainage to the canal	
2.8.20	The Trust would not accept any silt laden or potentially contaminated surface water from dewatering of excavations from the construction works or discharge from wheel washing etc. The Trust would however consider the acceptance of clean surface water from above ground installations to the Trust owned canal. The Trust is not a land drainage authority, and such discharges are not granted as of right but would be the subject of the separate agreement with the Trust. Any flows would need to be attenuated and result in no net increase in flows. We would also need to be satisfied that there would be no net increase in flows as a result of the works to any watercourses which are culverted underneath the canal.	The Applicant notes The Trust’s positions regarding surface water discharges to the canal. The Applicant will ensure that the risk of silt laden runoff or potentially contaminated surface water from construction activities will be managed through best practice pollution prevention methods and that flows are attenuated with no net increase in flows, this is secured in the Construction Environment Management Plan (CEMP) as set out in Requirement 5 of the dDCO [AS-016] and as provided in REAC commitments D-WR-002, D-WR-005 to D-WR-010, D-WR-012, D-WR-018, D-WR-019, D-WR-022 to D-WR-024, and D-WR-026 [AS-053] .
2.8.21	The submission documents show that the drainage for the Rock Bank Block Valve Station (BVS) (Work No.20) would appear to connect to a ‘canal ditch’ which would appear to have an outfall to the canal next to bridge 134. Clarification has been sought from the Applicant in relation to this drainage. The route and direction of the ditch flow are unknown, but it appears that the ditch discharges to the canal. If this is the case, then the surface water discharge would need to be reviewed and a discharge licence will be needed.	The Applicant will continue to engage with The Trust regarding Protective Provisions and discharges to the canal.

Reference	Relevant Representation Comment	Applicant's Response
	Environmental Mitigation and the Outline Landscape Environmental Management Plan	
2.8.22	Work No.57G relates to the creation of environmental mitigation north of the Shropshire Union canal and would include woodland planting. It is essential that any tree planting here is offset from the canal by a minimum of 5m to ensure that the roots of the trees do not interfere with the clay lining of the canal and cause leakage or undermine the stability of the canal. Tree root barriers or similar may be required to be installed. We would also wish to be consulted on the native species mix to be provided here.	Requirements for specific mitigation measures adjacent to the Shropshire Union Canal will be determined at the detailed design stage as set out in Register of Environmental Actions and Commitments (REAC) commitment D-LV-024 [AS-053] and in the Landscape and Ecological Management Plan (LEMP) as secured by Requirement 11 of the dDCO [AS-016] . The principles advised by The Trust can be applied, where planting is required adjacent to the canal. Planting details including proposed species and any need for tree root barriers would be discussed with Canals and Rivers Trust should this be required at the detailed design stage in line with in REAC commitment D-LV-024 [AS-053] .
2.8.23	In terms of the Outline Landscape Environmental Management Plan (LEMP) the Trust would wish to be consulted further on the specific and detailed landscaping to be provided in the vicinity of the canal corridor to ensure that such planting is appropriate to the setting of the canal conservation area and would not impact the structural integrity of the canal.	The Applicant acknowledges the position of The Trust in relation to the LEMP. A detailed LEMP will be produced in accordance with the requirements set out in Requirement 11 of the dDCO [AS-016] . The Applicant would welcome the opportunity to consult further with The Trust regarding the detailed landscape proposals for the canal corridor at an appropriate stage, in line with in REAC commitment D-LV-024 [AS-053] and as secured by Requirement 11 of the dDCO [AS-016] .
2.8.24	In terms of Biodiversity Net Gain it is not entirely clear whether there will be any waterway credits to be spent. In principle if there are we would welcome further discussions with the Applicant in terms of any enhancement to the canal corridor here.	The Applicant can confirm that it is currently envisaged there will be a need to offset impacts to watercourses within Wales. The Applicant is seeking to offset impacts resulting from construction of the DCO Proposed Development primarily within the Order Limits. However, at the detailed design stage, should this not be possible, the Applicant will consider reaching out to The Trust to discuss potential offset opportunities.
2.8.25	The Arboricultural Impact Assessment shows that a number of trees within the vicinity of the canal corridor may be removed to facilitate the works. Any tree removal within 5m of the canal corridor would need to be carried out under supervision of the Trust to ensure that the waterway infrastructure would be safeguarded. The tree roots should be retained in situ and treated to prevent regrowth as opposed to being grubbed out/removed.	The CEMP as secured by Requirement 5 of the dDCO [AS-016] will be submitted for approval by the Local Planning Authorities prior to the commencement of the stage of works/location and will include various measures relevant to tree removal and protection.
	The Construction Environment Management Plan	
2.8.26	A high-level generic Construction Environment Management Plan (CEMP) has been submitted with the application documentation. We welcome that the document states that the contractor will engage with the Trust to minimise impacts to the canal. However, it will be important that the Trust is fully engaged on these measures and given sufficient time for review of the CEMP and subsequent detailed CEMP's.	The Applicant will continue to engage with The Trust prior to submitting Detailed CEMPs to be produced pre-construction for approval as secured by Requirement 5 of the dDCO [AS-016] .

Reference	Relevant Representation Comment	Applicant's Response
2.8.27	<p>a) All CEMPs relating to works with the potential to affect the canal will need to be robust and comprehensive and include specific canal protection measures. They will need to include aspects of</p> <ol style="list-style-type: none"> 1. how materials, fuels, chemicals and wastes will be stored and where; 2. measures for the prevention of dust generation and windblown litter and debris; 3. measures to prevent run off into the canal and culverts (e.g., of silty water, contaminated water, fuels and chemicals); 4. pollution response emergency procedures (including training of individuals, reporting as well as the physical mitigation and incident clean up); 5. measures to be taken to ensure noise and vibration from drilling would not affect canal/towpath users; 6. details of any planned water abstractions and /or discharges from or which may impact upon the canal and details of any oil interceptors and the steps to be taken if any unknown contamination is encountered during the works. 	<p>All CEMPs will adhere to the following control mechanisms described in the REAC [AS-053] and set out in Table 6.1 of the Outline CEMP [AS-055] as secured by Requirement 5 of the dDCO [AS-016]. Relevant entries that would cover each of the points mentioned are as follows:</p> <ol style="list-style-type: none"> 1. D-MW-006 of the REAC [AS-053] "The Construction Contractor will implement, and follow guidance within, the Materials Management Plan in accordance with the CL: AIRE Definition of Waste: Code of Practice." D-WR-018 includes "Measures implemented to control spillage or pollution risks for site runoff or works within watercourses will be regularly inspected to ensure they are working effectively." 2. D-AQ-004 "The Dust Management Plan (DMP) will be implemented on site by the Construction Contractor. This will include measures to control other emissions, in addition to dust and PM10 mitigation measures." 3. D-WR-021 "Surface water run-off and excavation dewatering will be captured and settled out prior to disposal where practicable. The Construction Contractor will ensure that any contaminants are to be suitably removed prior to disposal." and D-WR-018 "Measures implemented to control spillage or pollution risks for site runoff or works within watercourses will be regularly inspected to ensure they are working effectively." 4. D-GN-006 "The Detailed CEMP will set out as a minimum: <ul style="list-style-type: none"> • Description of the relevant stage(s) of the DCO Proposed Development, and clear figures identifying receptors that could be affected by construction activities; • An outline of the pre-construction and construction works; • An organogram showing names, roles, responsibilities and communication methods; • Protocol for external reporting and community relations; • Staff competence and requirements for training personnel, identifying mechanisms on how these are achieved and maintained; • Information on inductions (including environmental), site briefings and toolbox talk to ensure staff are briefed on environmental matters and procedures specific to their location; • A protocol to manage change as work progresses (e.g. updating evidence of compliance with the REAC, and Detailed CEMP and having an audit trail of changes in line with the Construction

Reference	Relevant Representation Comment	Applicant's Response
		<p>Contractor(s) EMS), including procedures for updating, sign off and version control of environmental asset data and as built drawing requirements; and</p> <ul style="list-style-type: none"> Emergency response, preparedness and non-conformance processes.” <p>5. D-NV-001 “The Noise and Vibration Management Plan will detail the noise mitigation measures included in the detailed design stage, the noise and vibration limits to be met and a programme of noise and vibration monitoring which should be followed during the Construction”</p> <p>6. D-WR-026 “Works will be undertaken in compliance with the relevant sections of BS6031:2009 Code of Practice for Earthworks (British Standards, 2009) with respect to protection of water quality and control of Site drainage including washings, dewatering, abstractions, and surface water.”</p>
	<p>b) We note that the Outline Soil Management CEMP sets out that stockpiles will be set away from ditches and watercourses by a minimum of 10m. We welcome that stockpiles will be a minimum of 10m away from watercourses but it will also be important that dust suppression is deployed, and stockpiles are sheeted to prevent generation of dust and silty water affecting watercourses and the canal corridor.</p>	<p>As well as siting stockpiles 10m away from watercourses, dust suppression will be managed within the CEMP as secured by Requirement 5 of the dDCO [AS-016] via item D-AQ-015 of the REAC [AS-053] which states “Manage earthworks and exposed areas or soil stockpiles to prevent wind-borne dust. Use methods such as covering, seeding or using water suppression”. This commitment is secured by Requirement 5 of the dDCO [AS-016].</p>
2.8.28	<p>The route of the pipeline crosses a number of watercourses which appear to be culverted under the canal, this includes Backford Brook, which is managed by the Environment Agency, by development associated with Work No.23.</p> <p>During the works such watercourses could be at risk of siltation during any land clearance and construction works associated with the pipeline. The culverts flow north to south to discharge on the towpath side and as such any silt from the works on the offside could block the culverts, which would be of concern to the Trust and measures will need to be taken to prevent this and protect these watercourses.</p>	<p>The potential impacts of this have been assessed in Section 2.1 of the 2022 ES, Chapter 18.2 – Summary of Effects Appendix Rev A [APP-164].</p> <p>During construction and associated enabling works, the Applicant will implement measures to prevent silt ingress into the channel through REAC commitments D-WR-001 to D-WR-008 [AS-053] as secured by Requirement 5 of the dDCO [AS-016]. The Applicant will ensure that free flow through the culverts is maintained along with prevention of the culverts silting up as a result of the construction works.</p> <p>The residual effect of the entrainment of sediments during construction on watercourses is assessed as Neutral (not significant) in Chapter 18.2 – Summary of Effects Appendix Rev A [APP-164] of the 2022 ES. Therefore, the Applicant concludes that impact to culvert infrastructure downstream of construction works would not be significantly impacted by the DCO Proposed Development.</p>

Reference	Relevant Representation Comment	Applicant's Response
	Construction Traffic Management Plan	
2.8.29	The details set out that access to the Chorlton Lane Compound via the canal crossing Pretty Bridge (Bridge 134 Caughall) over the canal has been discounted due to the bridge having a 3.5T weight limit. We welcome that Figure 17-4 Construction Traffic Route Sheet 2 of 8 shows that both construction routes CC CTR2 and CC CTR3 would be directed to avoid crossing the canal in this location to access the construction compounds.	The Outline Construction Traffic Management Plan (OCTMP) [APP-224] included within Section 3 Construction Traffic Access the approach to identifying appropriate construction traffic routes for the DCO Proposed Development. Paragraph 3.1.4 defines HGVs as having a weight limit of more than 3.5t gross weight. On this basis the Applicant discounted the use of Pretty Bridge.
	Landscape and Visual Impact	
2.8.30	The Landscape and Visual Impact Assessment appears to provide an appropriate consideration of the canal corridor and waterway users. There would be some temporary localised impacts associated with the construction works but given that the crossing of the canal would be underground and carried out via a horizontal directional drilling technique then the impact on the immediate environs of the waterway and towpath hedge line should be limited. The mitigation planting and landscaping to be undertaken should also reduce the long-term visual impacts associated with the works.	The Applicant acknowledges the response from The Trust.
2.8.31	In terms of the permanent works the Rock Bank BVS would be the closest permanent above ground installation to the canal corridor, but this would be far enough away from the canal corridor to not have an adverse visual impact and would be screened by existing vegetation and land topography.	
2.8.32	The above comments are given without prejudice to other matters/comments that may be raised by the Trust at a later stage following a full review of the application documents. Please do not hesitate to contact me with any queries you may have.	The Applicant and welcomes the opportunity for further consultation if required.

Table 2-9 - Carl Woods – RR-009

Reference	Relevant Representation Comment	Applicant's Response
2.9.1	As the owner of a small 1 acre field at Picton CH207896. Your plan is to gain access for pipeline work, by splitting the field into three sections by putting a track through the centre of the field, therefore ruining IT as it is only 1 acre. There is a perfectly good access only 30 yards away up an existing farm track straight into the field behind. Therefore, not requiring our field for access.	The access track in question is required for temporary construction access only, the field shall be restored after the completion of works in that section of pipeline.

Table 2-10 - Carolyn Thomas MS – RR-010

Reference	Relevant Representation Comment	Applicant's Response
2.10.1	<p>Currently, since 2021, I am a Member of the Senedd representing the North Wales Region, previous to that I was Cabinet member for Streetscene including Highways at Flintshire County Council and member of North Wales Economic Ambition Board transport subcommittee.</p> <p>I would like to raise concerns regarding impact on the highway infrastructure in Flintshire which is already congested with pipes, ducts and has a deteriorating infrastructure following over a decade of austerity. The proposed pipe is 30" in diameter. There needs to be consultation with the NMWTRA & Scottish Power as there are plans regarding the deteriorating A494 Dee Bridge which will impact including moving of a pylon and undergrounding of cables at Queensferry. It has already been raised that there is underground congestion to do that work.</p>	<p>The UK has a long history of high pressure gas pipeline construction and operation with a good safety record. The Applicant is in consultation with the HSE and relevant environmental agencies to ensure that the proposed development is constructed in line with all UK regulatory environmental and safety requirements.</p> <p>The Applicant has considered the effects on Community Land and Assets, and Development Land and Businesses in Appendix 16.1 - Land Use and Assets of the 2022 ES [APP-147] which concludes that there are no residual significant Population and Human Health effects on Community Land and Assets and Development Land associated with the DCO Proposed Development.</p> <p>The Applicant acknowledges the challenges of crossing the River Dee adjacent to the A494 Dee Bridge, this was a consideration in selecting the Newbuild Carbon Dioxide Pipeline route options during the design development stage of the DCO Proposed Development. ES Chapter 4: Consideration of Alternatives [APP-056] provides details of the alternative route and design options considered for the DCO Proposed Development. The closest point of the DCO Proposed Development to the A494 Dee Bridge is approximately 850m and the Applicant does not consider the concerns raised applicable. The Applicant is engaging with NMWTRA and Scottish Power Energy networks on other matters.</p>
2.10.2	<p>Impact on flood risk areas at Sealand, Broughton, Sandycroft and Mancot, and the crossing of 18 water courses. Properties have already seen significant flooding which is difficult to mitigate with increasing monsoon type rainfall.</p>	<p>A Flood Consequences Assessment [AS-004 to AS-006] has been prepared for the DCO Proposed Development, along the alignment of the proposed Newbuild Carbon Dioxide pipeline, in consultation with Dwr Cymru Welsh Water, Flintshire County Council and National Resources Wales and the requirements of TAN15. The FCA concluded that, given the proposed pipeline through the areas of Sealand, Broughton, Sandycroft and Mancot is buried (and also proposed to be constructed below the bed of the watercourses), there is unlikely to be an increase in flood risk in these areas or elsewhere.</p>
2.10.3	<p>Suitability of storage of carbon dioxide offshore, I attended a meeting where a geologist raised concerns that not enough is known, there could be leakage causing acidification of the sea.</p>	<p>There is a clear advantage in considering depleted hydrocarbon fields for carbon dioxide storage due to their demonstrated ability to contain oil and gas for millions of years (as stated by the International Panel of Climate Change, IPCC 2005).</p> <p>This is particularly true for the Liverpool Bay fields. The three selected fields, Lennox, Hamilton and Hamilton North, have geological structures well suited to retain and preserve the gas accumulated in the Triassic sandstones thanks to the thick overlying sealing succession constituted by shales and, even better,</p>

Reference	Relevant Representation Comment	Applicant's Response
		<p>continuous levels of halite deposited in several cycles within the basin. The project proposes to use those geological structures to safely store carbon dioxide, and it should be noted that the pressure of the stored carbon dioxide will not exceed the original pressure of the hydrocarbons in the reservoirs prior to production commencing.</p> <p>The project is preparing extensive and detailed studies to demonstrate the safety of storing carbon dioxide in these reservoirs, and this work will form part of a storage permit application that will be submitted for the review and approval of the North Sea Transition Authority (the competent regulatory body).</p>
2.10.4	Impact on highways traffic during construction and access to local businesses, hospitals and schools, the proposed route impacts on many densely populated areas. Impact on the environment.	<p>The Applicant has considered the Traffic and Transport effects arising from the construction of the DCO Proposed Development. Chapter 17 of the 2022 ES [APP-069] considers the impacts of the following severance, fear and intimidation, pedestrian amenity, driver delay and pedestrian delay across the Strategic Road Network (SRN) and the Local Road Network (LRN).</p> <p>Table 17.9 of the 2022 ES [APP-069] documents that there are not anticipated to be any residual significant Traffic and Transport effects associated with the DCO Proposed Development.</p>
2.10.5	The whole proposal is for a few large businesses to offset CO2 but these construction works will be creating a lot of CO2.	<p>The Applicant has considered the impact arising from the construction, operation and end of life decommissioning of the DCO Proposed Development on greenhouse gas emissions in Chapter 10 Greenhouse Gases [APP-062] of the 2022 ES. The assessment concludes that there are no significant effects associated with the DCO Proposed Development. The avoided emissions captured from all of the plants that feed into the Carbon Dioxide Pipeline system as part of the Project are anticipated to result in a significant beneficial residual effect.</p>
2.10.6	Has the installation of fibre optics been considered at the same time or other infrastructure with utility companies and mitigation?	<p>The Newbuild Carbon Dioxide Pipeline routing has been designed to minimise interaction with settlements and would not create an advantageous route for fibre optics for consumer use.</p> <p>The Newbuild Carbon Dioxide Pipeline will sit within a protected corridor where activities which could adversely affect it will be prohibited. The installation of fibre optics in this corridor could not be accommodated because the operators' access to it would be restricted by the protections in place for the Newbuild Carbon Dioxide Pipeline, which include restrictions on digging.</p> <p>Under the current legislation, the Applicant cannot seek to use DCO powers to acquire rights for other operators where the works concerned are not necessary for its project. So, rights can be acquired to allow diversions where</p>

Reference	Relevant Representation Comment	Applicant's Response
		<p>the need for diversion arises from the project, but not to install new infrastructure.</p> <p>Further, such installation of such infrastructure cannot be lawfully consented by the DCO. In England, where associated development can be sought it would need to be demonstrated that there is a connection to the NSIP development which brings it into being 'associated' development. The Applicant does not consider such a link could be demonstrated. In Wales, associated development cannot be included in this type of DCO under current legislation and installation of other infrastructure cannot be consented.</p> <p>The Applicant will be required to safely operate and be legally responsible for its working site and personnel, including holding liability for accidents, pollution events, compliance with consents and licences and legal obligations. It is not straightforward to allow utilities to work on the pipeline construction site during the pipeline construction.</p>

Table 2-11 - Carter Jonas on behalf of Travelodge Hotels Limited – RR-011

Reference	Relevant Representation Comment	Applicant's Response
2.11.1	Our representation is to cover the potential construction impacts for example due to noise, dust, visual impact and vibration (particularly during the proposed drilling of sections near our client's property (which is a hotel).	<p>The Applicant has undertaken a construction dust assessment and presented the outcomes in Chapter 6 (Air Quality) [APP-058] within the 2022 ES. The assessment concludes that there will be no significant effects as a result of dust during the construction of the DCO Proposed Development.</p> <p>Furthermore, the Applicant will prepare a Dust Management Plan as part of the CEMP as secured by Requirement 5(2)(c) of the dDCO [AS-016] which provides mitigation to minimise impacts from dust during construction of the DCO Proposed Development.</p> <p>The Applicant has undertaken a Noise and Vibration assessment for the 2022 ES and presented the conclusions in Chapter 15 (Noise and Vibration) [APP-067]. A potential significant adverse effect has been identified at the hotel and the effects will be of a temporary nature during the open cut trench construction activities only. As is secured by Requirement 5(2)(b) of the dDCO [AS-016] the Applicant will prepare a Noise and Vibration Management Plan detailing the mitigation measures included in the detailed design stage. Prior to construction works commencing, consultation will take place with the Local Planning Authorities' Environmental Health Officers to agree the parameters to be included in the Noise and Vibration Management Plan. Best Practicable Means, including temporary noise barriers and acoustic enclosures will be used, where feasible. The construction</p>

Reference	Relevant Representation Comment	Applicant's Response
		programme will seek to minimise the duration of high noise generating construction activities, as far as practicably possible.
2.11.2	Furthermore, as the temporary access road proposals are over the access which the hotel uses for its business operations, we will be making representations on likely interruptions to our client's access.	<p>The Applicant is not proposing to restrict access to the hotel through any point of the construction of the DCO Proposed Development.</p> <p>The Applicant proposes access to the DCO Proposed Development using primary and secondary access points. Primary access points are those that serve any of the Centralised Compounds, BVSs, or AGIs. All other access locations are designated as secondary access points.</p> <p>It is the Applicant's understanding that the relevant representation is referring to a secondary access point. Access to this location is temporary and anticipated to take place over a matter of days or weeks and/or traffic volumes in this location are anticipated to be negligible. Measures to ensure safe and suitable access by appropriate vehicle types in these locations has been considered as part of the OCTMP [APP-224].</p>
2.11.3	We also wish to make representations around operational impacts including visual impact, reinstatement of the pipeline, and impacts and maintenance of any environmental mitigation works on land surrounding the hotel.	<p>A landscape and visual impact assessment has been undertaken for the 2022 ES and presented in Chapter 12 (Landscape and Visual Impact Assessment) [APP-064]. The assessment has not identified any significant visual effects in relation to visual receptors at or near to the hotel during construction or operation. However, it is has been assessed that temporary, significant adverse landscape effects would be experienced in relation to the Estuary Edge and Valleys (FLNTVS014) LANDMAP Aspect Area (Table 12.6 – Construction Landscape Effects) within which the hotel is situated. Therefore, given the proximity of the hotel it is considered likely that temporary, significant visual effects would be experienced by visitors and workers during the construction stage. Upon completion, the land would be reinstated and at operation there would be minimal permanent visibility of AGIs and visual effects associated with periodic maintenance activity for mitigation measures would be negligible.</p>

Table 2-12 - Cheshire West and Chester Borough Council (CWAC) - RR-012

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
2.12.1		This Relevant Representation of Cheshire West and Chester Council 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 proposed requirements and provisions of the Draft Development Consent Order. Further to this representation, as a Host Authority, the Council will be providing a Local Impact Report (LIR) and, if necessary, a Written Representation (WR) at the forthcoming examination.	The Applicant looks forward to receiving the LIR as part of the examination. The Applicant is in regular communication with CWAC and will continue engagement to resolve the issues described in the Relevant Representation.
	1.	The Planning Statement and Policy Context	
2.12.2		<p>The submitted application and associated Planning Statement identifies the Local Development Plan within the Borough of Cheshire West and Chester (CWAC). A number of inconsistencies are noted in the identification of policies including an omission of Neighbourhood Plans as well as the full consideration of a number of Local Plan Policies including economic policies for the projects impact on existing businesses / operations including future expansions (standoffs / restrictions to the pipeline) and ecological network implications of Policy DM 44.</p> <p>Please note a more detailed consideration of the Local Development Plan will be provided as part of the examination within the Councils LIR.</p>	<p>The Applicant has reviewed and updated the Planning Statement [APP-048] as required and it is submitted at Deadline 1.</p> <p>The Applicant would refer CWAC to Table B4 in Appendix B to the Planning Statement [APP-048] which provides a detailed appraisal of policy compliance against Cheshire West and Chester Local Planning Policy, including compliance with Policy DM 44. The Applicant is engaging with the CWAC to gain an understanding of what information is not provided so that they can address any inconsistencies and provide further detail on relevant Local Plan policies as required.</p>
	2.	The Environmental Statement	
2.12.3		The Council has previously provided comment and recommendations on the scope and content of the Preliminary Environmental Impact Report (PEIR). There are ongoing discussions between the Councils internal services and the applicant in respect to the content of the submission stage Environmental Statement. The Councils position, as it stands on, specific matters including raised issues are provided below. Please note, as above, a detailed response in respect the Local Impacts of the project will be provided as part of the examination.	Responses from the Applicant to CWAC's comments and recommendations on the initial scope and content of the PEIR can be found in Appendix 1.3 of the 2022 ES [APP-076] and the HyNet DCO Consultation Report [APP-031] , respectively. The Applicant will continue to work proactively with CWAC.
		Chapter 8 – Cultural Heritage	
2.12.4		<p>Whilst the Councils Conservation officer is in general agreement with the overview of heritage impacts and assessments in Chapter 8 it is asked that individual Heritage Impact Assessments are provided to provide a true impact of AGIs and BVSs.</p> <p>In addition, it is also requested that further detail is provided of how any harm resulting from AGIs and BVSs can be mitigated against including planting and materials.</p>	<p>The impacts on heritage assets caused by all aspects of the DCO Proposed Development, including AGIs and BVSs, are included in Section 8.9 of Chapter 8 of the 2022 ES [APP-060] and within Sections 11 and 12 of the Historic Environment Desk-Based Assessment, Appendix 8.1 [APP-084].</p> <p>It should be noted that only significant impacts are reported in the 2022 ES [APP-060], with effects not considered to be significant reported in Appendix 8.1 [APP-084]. For example, effects on the Chester Canal Conservation Area</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			<p>caused by the Rock Bank BVS are reported in paragraphs 12.2.1 to 12.2.3, effects on Thornton-le-Moors Conservation Area caused by Stanlow Above Ground Installation (AGI) are reported in paragraphs 12.2.4 to 12.2.5, and effects on The Willows, a Grade II listed building, caused by the Mollington BVS, is reported in paragraphs 12.3.4-12.3.6 of Appendix 8.1 - HEDBA Part 1 Rev A [APP-084]. The introduction to Chapter 8 of the 2022 ES [APP-060] explains the assets which were scoped out.</p> <p>Mitigation measures for impacts caused by the construction of the AGIs and BVSs are defined in paragraph 8.10.8 of Chapter 8 of the 2022 ES [APP-060]. This states “Permanent impacts to the setting of the historic assets will be mitigated through the planting of vegetative screening around upstanding aspects of the proposed AGI and BVS installations to reduce the impact of the visual intrusion within the landscape.” As stated in the Outline Landscape and Ecological Management Plan [APP-229], the detail of the planting and materials will be produced by the appointed construction contractor during the detailed design stage.</p>
2.12.5		In respect to archaeology, whilst in general agreement with the assessments undertaken, the Archaeological Planning Advice Service for the Council identify that the outline Written Scheme of Investigation (WSI) for archaeology does not include a maintenance and watching brief to deal with areas that cannot be trenched or where there are suspicions that the trenching might not have fully defined the archaeological potential. Without this inclusion in the outline WSI concern I raised by the Council as to the potential for impacts on currently unidentified archaeology.	Methodology for strip, map and sample (which is broadly the same methodology as watching brief) is included in Section 3.3.1 to 3.3.9 of the Outline Archaeological Written Scheme of Investigation [APP-223] . It is proposed that this could be applied for those areas where trial trenching is not possible or in areas of higher archaeological potential.
		Chapter 9 – Biodiversity	
2.12.6		It is understood that the project is considered as a whole, across both England Wales, however, in considering local impacts within CWAC, in most instances, it has not been possible to assess impacts, as all analysis has been done at the project-wide level. To allow the assessment of local biodiversity impacts in CWAC it is asked that any impact assessments be split out (HyNet identified Sections 1-7).	<p>The Applicant has undertaken the EIA with regard to the relevant guidance and case law, which requires assessment of ‘the project’. NPS EN-1 at 4.2.1 sets out that what is required is “an assessment of the likely significant effects of the proposed project on the environment” (emphasis added), not sub-divisions thereof. There is no requirement under that to break the assessment down into local authority areas, and to do so could result in confusing or misleading levels of effects being reported.</p> <p>The NPSs state that ‘local’ in the Nationally Significant Infrastructure Project (NSIP) context for biodiversity relates to locally designated sites, not council areas. NPS EN-1 Section 5 requires consideration of locally designated sites, which has been undertaken. There is no provision in this requiring assessment at a council area level.</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			The Applicant does not consider it is appropriate to disaggregate parts of the project, and that doing so is contrary to considerable case law that the EIA must consider and report on the impact of 'the project' as a whole.
2.12.7		Significant concern is raised by the Council in respect the supporting biodiversity surveys including their strategy / extent (absence of surveys beyond the order boundary for barn owls and badgers), incomplete / missing survey data, as well as discrepancies in the provided survey data. It is noted that the applicant has advised that further survey data is to be provided within the next couple of months. Considering the nature of the incomplete surveys both in terms of their scope and missing data it is advised that any assessment of the projects likely impacts and effects in respect biodiversity cannot be made at this stage. For this reason, it is asked that suitable provision of time is given to enable the Council to consider any updated survey data and assessments prior to the commencement of the examination.	<p>The Applicant can confirm that, as per discussions and communication with CWAC during a meeting held on 8 December 2022, further surveys for select receptors have taken place during preparation of the DCO Application. The results of further surveys are presented in the following documents submitted on 3 March 2023, subsequently accepted by the Examining Authority (ExA) as part of the Applicant's Section 51 advice response on 14 March 2023:</p> <ul style="list-style-type: none"> • Chapter 9 – Biodiversity [AS-025] • Riparian Mammal Survey Report [AS-039] • Bat Activity Survey Report [AS-027 and 029] • Bats and Hedgerows Assessments [AS-031 to AS-038] • Outline CEMP [AS-055] <p>The Applicant recognises the need for CWAC to review updated documents and would welcome any queries or discussions in due course. The results of the additional surveys validate the assessment within Chapter 9 - Biodiversity [AS-025] and, despite the additional surveys, the mitigation and mitigation principles as secured by Requirement 5 of the dDCO [AS-016] and prescribed within the Outline CEMP [AS-055] and Requirement 11 and prescribed within the Outline LEMP [APP-229] are sufficient and appropriate to safeguard and mitigate identified receptors.</p> <p>With regards the extent of surveys completed for protected species, the impact assessment presented within Chapter 9 - Biodiversity [AS-025] is appropriate to assess the potential for significant effects upon relevant considered species and receptors within the Order Limits, in the absence of a detailed design stage. The Order Limits have been subject to a number of revisions during the completion of surveys with field data having also been collected beyond the Order Limits as presented within the DCO Application. The primary assessment of potential significant effects has been dedicated to features within the Order Limits, with receptors beyond the Order Limits only potentially subject to indirect impacts. Direct impacts associated with the DCO Proposed Development will be further restricted within the Order Limits and confined within a prescribed working corridor upon development of a detailed design stage and pipeline route.</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			<p>The DCO Proposed Development will, for its majority, result in short term, temporary and localised impacts associated with pipeline construction, with measures developed to avoid sensitive receptors wherever possible.</p> <p>Mitigation has been developed and presented within the Outline CEMP [AS-055] and the Outline LEMP [APP-229] to update baseline survey results in response to a confirmed detailed design stage as secured by Requirement 5 and 11 of the dDCO [AS-016] (see examples D-BD-005, D-BD-006, D-BD-021 of the Outline CEMP [AS-055]). However, the mitigation prescribed within the DCO Application is sufficient to safeguard or otherwise mitigate identified receptors within the Order Limits and beyond.</p>
2.12.8		<p>In addition to the above issues relating to surveys, concerns are also raised in respect a number of the undertaken species-specific assessments and which require clarification including detail of the full assessments of tree and hedgerow losses on bats and barn owls, habitat severance in respect badgers and riparian mammals as well the logic for transect and survey locations for breeding / wintering birds and fish.</p>	<p>As stated in Paragraph 3.1.3 of Chapter 3 – Description of the DCO Proposed Development [APP-055], the DCO Application does not define a fixed pipeline design/route and therefore a reasonable worst-case scenario has been applied to the Biodiversity Assessment in Chapter 9 – Biodiversity [AS-025]. In the absence of a finalised detailed design, definitive extents of hedgerow and tree losses, across the Order Limits, cannot be confirmed. Efforts have been made during the design development to avoid features and trees wherever possible, for example, through the use of micro-siting, commitments to avoid certain trees (e.g. veteran trees), and use of trenchless installation techniques (for example where ancient woodland spans the Order Limits at Northop). During the detailed design stage and construction of the DCO Proposed Development, further opportunities for micro-siting and avoidance will be sought to further reduce impacts arising from construction as detailed within mitigation measures D-BD-009 to D-BD-014, of the Outline CEMP [AS-055] and Outline LEMP [APP-229] and to be included in the detailed CEMP as secured by Requirement 5 and 11 of the dDCO [AS-016]. Current tree losses have been assessed on a reasonable worst-case scenario based on those 'at risk' as per Appendix 9.11 - Arboricultural Impact Assessment – Part 1 [APP-115].</p> <p>A series of commitments to retain and avoid features have been made during the course of the design development and will be further refined at the detailed design stage. However, trees and features within the Order Limits considered to be at risk of direct impacts or removal have been detailed within Table 9.11 Likely Significant Effects during the construction stage within Chapter 9 - Biodiversity [AS-025].</p> <p>Construction of the DCO Proposed Development will be short term, temporary and localised across the landscape and will require the excavation of a trench</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			<p>within a prescribed construction corridor (see D-BD-053 of the Outline CEMP [AS-055]) and Outline LEMP [APP-229], as secured by Requirement 5 and 11 of the dDCO [AS-016]. Measures to maintain the ability of wildlife to move through the construction corridor have been included within the Outline CEMP [AS-055] (see examples D-BD-022 and D-BD-031 of the Outline CEMP [AS-055]), with measures additionally detailed to prevent entrapment of animals during construction (see D-BD-023 of the Outline CEMP [AS-055]) allowing movement either side of the trench. Where watercourses are to be crossed using trenched techniques these will be restricted to as minimal a footprint as is practicable for construction (see D-BD-018 of the Outline CEMP [AS-055]) as secured by Requirement 5 of the dDCO [AS-016] and completed as swiftly as possible to allow reinstatement. Additionally, watercourse crossings for access purposes only will be minimised as far as practicable during construction (see D-BD-064 of the Outline CEMP [AS-055]) as secured by Requirement 5 of the dDCO [AS-016] to reduce unnecessary temporary severance effects.</p> <p>As described within Section 2.2 of Appendix 9.8 - Bird Survey Report [APP-112], transect and survey locations for breeding and wintering birds were designed to provide survey results and coverage across a variety of habitat types, allowing representative bird communities to be sampled. Certain transect locations were chosen on the basis of proximity to or locations within statutory designated sites, recognising a need to understand potential impacts upon qualifying features of such sites (for example, creation of Transect 2 along the River Dee). Transects were developed utilising desk study data review in combination with local ornithological knowledge.</p> <p>As detailed in Section 9.6 of Chapter 9 - Biodiversity [AS-025] and Section 2.2 to 2.6 of Appendix 9.9 - Aquatic Ecology (Watercourses) Survey Report [APP-113], aquatic habitat scoping assessments were conducted along the extent of each watercourse within the Order Limits. A total of 70 watercourses were therefore assessed during these aquatic habitat scoping assessments. Table 6 within Appendix 9.9 - Aquatic Ecology (Watercourses) Survey Report [APP-113], details the results of the aquatic habitat scoping assessments and provides reasoning for the scoping out of further surveys, where applicable.</p> <p>Where further fish surveys were recommended, the accessibility of the watercourse was assessed for suitability to carry out electric fishing surveys. As stated in Section 2.2 of Appendix 9.9 - Aquatic Ecology (Watercourses) Survey Report [APP-113], only one watercourse within the Order Limits was deemed to be safe to access for such surveys. Where access to a</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			<p>watercourse deemed to have suitable fish habitat was constrained, an eDNA sample was instead taken to gain an understanding of the fish population within the watercourse (Section 2.7 of Appendix 9.9 - Aquatic Ecology (Watercourses) Survey Report [APP-113]). eDNA surveys collected representative samples from each watercourse by sub-sampling the different habitat and flow types present (Section 2.3 of Appendix 9.9 - Aquatic Ecology (Watercourses) Survey Report [APP-113]).</p> <p>Seine netting is the appropriate survey methodology to assess fish populations within larger watercourses and therefore this methodology was employed to survey the River Dee.</p> <p>The survey location was determined by the indicative pipeline location at the time of survey, with surveys carried out as close to the pipeline crossing locations as reasonably possible, given health, safety, and access constraints. Where suitable fish habitat was not observed at the indicative pipeline crossing location, eDNA surveys were conducted either upstream or downstream of the indicative crossing location where appropriate habitat was observed within the Order Limits, and with regard to health, safety, and access constraints.</p>
2.12.9		It is noted that, due to technical reasons, replacement trees cannot be planted within 12m either side of the pipeline. Clarification on this matter is required in respect what this means in terms of tree and hedgerow replacements and to the mitigation, compensation and enhancement for Local Wildlife Sites (LWS) and overall habitat connectivity, including the provision of any required long-term management, which appears to be absent from any proposed mitigation.	<p>Where possible, the Applicant will seek to avoid tree and hedgerow loss as much as reasonably practicably during the detailed design stage of the DCO Proposed Development. Where sections of hedgerow are removed to facilitate construction, these will be reinstated post-construction through the planting of a combination of whips and shrubs as captured within mitigation item D-BD-032 (Outline CEMP [AS-055]), also included in the Outline LEMP [APP-229] as secured by Requirement 5 and 11 of the dDCO [AS-016] and will be reinstated across the top of the pipeline reforming the contiguous hedgerow and associated connectivity.</p> <p>As per Section 9.10 of Chapter 9 - Biodiversity [AS-025], whilst minimised or avoided wherever possible, where trees are required to be removed to facilitate construction, these will be replanted in as close a proximity as possible, where it is appropriate to do so (e.g. no planting of trees within the middle of agricultural fields). Tree planting is proposed on a 3:1 (planting to loss) ratio. Thirteen areas have been identified for mitigation and compensation planting to offset the losses of trees identified 'at risk', as assessed within Appendix 9.11 - Arboricultural Impact Assessment – Part 1 [APP-115]. The locations of proposed mitigation areas have been selected on the basis of enhancing existing woodland areas, enhancing green</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			<p>infrastructure corridors and providing new connectivity across the landscape, within the confines of the Order Limits. Mitigation item D-BD-063 (Outline CEMP [AS-055]) as secured by Requirement 5 of the dDCO [AS-016] defines that management of newly planted trees and woodland would follow management across a 10-year period during establishment. However, exact prescriptions will be detailed within the detailed LEMP to be developed at the detailed design stage and secured by Requirement 11 of the dDCO [AS-016]. It is currently assumed that no trees will be felled at Saughall Bank LWS or the banks of the Shropshire Union Canal crossing, with trenchless installation techniques to be employed.</p> <p>With regards LWSs, the DCO Proposed Development will broadly result in short term, temporary and localised impacts during construction. Habitats affected will be reinstated post construction and subject to appropriate management to be defined at the detailed design stage within the LEMP (secured by Requirement 11 of the dDCO [AS-016]) as captured within item D-BD-062 (Outline CEMP [AS-055]) as secured by Requirement 5 of the dDCO [AS-016]. Permanent impacts associated with the construction of the Ince AGI, located within the boundary of the Frodsham and Ince Marshes LWS, will result in the loss of some habitat. Whilst options to mitigate this loss will be explored during the detailed design stage, the field where the AGI will be created is subject to grazing and agricultural pressures and as such may be unsuitable for mitigation directly.</p> <p>All required long term management of created or reinstated habitats will be captured within the detailed LEMP to be produced at the detailed design stage, secured by Requirement 11 of the dDCO [AS-016].</p>
2.12.10		A Biodiversity Net Gain (BNG) assessment has been undertaken, but only for priority habitats, rather than all habitats as a standard BNG calculation would. It is noted that BNG is not currently a mandatory requirement for NSIPs but can be used as a general tool to demonstrate if a project is achieving adequate habitat mitigation and compensation. The BNG undertaken shows the project is unable to provide net gain within the order limits and that off-site is only potential. It is asked that if BNG is to be applied to this project, the above be clarified including how off-site mitigation is to be secured.	<p>The Applicant held discussions with CWAC (in tandem with FCC) regarding the approach to the Biodiversity Net Gain assessment on 21 July 2022 (see D.7.2.2 - SoCG with CWAC) with specific reference to the approach of assessing Priority Habitats solely. As per Paragraph 4.1.7 of the Biodiversity Net Gain – Part 1 [APP-231], the Applicant can confirm that they are exploring opportunities for the creation of off-site compensation to achieve BNG for priority habitats and will provide details of secured offset sites within a revised Biodiversity Net Gain Report. As BNG is not a mandatory requirement for NSIPs, land cannot be specifically included for the sole purpose of BNG offsetting within the Order Limits.</p> <p>The Applicant is currently in discussions with CWAC to secure BNG provisions, linked to the Mersey Forest scheme. MS Teams meetings have</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			been held on 24 January 2023 and on 17 March 2023 and CWAC are currently in detailed discussion regarding the technical requirements of the project and the commercial terms.
		Chapter 16 – Population and Human Health	
2.12.11		A number of footpaths in the borough including those affected by the proposed works to the south of the M53 (Wervin and Wimbolds Trafford Works nos. 13 -15) are prone to drainage and waterlogging issues. Concerns are raised where works have the potential to affect or exacerbate local drainage. It is asked that due consideration of both direct and indirect impacts and on public rights of way from drainage is provided and be clearly addressed in the drainage management schemes and mitigated during construction works (CEMP) as well as the restoration of land.	<p>The Applicant has considered the impacts of the increase in surface water flood risk in the Outline Surface Water Drainage Strategy [APP 241 to 245] and this has ensured compliance with all local and national requirements for sustainable water drainage design to prevent any increase in flood risk elsewhere along the proposed pipeline in England.</p> <p>The Applicant has considered flood risk in a Flood Risk Assessment (FRA) [APP-167 to APP-168] in consultation with the Environment Agency, Dwr Cymru and United Utilities Cheshire West and Chester Council's Lead Local Flood Authority.</p> <p>In addition to the FRA, the Applicant has also produced an outline Soil Management Plan [APP-227] as part of the CEMP required by Requirement 5 of the dDCO [AS-016], which will be used as part of REAC commitment [AS-053, D-LS-007] to ensure land is restored.</p>
		Chapter 17 – Traffic and Transport	
2.12.12		Whilst some concerns are raised in relation of the suitability and safety of the use of smaller lanes to access construction compounds no overall objection is made from the Council's Highways.	<p>The Applicant has produced an OCTMP [APP-224] which has reviewed the construction traffic routes serving the DCO Proposed Development and includes measures to ensure all routes are suitable for construction traffic without compromising amenity, access and safety.</p> <p>The Applicant notes that CWAC's Highways department does not have any objection to the DCO Proposed Development.</p>
		Chapter 19 – Cumulative Impacts	
2.12.13		<p>Combined effects should be fully considered with HS2, especially in terms of impacts on MSAs, waste generation and impacts to local and regional transport.</p> <p>Combined effects with other NSIPs should include the Caden Hydrogen Pipe project including its Pipe location and HAGIs which would have potential for physical overlap especially near to the HPP plan and offshoot to the Protos Site.</p>	As per paragraph 19.5.1 of Chapter 19 Combined and Cumulative Effects of the 2022 ES [APP-071] and Table 1 of Appendix 19.1 of the 2022 ES [APP-172] , the Study Area for, the Cumulative Inter-Project Effects Assessment has been determined via the identification of Zones of Influence (ZOI) for likely significant effects. The ZOI for local and regional transport used for the assessment is taken from Figure 17.1 of the 2022 ES [APP-211] and extends as far east as Helsby. For waste generation (and Mineral Safeguarding Areas (MSAs)) the ZOI was reduced to 10km for practicable and proportionate

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			<p>assessment purposes. As a result of the extent of these ZOIs, HS2 projects have not been scoped into the long-list (Table 2 of [APP-172]) or short-list (Table 3 of [APP-172]) of the Inter-Project Effects Assessment as the HS2 Phase 2b: Crewe to Manchester (the nearest HS2 works to the DCO Proposed Development) are approximately 20km from the DCO Proposed Development.</p> <p>In addition, the residual effects of Chapter 14 Materials and Waste of the 2022 ES [APP-066] concluded Minor Adverse residual effects in relation to material resource consumption and landfill capacity. As no residual effects in relation to MSAs are anticipated, no inter-project effect would occur. Regarding waste generation, mitigation measures detailed in Chapter 14 [APP-066] such as Waste Management Plans and conformance to the Waste Hierarchy are legal requirements as secured by Requirement 5(2)(h) of the dDCO [AS-016]. It is assumed that HS2 would comply with these requirements and would include equivalent mitigation measures, minimising their effects on landfill capacity. As a result, a measurable in-combination effects between the DCO Proposed Development and HS2 are not anticipated.</p> <p>As per Table 2, Table 3 and Table 4 of Appendix 19.1 of the 2022 ES [APP-172], the Cadent Hydrogen Pipeline project (PINS reference: EN060006) is included in the Inter-Project Effects Assessment (with development ID 1g). The assessment considered potential inter-project effects during both the construction and operation stages and was informed primarily by development 1g's EIA Scoping Report submitted to the Inspectorate on 26 January 2022. The construction stages assessed Biodiversity, Land and Soils, Landscape and Visual, Materials and Waste, Noise and Vibration, Population and Human Health, Traffic and Transport and Water Resources and Flood Risk. The conclusions of the construction stage assessment were limited to Minor Adverse inter-project effects on all assessed topics. The operational stage assessed Cultural Heritage, Landscape and Visual and Water Resources and Flood Risk. The conclusions of the operational stage assessment were limited to Minor Adverse inter-project effects in relation to Water Resources and Flood Risk, with other effects being determined to be Negligible. This assessment considers that development 1g is adjacent and overlapping the Order Limits for the DCO Proposed Development. The Applicant acknowledges that Table 2 of Appendix 19.1 [APP-172] contains an error, the distance from the DCO Proposed Development has been</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			<p>incorrectly marked as '<0.1km'. This is an erratum and will be marked 'Adjacent', as assessed.</p> <p>As set out in advice note 17, the Applicant can only carry out assessment up to a reasonable cut-off date and with such information as is available. The Cadent pipeline has not yet applied for consent, no ES is available and the cumulative assessment has accordingly been undertaken having regard to the information available which is preliminary. This accords with the guidance and the EIA case law.</p>
	3.	The Draft Development Consent Order	
2.12.14		<p>On review of the draft Development Consent Order (DCO) the Council raises several concerns in respect the proposed wording and appropriateness of its provisions including the principal powers, the content and wording of the suggested requirements and the unrealistic proposed process timescales relating to applications made under the requirements. Discussions with the applicant in respect the draft DCO are ongoing and whilst it is expected that much the raised issues can be appropriately addressed there are several which without resolve are potentially matters for significant concern.</p>	<p>The Applicant is in regular communication with the local authority on the content and wording of the dDCO [AS-016].</p>
2.12.15		<p>These include but are not limited to the following:</p> <ul style="list-style-type: none"> • Clarification in respect the defence to proceedings and arbitration in respect of statutory nuisance for noise and its interplay with existing statute (DCO Part 2 (Principal Powers) Para. 9). • The Construction Environmental management Plan (CEMP) and Landscape and Ecological Management Plan (LEMP) provisions under requirements 5 and 11 are considered too vague. More clarification of the inclusions for each are needed, and in particular direct referenced for mineral safeguarding, the protection and replacement planting of all significant trees and hedgerows (not just ancient woodland), heritage mitigation as well as clear biodiversity considerations including survey reporting and monitoring strategies. • Further to the above a definition of "existing features" in requirement 11 (d) is needed. • The proposed exceptions and definitions in relation to the proposed construction working hours under Requirement 12 (1-5) are not considered acceptable. • There is the need for detailed restoration plans including aftercare under requirements 15 and 16. 	<p>The Applicant is in regular communication with the local authority on the content and wording of the dDCO [AS-016].</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		<ul style="list-style-type: none"> Clarification of timescales for notifications and decisions under the proposed requirements and discharge of requirements – 42 days? The proposed 5/21-day notification periods for the request for further information under Schedule 2 Part 2 paras 21 (2-4) is not considered acceptable. 	

Table 2-13 - Christopher Reeves – RR-013

Reference	Relevant Representation Comment	Applicant's Response
2.13.1	<p>I have no objection to the proposed Hynet Carbon Dioxide pipeline. My concern is to do with the route that an access road is proposed to be taking to reach a pipeline site along an existing road and across a field which adjoins my property. The new “road” may be a temporary one but it will run literally within a stone’s throw from my property boundary. My concern is what vehicles will be using the road and the effect these vehicles may have on the noise levels and air pollution in the immediate vicinity.</p> <p>My second point is the suitability of the existing road (Redacted) for increased levels of possibly heavy goods vehicles during the laying of the pipe and possibly after if the new” road” is to be used after for e.g. maintenance. Station Road is a moderately busy road linking the A41 at Backford to the village of Mollington and then eventually leading to the A540 Parkgate Road. Much of the length of this road is barely 16 feet in width which means two HGVs would struggle to pass each other without decreasing speed considerably. The local Council Waste collection lorries stop the traffic when they are in operation in the villages. The entire length of Station Road has no speed limit. Much of it has no footpath. There is one section of this road within 100 yards of the proposed site entrance which involves a blind bend on a hill which has no footpath, not even anywhere for a pedestrian to step off the road onto a level surface to be safe from potentially large vehicles approaching from both directions. I have witnessed many occasions where cars almost collided in circumstances where they would not see each other until they were within a few yards of each other. The same situations with HGVs could be very dangerous particularly where a pedestrian is there and there is nowhere for drivers or pedestrians to go to avoid injury/damage. The road is also used twice a day for a school run for (Redacted) in Mollington. I would just like any decision with regard to the route to be examined closely as other options are available.</p>	<p>The Applicant has undertaken a screening exercise on construction traffic flows and its impact on air quality. The screening exercise used criteria set out in Institute of Air Quality Management (IAQM) Planning Guidance, which states that if traffic flows do not meet the criteria the impacts are considered to have insignificant effects. Construction traffic volumes do not trigger the need for an air quality assessment and, therefore, are anticipated to have a negligible effect on air quality.</p> <p>The Applicant has undertaken a Noise and Vibration assessment for the 2022 ES and presented the conclusions in Chapter 15 Noise and Vibration [APP-067]. The Noise and Vibration assessment has not identified a significant adverse effect at this location.</p> <p>The Applicant proposes access to the DCO Proposed Development using primary and secondary access points. Primary access points are those that serve any of the Centralised Compounds, BVSs, or AGIs. All other access locations are designated as secondary access points.</p> <p>It is the Applicant’s understanding that the relevant representation is referring to a secondary access point. Access to this location is temporary and anticipated to take place over a matter of days or weeks and/or traffic volumes in this location are anticipated to be negligible. Measures to ensure safe and suitable access by appropriate vehicle types in these locations has been considered as part of the OCTMP [APP-224].</p>

Table 2-14 - Cllr Andrew Farrow – RR-014

Reference	Relevant Representation Comment	Applicant's Response
2.14.1	My remit covers the impacts of this programme of works on the carbon impacts of both Flintshire Council and the wider county. This includes the impact on Flintshire owned land where there may be destruction of existing carbon positive land, and where there are planned works on Flintshire land that could have been used to the benefit of the Council's own carbon ambitions - be it for renewable energy generation or carbon offsetting in tree planting, etc.	<p>The Applicant has considered carbon sequestration effects arising from the construction of the DCO Proposed Development in Chapter 10 (Greenhouse Gases) [APP-062] of the 2022 ES. Chapter 10 of the 2022 ES [APP-062] quantified the impact on the carbon storage of habitats within the Order Limits using the most appropriate carbon storage values sourced from Natural England and the Woodland Carbon Code. The change in the carbon storage of habitats within the Order Limits is estimated to be 6,428tC. The assessment concludes that there are no significant effects as a result of changes to carbon sequestration during the operation of the DCO Proposed Development.</p> <p>The Applicant has considered effects arising from fugitive gas emissions and venting of during the operation of the DCO Proposed Development in Chapter 10 (Greenhouse Gases) [APP-062] of the 2022 ES. The assessment concludes that there are no significant effects as a result of venting or fugitive gas emissions during the operation of the DCO Proposed Development.</p> <p>The Applicant will continue to engage with Flintshire County Council (FCC) on these matters.</p>
2.14.2	Concerns also exist for the condition of the infrastructure and assurance that the CO2 will not leak/seep into the surrounding land/air.	The UK has a long history of high pressure gas pipeline construction and operation with a good safety record. The Applicant is in consultation with the HSE and relevant environmental agencies to ensure that the DCO Proposed Development is constructed in line with all UK regulatory environmental and safety requirements.
2.14.3	In terms of the wider county, we as a Council would like to see that Flintshire industry utilising the carbon capture from Hynet have wider decarbonisation plans in place rather than using this carbon capture as a means to become 'carbon neutral' with no other plan in place to reduce those carbon emissions.	The Applicant acknowledges that FCC is supportive of Carbon Capture.
2.14.4	Due to the impact that works will have on local communities and Flintshire land, I would be pleased to see the commitment of a commuted sum to invest in green energy/decarbonisation schemes within Flintshire county.	<p>The Applicant notes the comment; however, the EIA has not demonstrated any impact for which compensation in the form of a commuted sum would be necessary to make the development acceptable in planning terms. No such fund is therefore proposed as part of the DCO.</p> <p>Nevertheless, the Applicant acknowledges the objective of the wider HyNet project, including the DCO Proposed Development, would require the extension of the current life of the Point of Ayr Terminal (although the works to that site are the subject of a separate planning application) and is committed to ensuring all existing investment in the community and surrounding area is maintained for the duration of CCS activity. This includes management of the environmentally designated and publicly accessible</p>

Reference	Relevant Representation Comment	Applicant's Response
		<p>areas, funding for the provision of the DangerPoint educational facility and the provision of free environmental education for schools through the Eni Field Study Centre.</p> <p>In addition to the above, ongoing, investment, the Applicant is preparing a <u>voluntary</u> Community Benefit Fund proposal for the benefit of communities along the pipeline route in England and Wales. This proposed fund would be set up as part of the Applicant's reasonable business approach and is not proposed to be part of the DCO application. This is due to the fact that no evidence to support the requirement of a fund being necessary to make the proposal acceptable in planning terms has been received, and nothing in the ES has identified the need for a Community Fund either as mitigation or compensation for any identified effect of the proposal.</p> <p>The DCO Proposed Development provides socio-economic benefits through the provision of construction jobs and supply chain opportunities and supports the retention of high-quality jobs at the Point of Ayr Terminal through the extension of its operational life. The proposal will also support the decarbonisation of existing and new businesses providing continuing employment and investment in the local area. The majority of the New Build Carbon Dioxide Pipeline will be buried with no significant residual effects on the neighbouring communities during the operation phase. Mitigation measures are proposed for any permanent above ground infrastructure to minimise any impacts as far as practicable.</p> <p>The proposed voluntary Community Benefit Fund would allow for the provision of additional benefit to the communities along the pipeline route but does not form a mitigation measure which requires to be secured through the DCO.</p>

Table 2-15 - Cllr Christine Jones – RR-015

Reference	Relevant Representation Comment	Applicant's Response
2.15.1	As local ward member for Sealand and Queensferry, which is one of the areas that the pipeline will be coming through, (in fact it is to be installed under the River Dee) I wish to be kept informed of any changes to the route or any possible detrimental effects to the green barrier or wildlife if the area.	<p>With regards to biodiversity, in the first instance the Applicant has sought to avoid direct impacts to designated sites, habitats, and species as part of the embedded design of the DCO Proposed Development. To support the DCO Application, the Applicant has completed a series of surveys and assessments of designated sites, habitats and protected and/or notable species to identify constraints to construction, operation and decommissioning of the DCO Proposed Development. Appropriate mitigation measures have been devised to avoid, manage and/or ameliorate impacts to protected and/or notable species. The results and conclusions of surveys and assessments are detailed within Chapter 9, Biodiversity of 2022 ES [AS-025] and its supporting appendices.</p> <p>During the detailed design stage, where the precise route of the pipeline will be determined within the Order Limits shown in the application. The creation and implementation of a Stakeholder Communications Plan, which will include information on community engagement before work commences on each stage, is required by Requirement 5 of the dDCO [AS-016].</p>
2.15.2	I want to ensure that the valves are safe and there will be no possibility of an explosion.	<p>There is no combustion risk from carbon dioxide. As required by UK Health and Safety legislation, the DCO Proposed Development has been subject to a programme of hazard studies. The reasonable worst consequence presented in Appendix 13.2 – ES Risk Record [APP-143] concludes that all of the potential major accident and disaster events identified during the construction and operational stages will be appropriately managed.</p> <p>As detailed in Appendix 13.2 – ES Risk Record [APP-143], the Newbuild Carbon Dioxide Pipeline and associated infrastructure will be constructed to appropriate design standards. Management systems will also be in place for preventative maintenance including pipeline inspection and structural condition checks to ensure continued integrity and compliance with relevant codes, standards and regulations.</p> <p>The Applicant has regularly engaged with the HSE during the design process to discuss the DCO Proposed Development and the health and safety measures integrated into the design.</p>
2.15.3	I need to know that my residents will be kept informed of any works being carried out near their properties and if there are to be any road closures	The creation and implementation of a Stakeholder Communications Plan, which will include information on community engagement before work commences on each stage, is required by Requirement 5 of the dDCO [AS-016] .

Table 2-16 - Cllr Linda Thomas – RR-016

Reference	Relevant Representation Comment	Applicant’s Response
2.16.1	I represent Ewloe Ward in Flintshire. The proposed pipeline will affect my ward. I should like to know how this project will benefit my residents. I am concerned that there is a lack of detail in the proposed plans. Local people must be involved in the project. What consideration has been given to the environmental impact of this project? Is this the right approach given the capital cost of the project? How many jobs will be provided and where will they be?	<p>The Applicant sets out the likely benefits of the DCO Proposed Development in Chapter 6 of the Planning Statement [APP-048]. The Carbon Dioxide Pipeline will deliver significant benefits in helping to decarbonise industry in the local area, the Flintshire region and beyond. The DCO Proposed Development will enable the delivery of the wider HyNet Project and build capacity to tie-in to future emitters.</p> <p>As noted in paragraph 6.2.7 of the Planning Statement [APP-048], there will also be significant local and regional benefits resulting from the construction of the pipeline, including direct, indirect and induced employment.</p> <p>The Needs Case [APP-049] provides further detail on how the DCO Proposed Development will help meet both national and local government ambitions and policies for Net-Zero and tackling the climate emergency. The Needs Case outlines that there will be average annual job creation figure of 6,200 jobs through until 2030, peaking at 7,400 jobs in the region in 2026. This for DCO Proposed Developments pre-construction, construction, operational and manufacturing sectors.</p> <p>The DCO Proposed Development is deliverable and meets the relevant policy tests as set out in the Planning Statement [APP-048].</p> <p>The ExA will consider the need and benefits of the project and weigh that against the impacts of the project in making their recommendation. Cost of the project is not a material planning consideration, although ensuring funding is in place to deliver the project is considered and this is set out in the Funding Statement [APP-029].</p> <p>The environmental impact of the DCO Proposed Development has been considered in the 2022 ES. As set out in Chapter 3 – Description of DCO Proposed Development [APP-055], a “Rochdale Envelope” where appropriate has been applied to ensure a robust, reasonable and proportionate EIA for the DCO Proposed Development.</p>

Table 2-17 - Cllr Simon Eardley – RR-017

Reference	Relevant Representation Comment	Applicant's Response
2.17.1	<p>As the Cheshire West and Chester Borough councillor for several parishes affected by the proposed implementation of the CO2 pipeline scheme, I would like to address the Examination on points relating to:</p> <p>The impact on residential amenity, including the proximity to housing, regarding the works and the infrastructure to be introduced to the area as a result of this project. The impact on the wider amenity of local businesses and organisations such as education facilities, community facilities etc</p>	<p>The Applicant has considered the effects on Community Land and Assets, and Development Land and Businesses in Appendix 16.1 Land Use and Assets of the 2022 ES [APP-147]. The assessment concludes that there are no residual significant Population and Human Health effects on Community Land and Assets and Development Land associated with the DCO Proposed Development.</p>
2.17.2	<p>Highways considerations and mitigations that are needed</p> <ul style="list-style-type: none"> • Particularly in the context of a rural area / rural communities • Logistical considerations, including traffic congestion • Safety concerns. 	<p>The Applicant has produced an OCTMP [APP-224] which has reviewed the construction traffic routes serving the DCO Proposed Development and includes measures to make all routes suitable for construction traffic without compromising amenity access and safety.</p> <p>The Applicant has considered the Traffic and Transport effects arising from the construction of the DCO Proposed Development. Chapter 17 of the 2022 ES [APP-069] considers the impacts of the following severance, fear and intimidation, pedestrian amenity, driver delay and pedestrian delay across the Strategic Road Network (SRN) and the Local Road Network (LRN).</p> <p>Table 17.9 of the OCTMP [APP-224] documents that there are not anticipated to be any residual significant Traffic and Transport effects associated with the DCO Proposed Development.</p>

Table 2-18 - Daniel Rose – RR-018

Reference	Relevant Representation Comment	Applicant's Response
2.18.1	<p>Increased risk to environment. i.e. Badger setts during building and also from CO2 leaking afterwards. Obviously other animals are also at risk</p>	<p>The UK has a long history of high pressure gas pipeline construction and operation with a good safety record. The Applicant is in consultation with the HSE and relevant environmental agencies to ensure that the DCO Proposed Development is constructed in line with all UK regulatory environmental and safety requirements.</p> <p>In the first instance the Applicant has sought to avoid direct impacts to designated sites, habitats, and species as part of the embedded design of the DCO Proposed Development. To support the DCO Application, the Applicant has completed a series of surveys and assessments of designated sites, habitats and protected and/or notable species to identify constraints to construction, operation and decommissioning of the DCO Proposed Development. Appropriate mitigation measures have been devised to avoid,</p>

Reference	Relevant Representation Comment	Applicant's Response
		manage and/or ameliorate impacts to protected and/or notable species, including badger and their setts, that utilise habitats across the Order Limits.
2.18.2	Acidification risks of CO ₂ Leaks to all watercourses connected along the county, built mostly on limestone full of caverns. - Damage to limestone stability if small co2 leaks	The UK has a long history of high pressure gas pipeline construction and operation with a good safety record. The Applicant is in consultation with the HSE and relevant environmental agencies to ensure that the DCO Proposed Development is constructed in line with all UK regulatory environmental and safety requirements.
2.18.3	<ul style="list-style-type: none"> Overall disagreement that hydrogen should receive shy of a billion investment when we already know renewable is cheaper. Clear greenwashing of companies to pour their .CO₂ and pretend to be green, using millions of public funds. Hydrogen for homes not proven. Nor will homes, longer term, require as much energy input due to better home standards like passif house. Making changing infrastructure a waste, while electricity grids go with little investment given capacity need and increase in use. Do not wish Wales to be used as the exhaust for companies in England. 	For further information regarding the established need for energy infrastructure, please see the Needs Case for the DCO Proposed Development [APP-049], submitted with the DCO Application.

Table 2-19 - Dave Mackie – RR-019

Reference	Relevant Representation Comment	Applicant's Response
2.19.1	To ensure the information available is precise, accurate and up to date for all members of the local community. To ensure concerns of the local community are recognised and addressed by the applicants. So far these include, where excavations will take place in relation to local properties, likely local disruption and mitigation of this, location of access points and depots. Is there any use for the proposed product and is this concept generally accepted. Why is there no proposal to make the Hydrogen available in Wales along the route of the pipeline, that should surely be the minimum local people should expect.	<p>Carbon Capture typically uses an amine-based solvent, that chemically captures the carbon dioxide prior to the carbon dioxide being discharged and the amine recycled. Such systems have been used in chemical processing facilities for decades, including gas treatment and fertiliser manufacturing. This known technology is now being applied to new emissions sources (such as energy to waste and cement plants).</p> <p>Carbon dioxide transport and storage has similarly been in operation for decades, with over 25 operational sites around the world. Indeed, the Sleipner project in Norway has been successfully storing CO₂ for over 25 years. This has helped to develop global safety codes and best practice guides for carbon dioxide transport.</p> <p>Recent reports from the UK Government and the Royal Society confirm that well designed and managed storage infrastructure retains storage integrity over thousands of years. Production and transport of hydrogen is not within the remit of the DCO Proposed Development and will be subject to separate applications.</p>

Reference	Relevant Representation Comment	Applicant's Response
		The creation and implementation of a Stakeholder Communications Plan which will include information on community engagement before work commences on each stage, is required by Requirement 5 of the dDCO [AS-016] .

Table 2-20 - Deborah Jones – RR-020

Reference	Relevant Representation Comment	Applicant's Response
2.20.1	I am a resident on station road which HYNET proposes to use as an access road using the field adjoining mine and a neighbours cottage. I expect there to be massive disruption by large vehicles The access is around 30 metres from the houses and will run alongside onto a pad of concrete The lorries would need to come over a tiny bridge over the brook firectly outside my gate The road is extremely narrow - no verges - not suitable for lorries	<p>The Applicant proposes access to the DCO Proposed Development using primary and secondary access points. Primary access points are those that serve any of the Centralised Compounds, BVSs or AGIs. All other access locations are designated as secondary access points.</p> <p>It is the Applicant's understanding that the relevant representation is referring to locations proposed to be used as secondary access points. Access to these locations is temporary and anticipated to take place over a matter of days or weeks and/or traffic volumes in these locations are anticipated to be negligible. Measures to ensure safe and suitable access by appropriate vehicle types in these locations has been considered as part of the OCTMP [APP-224].</p> <p>The Applicant has considered the Traffic and Transport effects arising from the construction of the DCO Proposed Development. Chapter 17 of the 2022 ES [APP-069] considers the impacts of the following severance, fear and intimidation, pedestrian amenity, driver delay and pedestrian delay across the Strategic Road Network (SRN) and the Local Road Network (LRN).</p>

Table 2-21 - Defence Infrastructure Organisation Safeguarding Department- RR-021

Reference	Relevant Representation Comment	Applicant's Response
2.21.1	Proposal: A new build carbon dioxide (CO2) pipeline that will transport CO2 produced and captured by future hydrogen producing facilities and existing industrial premises in North West England and North Wales for offshore storage. The CO2 pipeline will comprise both newbuild and existing pipelines that will be covered under the DCO. When complete it will run from the Ince AGI in Cheshire to Talacre Beach in North Wales.	The Applicant acknowledges the response from the Defence Infrastructure Organisation Safeguarding Department and will engage accordingly if any amendments are made to the DCO Application.
2.21.2	Location: Pipeline between Ince, near Stanlow, and Flint. It will link into an existing gas pipeline running from Flint to Point of Ayr Grid Ref's: Route between E 346901 N 376125 E 336448 N 368870 E 314092 N 374635 E 310856 N 384119	

Reference	Relevant Representation Comment	Applicant's Response
2.21.3	Thank you for consulting the Ministry of Defence (MOD) on the above proposed development which was received by this office on the 26/11/2022. The Defence Infrastructure Organisation (DIO) Safeguarding Team represents the Ministry of Defence (MOD) as a consultee in UK planning and energy consenting systems to ensure that development does not compromise or degrade the operation of defence sites such as aerodromes, explosives storage sites, air weapon ranges, and technical sites or training resources such as the Military Low Flying System.	
2.21.4	The applicant has submitted a Development Consent Order application for a new pipeline to transport carbon dioxide between Ince, near Stanlow, and Flint for offshore storage. This application relates to a site outside of Ministry of Defence safeguarding areas. I can therefore confirm that the Ministry of Defence has no safeguarding concerns to this proposal.	
2.21.5	The MOD must emphasise that the advice provided within this letter is in response to the data and information detailed above and, in the documentation, titled HYNET NORTH WEST CARBON DIOXIDE PIPELINE dated 26/11/2022 Any variation of the parameters (which include the location, dimensions, form, and finishing materials) detailed may significantly alter how the development relates to MOD safeguarding requirements and cause adverse impacts to safeguarded defence assets or capabilities. In the event that any amendment, whether considered material or not by the determining authority, is submitted for approval, the MOD should be consulted and provided with adequate time to carry out assessments and provide a formal response. I trust this is clear however should you have any questions please do not hesitate to contact me.	

Table 2-22 - Douglas Bartlett – RR-022

Reference	Relevant Representation Comment	Applicant's Response
2.22.1	I am a Flintshire resident who is concerned that there are only commercial benefits from this project. I would like to resprent the views of local residents and examine the benefits of the project for local residents, local communities, benefits to Wales and its environmental strategy. Benefits to the Worldwide response to the climate emergency.	<p>The Applicant sets out the benefits of the DCO Proposed Development in Chapter 6 of the Planning Statement [APP-048]. The Carbon Dioxide Pipeline will deliver significant benefits in helping to decarbonise industry in the local area, the Flintshire region and beyond. The DCO Proposed Development will enable the delivery of the wider HyNet Project and build capacity to tie-in to future emitters.</p> <p>The Needs Case [APP-049] provides further detail on how the DCO Proposed Development will help meet both national and local government ambitions and policies for Net-Zero and tackling the climate emergency.</p>

Table 2-23 - Dwr Cymru Welsh Water- RR-023

Reference	Relevant Representation Comment	Applicant's Response
2.23.1	We request to be included as a registered interested party, as the statutory sewerage and water undertaker we have numerous assets of concern, and have been previously notified of the proposals as part of pre-application discussions with the applicant.	The Applicant has made a number of attempts to engage with Dwr Cymru Welsh Water in relation to their concerns but has not currently had a response. The Applicant will continue to seek to engage with Welsh Water.

Table 2-24 - Environment Agency – RR-024

Reference	Relevant Representation Comment	Applicant's Response
	Land Ownership	
2.24.1	As per Schedule of Negotiations with Land Interests, Document Reference Number APP-028, the Applicant is consulting with our North Estates Ops team to set up a site meeting to address queries relating to affected land ownership. At this stage, we are unable to confirm that there are no objections to the acquisition of any of our land interests.	<p>The Applicant will continue to engage with the Environment Agency regarding acquisition powers as set out in the dDCO [AS-016].</p> <p>The Applicant has set up a Statement of Common Ground (SOCG) with the Environment Agency (document reference D.7.2.5) which has been submitted at Deadline 1. The Applicant will keep an ongoing record of discussions in the SoCG with the Environment Agency which will be updated throughout the Examination.</p>
	Flood Risk	
2.24.2	Parts of the Pipeline lie within Flood Zone 2 & 3 on the Environment Agency's Flood Risk Map for planning. As such, we advise that the location of the Above Ground Installation (AGI) is examined and considered in detail within the development's Flood Risk Assessment (FRA), including full compliance and justification under the Overarching National Policy Statement for Energy (EN-1) and National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) and include all necessary protection and mitigation measures – including compensatory flood storage where necessary.	<p>The locations of the proposed AGIs have been assessed as part of the Flood Risk Assessment (FRA) [APP-166 to APP-167] and, where appropriate, mitigation measures have been adopted. In accordance with the requirements of the NPPF, the Sequential and Exception Tests have been applied, and as detailed within the FRA [APP-166] and within the Needs Case for the DCO Proposed Development [APP-049].</p> <p>National Policy Statement for Energy (EN-1) and National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) have been considered within Chapter 18 [APP-070] of the 2022 ES. Reference will be made to the relevant sections (paragraphs 18.2.14 and 18.2.15) whilst reviewing the FRA [APP-166 to APP-167].</p>
2.24.3	Any temporary or permanent works within 8m of any main river will be subject to the need for a Flood Risk Activity Permit (FRAP) under the Environmental Permitting Regulations from the Environment Agency. Our standard position is that we recommend that the applicant twin track with the DCO and a permit application. At this stage we cannot give any assurances that the current proposals will be granted a FRAP.	<p>The Applicant confirms that the AGIs and BVSs will be located at a minimum distance of 8m from main rivers. There are no other permanent works within 8m of fluvial main rivers and flood defences, and 16m of tidal main rivers and flood defences.</p> <p>The Applicant also confirms that the FRA does not assess the construction stage and, where applicable, applications for FRAPs as prescribed in Other</p>

Reference	Relevant Representation Comment	Applicant's Response
		Consents and Licences document [APP-046] will be submitted accordingly by the appointed contractor in line with REAC commitment D-GN-001 and D-PD-010 as secured by the CEMP under Requirement 5 of the dDCO [AS-016] . Temporary works within 8m of fluvial main rivers and flood defences, and 16m of tidal main rivers and flood defences will also be subject to a FRAP as prescribed in Other Consents and Licences document [APP-046] .
	Contaminated Land	
2.24.4	Soil and/or groundwater contamination may exist along the length of the proposed pipeline. Associated risks to controlled waters should be addressed as part of the development proposals, and we would wish to be a consultee on the approval of these plans.	The Applicant has submitted the Phase I Preliminary Baseline Assessment [APP-117 to APP-120] and Phase II Ground Investigation Report [APP-135 to APP-137] as part of the DCO application submission. A Groundwater Management and Monitoring Plan and a Surface Water Management and Monitoring Plan will be prepared as secured by Requirement 5 of the dDCO [AS-016] . Parties to be consulted on these plans are to be agreed and the Application will engage with the Environment Agency further on this matter.
2.24.5	We support the production of a Dewatering Management Plan and a Groundwater Management and Monitoring Plan, and we would wish to be a consultee on the approval of these plans.	<p>It is anticipated that a Dewatering Management Plan, where required will be prepared and delivered via the Detailed CEMPs, by the appointed contractor, in line with Commitment D-LS-015 [AS-053] as secured by Requirement 5(2)(l) of the dDCO [AS-016]. This will include the testing and disposal requirements for any purge water.</p> <p>A Groundwater Management and Monitoring Plan as secured by Requirement 5(2)(i) of the dDCO [AS-016], will also be prepared and delivered via the Detailed CEMPs as secured by Requirement 5 of the dDCO [AS-016], by the appointed contractor, in line with Commitment D-LS-024 [AS-053].</p> <p>Parties to be consulted on these plans are to be agreed and the Applicant will engage with the Environment Agency further on this matter.</p>
2.24.6	If it is proposed to abstract 20m3/day or more to facilitate dewatering of excavations, then this will require an abstraction licence to be issued before any dewatering commences (unless an exemption applies). These applications will need to be supported by a suitable Water Features Survey and Hydrogeological Risk Assessment detailing the risks that the abstraction poses to dependent water features and how will be mitigated.	Chapter 18 Water Resources and Flood Risk [APP-070] and Appendix 18.2 - Summary of Effects Appendix Rev A [APP-164] of the 2022 ES includes a Hydrogeological Risk Assessment and a Desk-Based Water Features Survey which details the risks that the abstraction poses to dependent water features and sets out high-level mitigation. The preparation of the Dewatering Management Plan in line with Commitment D-LS-015 [AS-053] and the Groundwater Management and Monitoring Plan delivered via the Detailed CEMPs in line with Commitment D-LS-024 [AS-053] as secured by Requirement 5 of the dDCO [AS-016] will set out further detailed mitigation at that point.

Reference	Relevant Representation Comment	Applicant's Response
2.24.7	If any pumping tests are to be carried out at rates of 20m3/day or more to determine aquifer properties to inform the HRA, then the applicant will need to apply for a Groundwater Investigation Consent under the Water Resources Act 1991 prior to carrying out the pumping tests.	A Groundwater Investigation Consent will be sought at the appropriate time if required, as prescribed in Other Consents and Licences document [APP-046] .
2.24.8	Discharges of water from pumping tests and dewatering activities will require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies.	An appropriate environmental permit will be sought if required in line with REAC commitment D-GN-001 and D-PD-010 [AS-053] secured by the CEMP under Requirement 5 of the dDCO [AS-016] and set out in the Other Consents and Licences document [APP-046] .
2.24.9	Discharges of surface water from the development should be managed in accordance with the guidance provided in the CIRIA SUDS Manual and the Environment Agency's Groundwater protection position statements - GOV.UK (www.gov.uk). Discharges from areas subject to contamination should not be discharged to ground (infiltration) without appropriate levels of treatment. Infiltration of surface water should not take place on contaminated land.	Any surface water design will take into consideration the location of any existing contamination and how this could impact controlled waters in line with REAC commitment D-LS-024 [AS-053] , as secured by the CEMP under Requirement 5 of the dDCO [AS-016] . The detailed drainage design is secured by Requirement 8 of the dDCO [AS-016] .
2.24.10	Our standard position is that we recommend that the Applicant twin track with the DCO and permit applications, at present this has not been undertaken, therefore at this stage we cannot give any assurances that the current proposals will be granted for these permits.	The Applicant confirms that the FRA [APP-166 & APP-167] does not assess the construction stage and, where applicable, applications for FRAPs as prescribed in Other Consents and Licences document [APP-046] will be submitted accordingly by the appointed Construction Contractor in line with REAC commitment D-GN-001 and D-PD-010. As secured by the CEMP under Requirement 5 of the dDCO [AS-016] . Temporary works within 8m of fluvial main rivers and flood defences, and 16m of tidal main rivers and flood defences will also be subject to a FRAP as prescribed in Other Consents and Licences document [APP-046] .
	Ecology Protection/Enhancement We have reviewed APP-061 - Environmental Statement (Volume II) Chapter 9 – Biodiversity, and have the following comments to make:	
2.24.11	9.4.3. ELEMENTS SCOPED OUT OF THE ASSESSMENT We agree that the elements shown in Table 9.2 are not considered to give rise to likely significant effects as a result of the DCO Proposed Development.	The Applicant welcomes the Environment Agency's comments and agreement with elements scoped out of the assessment.
2.24.12	9.8. DESIGN DEVELOPMENT, IMPACT AVOIDANCE, AND EMBEDDED MITIGATION Table 9.10 Embedded Mitigation Designed for the DCO Proposed Development Although the mitigation proposed in 'Waterbodies D-BD-011' is generally acceptable, we are concerned that a waterbody 'near Stanlow Refinery' will be permanently lost. We expect to see full details of adequate compensatory habitat as a result of this loss.	An application for a Great Crested Newt District Level Licence will be made to Natural England. Discussions with the Natural England Great Crested Newt District Licensing team have been undertaken, as presented as part of the SoCG (document reference: D.7.2.3) and a provisional compensation sum provided in return. The calculation to determine the compensation sum takes into account the loss of any waterbodies, in this case the loss of the pond near Stanlow Refinery, and terrestrial habitat impacts and factors in compensation requirements as a result. Under District Level Licensing, the compensatory sum submitted to Natural England is used by Natural England and their conservation partners to create and enhance waterbodies in

Reference	Relevant Representation Comment	Applicant's Response
		strategic locations with an emphasis on conservation of great crested newts but benefitting wider biodiversity including aquatic flora and fauna. New compensatory habitat is delivered by conservation bodies and is maintained and monitored for a minimum of 25 years funded by the compensation payment. Through this approach, appropriate and adequate compensation will be realised for the loss of the single pond at Stanlow.
2.24.13	<p>9.9. ASSESSMENT OF LIKELY IMPACTS AND EFFECTS</p> <p>We agree with the assessment of likely impacts/effects and expect these to be mitigated and adequately compensated, as proposed in Table 9.12.</p>	The Applicant welcomes the Environment Agency's comments with regard to the assessment of likely impacts and effects.
2.24.14	<p>9.10.11. ECOLOGICAL ENHANCEMENT</p> <p>In addition to the creation of wood habitat piles and the installation of bat and bird boxes, the completion of nearby Water Framework Directive mitigation measures, that enhance riverine habitats for biodiversity, must also be included. This would contribute to biodiversity net gain and the legal objective of 'good ecological potential' for these waterbodies.</p>	The Applicant acknowledges the reference to the WFD and riverine habitats for biodiversity. The Applicant has not proposed any contribution towards WFD mitigation measures; however, the Applicant has ensured that the DCO Proposed Development would not prevent the achievement of WFD mitigation measures or the legal objective of 'good ecological potential' as presented in– Appendix 18.3 – WFD Assessment Rev A [APP-165] of the 2022 ES. There are no priority habitats within the Order Limits within England and therefore no biodiversity net gain is required for Rivers and Streams in line with the biodiversity net gain target for the DCO application.0

Table 2-25 - Eric Andrew Harkness – RR-025

Reference	Relevant Representation Comment	Applicant's Response
2.25.1	I have concerns regarding the access for earth moving equipment along our narrow country lanes. This refers particularly to the Backford area where I live. Mud on the road from vehicle passing going onto the verges, and access to fields from narrow lanes will inevitably need widening of access into fields. Some of the lanes are single file and unsuitable for large vehicles. This will apply to Chorlton Lane and Station Road where our Village Hall is situated. Could access be made from the A41 which already has a turn into the industrial area?	<p>The OCTMP [APP-224] sets out, within Section 3 Construction Traffic Access, the approach to identifying appropriate construction traffic routes for the DCO Proposed Development.</p> <p>Within the OCTMP [APP-224], the Applicant has included at Table 8, wheel cleaning facilities as a mitigation measure.</p> <p>Within the OCTMP [APP-224] the Applicant has included a Construction Traffic Route Risk Register within Annex A. This register considers the constraints on individual routes, noting many of the concerns raised. The register also includes a Mitigation Response which includes measures to enable the DCO Proposed Development to be constructed without compromising amenity access and safety.</p> <p>The Applicant considers that the approach to identifying appropriate construction traffic routes for the DCO Proposed Development is robust and considers a range of environmental factors, along with scheme deliverability.</p>

Reference	Relevant Representation Comment	Applicant's Response
		The detailed CTMP is secured by Requirement 6 of the dDCO [AS-016] .

Table 2-26 - Eversheds Sutherland (International) LLP (Eversheds Sutherland (International) LLP) on behalf of Network Rail Infrastructure Limited – RR-026

Reference	Relevant Representation Comment	Applicant's Response
2.26.1	<p>We are instructed by Network Rail Infrastructure Limited (“Network Rail”) in relation to the development consent application made by Liverpool Bay CC Ltd (“the Promoter”) for the Hynet Carbon Dioxide Pipeline to construct a new pipeline to transport captured Co2 emissions from local industry in North West England (“the DCO Scheme”).</p> <p>This section 56 Representation is made on behalf of Network Rail. Network Rail is a statutory undertaker responsible for maintaining and operating the country’s railway infrastructure and associated estate. Network Rail owns and operates Great Britain’s railway network and has statutory and regulatory obligations in respect of it. Network Rail aims to protect and enhance the railway infrastructure and therefore any proposed development which is adjacent to and interfaces with the railway network or potentially affects Network Rail’s land interest will be carefully considered.</p> <p>The proposal for the pipeline works are on, adjacent to and interfaces with the railway network will require certain standard protections for the benefit of the railway. Network Rail’s requirements for the protection of the railway infrastructure are set out in further detail in this representation.</p>	The Applicant is in discussion with Network Rail regarding the completion of suitable land and asset protection agreements. Discussion is also ongoing on the terms of the Protective Provisions.
2.26.2	<p>Protection from Compulsory Acquisition</p> <p>Network Rail is an affected landowner. There are references in the Book of Reference to land owned by and rights for the benefit of Network Rail. Whilst Network Rail does not object in principle to the DCO, Network Rail does object to powers contained in articles 19, 21, 22, 24, 26, 27, 28, 29, 31, 33, 34, 35 and 39 of the draft Order authorising the Promoter to compulsorily acquire land, rights in or over land, or temporarily use land which Network Rail relies upon for the carrying out of its statutory undertaking.</p> <p>Network Rail recognises that the DCO Scheme requires the use of subsoil under and other rights over Network Rail’s operational railway. However, Network Rail would expect the necessary subsoil rights or other rights to be acquired through an agreed easement rather than through the exercise of compulsory acquisition powers. This approach must be adapted to ensure that Network Rail can comply with its statutory duties to maintain the safe, efficient and economic operation of the railway and to ensure such rights do not affect the continued use of the railway by train and freight operators.</p> <p>Network Rail has received correspondence from WSP on 12th May 2022 regarding Head of Terms for an Option Agreement. At the time of drafting this representation Heads of Terms have not been produced. Network Rail therefore requests the Promoter provides the Head of Terms and enters into discussions with Network Rail as soon as possible to seek to agree the necessary rights required for the DCO Scheme. Furthermore any temporary use of or entry upon Network Rail’s operational railway can only be granted with Network Rail’s consent as any such use of the railway must be in accordance with the statutory requirements</p>	

Reference	Relevant Representation Comment	Applicant's Response
	<p>imposed on Network Rail as operator of the railway network and all requirements necessary to ensure the safe operation of the railway.</p>	
<p>2.26.3</p>	<p>Network Rail's Protective Provisions</p> <p>Network Rail is pleased to note that the Promoter has included Protective Provisions for the protection of Network Rail in Part 5 of Schedule 10 to the draft DCO which appear to have been based upon Network Rail's standard Protective Provisions. The inclusion of Network Rail's standard form Protective Provisions in both TWAOs and DCOs is well precedented and includes, for example, protections for compulsory purchase of Network Rail's land and interests and processes for approving works on or affecting the railway. However, a number of amendments to Network Rail's standard Protective Provisions have been made to those contained in the draft DCO to which Network Rail cannot agree. On this basis, Network Rail objects to the DCO as currently drafted.</p> <p>In addition to protective provisions for the benefit of Network Rail being included in the Order, Network Rail also requires the Promoter to enter into an asset protection agreement to ensure the appropriate and necessary technical, engineering and safety requirements for working on or near Network Rail's operational railway are applied to the DCO Scheme. It is noted that works detailed in Work Nos. 4, 24, 24A, 25, 31B, 32, 38 and 43 relate to works on or adjacent to Network Rail's existing operational railway and railway infrastructure. This work would be covered by the asset protection agreement to be entered into. In addition to protective provisions for the benefit of Network Rail being included in the Order, Network Rail also requires the Promoter to enter into an asset protection agreement to ensure the appropriate and necessary technical, engineering and safety requirements for working on or near Network Rail's operational railway are applied to the DCO Scheme.</p> <p>Removal of objections</p> <p>It is acknowledged that discussions with the Promoter to date are on-going. If the following criteria are met, then it is anticipated that Network Rail would be in a position to withdraw the objections made above:-</p> <ol style="list-style-type: none"> 1. Network Rail's required amendments to the protective provisions are to be included in the Order for the DCO Scheme; 2. the Promoter enters into a Deed of Undertaking/Framework Agreement to provide formal protection for Network Rail's statutory undertaking; 3. any required easement and asset protection agreements or any other required agreements are entered into in respect of the acquisition of addressing both the acquisition of rights over Network Rail's operational land and carrying out of works on or adjacent to NR's operational land; and 4. Network Rail is provided clearance to enter into any of the agreements referred to above following internal consultation with affected stakeholders across the business. <p>Network Rail reserves its position, both in representation and in submissions at hearings, to seek the amendments to the draft Order to ensure protective provisions are inserted for the benefit of Network Rail's operational infrastructure, which is affected by the DCO Scheme.</p>	

Table 2-27 - Fisher German LLP on behalf of A White Events Limited- RR-027

Reference	Relevant Representation Comment	Applicant's Response
2.27.1	Notwithstanding the number and extent of intrusive and non-intrusive surveys undertaken on the subject land, there is no clear indication as to the exact line of the pipeline and the associated easement. This uncertainty causes concern to the landowner/occupier and it is not acceptable that they have been requested to enter into agreements with such uncertainty as to the rights that will be taken through the property and limits the ability to plan and make long term decisions for the subject property.	A nominal 100m corridor has been denoted along the whole Newbuild Carbon Dioxide Pipeline length. This corridor enables detailed design contractors a level of flexibility in final design routing to balance construction and environmental requirements with disruption to local land interests.
2.27.2	The requirement for an easement width of 24m is excessive and has not been justified. This potentially sterilizes a large area through the subject property and where relevant will prevent appropriate development and restrict other operations including some agricultural operations.	<p>The permanent rights corridor width of 24.4m is in line with pipeline industry norms and is required to ensure sufficient access is available for future inspection and maintenance works on the pipeline should they be required.</p> <p>The Applicant would welcome the opportunity to discuss with the party the perceived restriction of agricultural operations and will continue to engage with the landowners.</p>
2.27.3	Heads of Terms and an Option Agreement have been submitted to which there are grave reservations and concerns. Despite representations made to the Heads of Terms, no response has been received and they remain in a format which is totally unacceptable.	Comments made regarding the Heads of Terms and option agreement will be responded to outside of these responses in the context of that ongoing negotiation. The Applicant will continue to review these and proactively engage with the landowner.
2.27.4	The extent of the land included within the Option Agreement is excessive and has not been justified and is beyond what is reasonably required for the construction of the pipeline which relates to Point Nos. 1 & 2. The area of land in the proposed Option Agreement is consequently sterilized for the period of the option which is potentially up to 8 years.	The Applicant is continuing to engage and negotiate with the landowner in relation to the menage area and project requirements over this land with a view to reaching voluntary agreement to accommodate both parties.
2.27.5	There are no proposals or specifications in relation to all aspects of accommodation works required, both during and post construction, to include land drainage, fencing, retention of all utility services, crossing points to working width, timescale and specification for reinstatement and other such day to day encumbrances or provision of alternative grazing or livery as appropriate.	<p>As these points will be specific to the particular location and circumstances of each landholding and the works proposed in that location, the Applicant is seeking to agree these with the affected landowners as part of the land negotiations. It is not practicable to provide those details in the DCO for each individual landholding. However, in general:</p> <p>Utility services will be retained in situ where practical, where not practical minor diversions will be provided under the control of the protective provisions.</p> <p>Land drainage affected during construction will be reinstated and monitored following reinstatement to ensure it is functioning, installation of the pipeline under drains will be designed to allow ongoing maintenance of the drain.</p> <p>Fencing requirements will be assessed and agreed with the landowner in advance of the works taking place. Where fencing is removed to accommodate the works, this will be replaced to the same standard upon completion of the works.</p>

Reference	Relevant Representation Comment	Applicant's Response
		<p>Crossing points will be agreed on a case by case basis at detailed design, having regard to the final route of the pipeline, the detailed construction programme and the specific circumstances of the affected landholding.</p> <p>Reinstatement of land not being permanently used will be to its previous use and condition as soon as is practicable following completion of the works. The precise timing of that will depend on the detailed build programme and season (i.e. grass pasture will be planted in the next planting season, not when it is likely to fail).</p>
2.27.6	<p>There is no indication within the proposals (though the Heads of Terms are requesting the grant of such rights) as to the number, size and location of manholes, vents, marker posts and other such structures which may be constructed along the line of the pipe.</p> <p>There is no provision for agreement with the affected landowner/occupier as to the location of these structures.</p>	<p>This level of detail will be included within the detailed design stage once a Construction Contractor is appointed. Furthermore, the Applicant notes the concerns around the provisions for said structures and can confirm that further engagement will take place once the DCO Proposed Development reaches the detailed design stage to allow for meaningful discussions regarding such structures.</p>
2.27.7	<p>Health Concerns - There remains concerns that a pressurised pipeline carrying potentially poisonous or noxious gases in close proximity to residential properties will provide a health and safety issue to those properties with potential impact upon occupiers and also upon potential capital and rental values.</p>	<p>The UK has a long history of high pressure gas pipeline construction and operation with a good safety record. The Applicant is in consultation with the HSE and relevant environmental agencies to ensure that the DCO Proposed Development is constructed in line with all UK regulatory environmental and safety requirements.</p> <p>The impact on land values is not a material planning consideration. As such, losses would be compensable where the requirements of the Compensation Code are met but the Applicant would be happy to discuss that with them as part of any land agreement.</p>
2.27.8	<p>The ongoing uncertainty as to the exact location of the pipeline and the associated easement together with the excessive extent of the option area potentially places a blight upon the subject property in relation to valuation and possible near future sales. Assurances are sought that any diminution in the value of the property ahead of construction of the scheme will be compensated for.</p>	<p>The Applicant will continue to engage with the landowner and compensation will be assessed on a case-by-case basis in accordance with the Compensation Code.</p>
2.27.9	<p>Drainage and soil fertility – There is a concern that the construction phase will have a detrimental impact to the land drainage, particularly where the land has relied on natural drainage and therefore assurances are required that an appropriate land drainage scheme is prepared and agreed with the Landowner/occupier before commencement.</p>	<p>Temporary drainage during the construction stage will require a Risk Assessment and Method Statement (RAMS) setting out how land drainage and surface water runoff will be managed during this stage. This measure is secured by Requirement 8 of the dDCO [AS-016].</p>
2.27.10	<p>Insurance – In some instances Landowners/Occupiers have raised the proposed pipeline project with their insurers, particularly where the route is close to residential properties and buildings. In the event that annual insurance premiums are increased in view of the potential risks posed by the new pipeline, confirmation is required that HYNET will reimburse the Landowner/Occupier for the increased premiums in perpetuity.</p>	<p>This is a commercial point which the Applicant will respond to outside of this response in discussion with affected landowners.</p>

Reference	Relevant Representation Comment	Applicant's Response
2.27.11	Greenacres Animal Park is a local attraction hosting a selection of farm and zoo animals, set within 80 acres. The Park includes an indoor soft play area, licensed bar/cafe, education room, gift shop and hosts various events throughout the year. A fundamental element of the attraction is the fully narrated tractor ride across a hard standing roadway throughout all the designated fields. The proposed pipeline route will effectively remove this element of the attraction throughout the construction phase and in view of the inability to relocate the ride it will significantly reduce the turnover of the business. In view of this, it is anticipated that the business will have to make job cuts.	Since the representation was made, the Applicant has undertaken a site visit to Greenacres Animal Park with A White Events to understand the impacts on the business. The Applicant will continue to engage and work with A White Events to mitigate the impacts on the business as much as reasonably possible.
2.27.12	The proximity of the proposed pipeline to the buildings at Greenacres Animal Park will ultimately sterilize an area which has been set aside for building expansion.	The Applicant will assess compensation from sterilized areas on a case by case basis.

Table 2-28 - Fisher German LLP on behalf of Messrs AM & JM Walton – RR-028

Reference	Relevant Representation Comment	Applicant's Response
2.28.1	Notwithstanding the number and extent of intrusive and non-intrusive surveys undertaken on the subject land, there is no clear indication as to the exact line of the pipeline and the associated easement. This uncertainty causes concern to the landowner/occupier and it is not acceptable that they have been requested to enter into agreements with such uncertainty as to the rights that will be taken through the property and limits the ability to plan and make long term decisions for the subject property.	A nominal 100m corridor has been denoted along the majority of the Newbuild Carbon Dioxide Pipeline length. This corridor enables detailed design contractors a level of flexibility in final design routing to balance construction and environmental requirements with disruption to local stakeholder land interests.
2.28.2 and 2.28.3	Please refer to the comments under Table 2-27 set out in the rows with reference number 2.27.2 and 2.27.3	Please refer to the responses provided under Table 2-27 in the rows with reference number 2.27.2 and 2.27.3
2.28.4	The extent of the land included within the Option Agreement is excessive and beyond what is reasonably required for the construction of the pipeline which relates to Point Nos. 1 & 2. The area of land in the proposed Option Agreement is consequently sterilized for the period of the option which is potentially up to 8 years.	A nominal 100m corridor has been denoted along the majority of the Newbuild Carbon Dioxide Pipeline length. This corridor enables detailed design contractors a level of flexibility in final design routing to balance construction and environmental requirements with disruption to local stakeholder land interests.
2.28.5	Please refer to the comments under Table 2-27 set out in rows with reference numbers from 2.27.5	Please refer to the response provided under Table 2-27 in the row with reference number 2.27.5
2.28.6	There is no indication within the proposals (though the Heads of Terms are requesting the grant of such rights) as to the number, size and location of manholes, vents, marker posts and other such structures which may be constructed along the line of the pipe. There is no provision for agreement with the affected landowner/occupier as to the location of these structures.	This level of detail will be included within the detailed design stage once a contractor is appointed. Furthermore, the Applicant notes the concerns around the provisions for said structures and can confirm that further engagement will take place once the DCO Proposed Development reaches the detailed design stage to allow for meaningful discussions regarding such structures.

Reference	Relevant Representation Comment	Applicant's Response
2.28.7	Health Concerns - There remains serious concerns that a pressurised pipeline carrying potentially poisonous or noxious gases in close proximity to residential, agricultural and commercial properties will provide a health and safety issue to those properties with potential impact upon occupiers, soils, drainage networks and also upon potential capital and rental values.	The UK has a long history of high pressure gas pipeline construction and operation with a good safety record. The Applicant is in consultation with the HSE and relevant environmental agencies to ensure that the DCO Proposed Development is constructed in line with all UK regulatory environmental and safety requirements.
2.28.8	The ongoing uncertainty as to the exact location of the pipeline and the associated easement together with the excessive extent of the option area potentially places a blight upon the subject property in relation to valuation and possible near future sales. Assurances are sought that any diminution in the value of the property ahead of construction of the scheme will be compensated for.	A nominal 100m corridor has been included within the Order Limits for the majority of the whole Newbuild Carbon Dioxide Pipeline length to allow for local micro-siting at detailed design stage.
2.28.9 & 2.28.10	Please refer to the comments under Table 2-27 set out in the rows with reference number 2.27.9 and 2.27.10	Please refer to the responses provided under Table 2-27 in the rows with reference number 2.27.9 and 2.27.10

Table 2-29 - Fisher German LLP on behalf of Messrs EE & JE Williams – RR-029

Reference	Relevant Representation Comment	Applicant's Response
2.29.1	Please refer to the comment under Table 2-27 set out in the row with reference number 2.27.1	Please refer to the response provided under Table 2-27 in the row with reference number 2.27.1
2.29.2 to 2.29.4	Please refer to the comments under Table 2-27 set out in rows with reference numbers from 2.27.2 till 2.27.4	Please refer to the responses provided under Table 2-27 in rows with reference numbers from 2.27.2 till 2.27.4
2.29.5	Please refer to the comments under Table 2-27 set out in rows with reference numbers from 2.27.5	Please refer to the response provided under Table 2-27 in the row with reference number 2.27.5
2.29.6 to 2.29.8	Please refer to the comments under Table 2-27 set out in rows with reference numbers from 2.27.6 till 2.27.8	Please refer to the responses provided under Table 2-27 in rows with reference numbers from 2.27.6 till 2.27.8
2.29.9 & 2.29.10	Please refer to the comments under Table 2-27 set out in the rows with reference number 2.27.9 and 2.27.10	Please refer to the responses provided under Table 2-27 in the rows with reference number 2.27.9 and 2.27.10
2.29.11	The unavailability of the land at Magazine Lane, Ewloe during the construction phase will have a serious impact to the farm's ability to spread slurry. Changes announced for farmers in Wales will mean that with effect from 1st April 2023 there will be a maximum limit of 170kg/ha of nitrogen permitted for spreading. For Messrs Williams to remain compliant with the regulations, the loss of this land will have a serious financial impact to the farming business with a potential reduction in cow numbers and hence reduced turnover, leading to possible job cuts.	The Applicant will continue to engage and negotiate with the landowner regarding the land at Magazine Lane Ewloe to mitigate the impacts on their farming business as much as reasonably possible.

Table 2-30 - Fisher German LLP on behalf of Messrs H W Oultram & Co, Miss C Oultram & Messrs S & A Oultram – RR-030

Reference	Relevant Representation Comment	Applicant's Response
2.30.1	Please refer to the comment under Table 2-27 set out in the row with reference number 2.27.1	Please refer to the response provided under Table 2-27 in the row with reference number 2.27.1
2.30.2 to 2.30.4	Please refer to the comments under Table 2-27 set out in rows with reference numbers from 2.27.2 till 2.27.4	Please refer to the responses provided under Table 2-27 in rows with reference numbers from 2.27.2 till 2.27.4
2.30.5	Please refer to the comments under Table 2-27 set out in rows with reference numbers from 2.27.5	Please refer to the response provided under Table 2-27 in the row with reference number 2.27.5
2.30.6 to 2.30.8	Please refer to the comments under Table 2-27 set out in rows with reference numbers from 2.27.6 till 2.27.8	Please refer to the responses provided under Table 2-27 in rows with reference numbers from 2.27.6 till 2.27.8
2.30.9 & 2.30.10	Please refer to the comments under Table 2-27 set out in the rows with reference number 2.27.9 and 2.27.10	Please refer to the responses provided under Table 2-27 in the rows with reference number 2.27.9 and 2.27.10
2.30.11	The proximity of the proposed pipeline on land surrounding the farmstead at Newbridge Farm will have serious consequences for the viability of the farm namely: a. The area required for the construction work will not only remove key areas of the farm for grazing and calving paddocks, but it will create serious logistical problems of moving a dairy herd of over 200 cows around the farm on a daily basis.	The Applicant will continue to engage with the landowner and compensation will be assessed on a case-by-case basis in accordance with the Compensation Code.
	b. Messrs Oultram are particularly concerned of the health and safety issues as raised in 2.28.7 in view of the proximity of the proposed pipe to the farmhouse and farm buildings.	The UK has a long history of high pressure gas pipeline construction and operation with a good safety record. The Applicant is in consultation with the HSE and relevant environmental agencies to ensure that the DCO Proposed Development is constructed in line with all UK regulatory environmental and safety requirements.
	c. It should be highlighted that the route of the proposed pipeline would cause serious environmental damage in respect of the established badger setts. In addition, there are bat roosts and Great Crested Newt habitats along the proposed route.	The Applicant has undertaken a suite of ecological surveys to identify protected and/or notable species presence across the DCO Proposed Development and support the DCO Application. The impact assessment as described within Chapter 9 Biodiversity [AS-025] has appropriately assessed the potential for significant effects upon relevant species and receptors within the Order Limits, in the absence of a detailed design. As outlined within Chapter 9 Biodiversity [AS-025] , embedded mitigation has been designed into the DCO Proposed Development to firstly avoid impacts upon habitats and species, wherever possible. Where avoidance is not possible, appropriate mitigation and compensation measures have been prescribed within Chapter 9 Biodiversity [AS-025] to ameliorate or mitigate any resulting effects. Construction of the DCO Proposed Development will also comply with relevant conservation legislation and policy through the application of appropriate protected species licensing, where required. Mitigation has been

Reference	Relevant Representation Comment	Applicant's Response
		prescribed specifically in relation to badgers, bats and great crested newts as detailed within the REAC [AS-053] : badgers (D-BD-020 - D-BD-023), bats (D-BD-024 to D-BD-033) and great crested newts (D-BD-044 – D-BD-045) and secured by the CEMP under Requirement 4 of the dDCO [AS-016] . These mitigation items are sufficient and appropriate to avoid, safeguard and mitigate identified receptors.
2.30.12	The removal of up to 16 acres of land opposite the farm for a compound site during the construction phase will have a serious detrimental impact to the farm's viability. This block of land is fundamental to the dairy herd's grazing system and for the application of slurry. It is estimated that the loss of such land will result in up to a third of the dairy herd having to be disposed of through the lack of available grazing and reduced area for spreading slurry. The reduced turnover will result in immediate staff redundancies and will bring into question the long term future of the farm as a dairy holding. If the business is to remain viable a change to a zero grazing system will be required. This will ultimately involve significant investment in new buildings, machinery and equipment and additional land to enable the forage to be brought into the dairy herd. Messrs Oultram would be looking to HYNET to provide this investment.	<p>The Applicant is aware of the potential impacts the DCO Proposed Development may have on the respondent's dairy farm business. The Applicant has recently carried out a Farm Business Impact Assessment to further understand the impacts of the DCO Proposed Development and the viability of the farming business. The Applicant will continue to engage and negotiate with the respondent in order to mitigate impacts from the scheme on the farming business.</p> <p>The Applicant will continue to engage with the landowner and compensation will be assessed on a case-by-case basis in accordance with the Compensation Code.</p>

Table 2-31 - Fisher German LLP on behalf of Messrs J Wrench & Son – RR-031

Reference	Relevant Representation Comment	Applicant's Response
2.31.1	Please refer to the comment under Table 2-27 set out in the row with reference number 2.27.1	Please refer to the response provided under Table 2-27 in the row with reference number 2.27.1
2.31.2 to 2.31.4	Please refer to the comments under Table 2-27 set out in rows with reference numbers from 2.27.2 till 2.27.4	Please refer to the responses provided under Table 2-27 in rows with reference numbers from 2.27.2 till 2.27.4
2.31.5	Please refer to the comments under Table 2-27 set out in rows with reference numbers from 2.27.5	Please refer to the response provided under Table 2-27 in the row with reference number 2.27.5
2.31.6 to 2.31.8	Please refer to the comments under Table 2-27 set out in rows with reference numbers from 2.27.6 till 2.27.8	Please refer to the responses provided under Table 2-27 in rows with reference numbers from 2.27.6 till 2.27.8
2.31.9 & 2.31.10	Please refer to the comments under Table 2-27 set out in the rows with reference number 2.27.9 and 2.27.10	Please refer to the responses provided under Table 2-27 in the rows with reference number 2.27.9 and 2.27.10
2.31.11	The proximity of the proposed pipeline to the farm buildings at Beeches Farm will ultimately sterilize an area which has been set aside for building expansion.	The Applicant will seek to discuss this further in the context of voluntary negotiations as there is insufficient information currently before to respond in detail. In general, the Applicant notes that claims for compensation for the

Reference	Relevant Representation Comment	Applicant's Response
		effects of the project in line with the Compensation Code are provided for under the dDCO [AS-016] where the relevant statutory tests are met.
2.31.12	The removal of land for a compound site during the construction phase will have a serious impact to the farm's grazing and forage areas for the dairy herd. The reduced grazing area will require the herd to be buffer fed inside the farm buildings which has financial implications to the business. Messrs Wrench have a specific number of days stipulated within their milk contract where the herd are permitted to be inside. Any breach of this clause will result in financial penalties to the business. In addition to the cost of sourcing additional buffer feed, there will be an increase to the carbon footprint of the farm business, which again will be subject to penalties from milk purchaser.	The Applicant will continue to engage and negotiate with the landowner regarding the compound site in order to mitigate the impacts on their farming business as much as reasonably possible.

Table 2-32 - Fisher German LLP on behalf of Messrs MJ & A Cheers – RR-032

Reference	Relevant Representation Comment	Applicant's Response
2.32.1	Please refer to the comment under Table 2-27 set out in the row with reference number 2.27.1	Please refer to the response provided under Table 2-27 in the row with reference number 2.27.1
2.32.2 to 2.32.4	Please refer to the comments under Table 2-27 set out in rows with reference numbers from 2.27.2 till 2.27.4	Please refer to the responses provided under Table 2-27 in rows with reference numbers from 2.27.2 till 2.27.4
2.32.5	Please refer to the comments under Table 2-27 set out in rows with reference numbers from 2.27.5	Please refer to the response provided under Table 2-27 in the row with reference number 2.27.5
2.32.6 to 2.32.8	Please refer to the comments under Table 2-27 set out in rows with reference numbers from 2.27.6 till 2.27.8	Please refer to the responses provided under Table 2-27 in rows with reference numbers from 2.27.6 till 2.27.8
2.32.9 & 2.32.10	Please refer to the comments under Table 2-27 set out in the rows with reference number 2.27.9 and 2.27.10	Please refer to the responses provided under Table 2-27 in the rows with reference number 2.27.9 and 2.27.10
2.32.11	The proximity of the proposed pipeline to the farm buildings at Collinge Farm will ultimately sterilize an area which has been set aside for building expansion.	The Applicant will seek to discuss this further in the context of voluntary negotiations as there is insufficient information currently before to respond in detail. In general, the Applicant notes that claims for compensation for the effects of the project in line with the Compensation Code are provided for under the dDCO [AS-016] where the relevant statutory tests are met.

Table 2-33 - Fisher German on behalf of Exolum – RR-033

Reference	Relevant Representation Comment	Applicant's Response
2.33.1	<p>We confirm that our client Exolum's apparatus will be affected by your proposals as indicated on the attached plan(s). The plan(s) supplied are intended for general guidance only and should not be relied upon for excavation or construction purposes. No guarantee is given regarding the accuracy of the information provided and in order to verify the true location of the pipeline you should contact Exolum to arrange a site visit.</p> <p>It appears from the plans submitted by the applicant that their proposed development is to be constructed within close proximity to Exolum apparatus. Such works would require consent from Exolum and, in this instance, consent would not be granted as the proposed development would restrict access to the pipeline, both for routine maintenance and in an emergency situation. We must therefore object to the planning application.</p>	<p>The Applicant shall continue to engage with Exolum with regards to agreeing Protective Provisions.</p>
2.33.2	<p>My client must be consulted to ensure the proposal has no impact on their apparatus. Their contact details are: Central Services Email: pipelinerow@exolum.com Ashdon Road Tel: 01799 564101 Saffron Walden Essex, CB10 2NF When contacting Exolum, please quote our unique reference 221514, which is specific to this enquiry. Please note that you should contact Exolum within 28 days of the date of this letter in order to validate this enquiry, otherwise it will become void. You should note that the interests of the Exolum are conserved by means of the Energy Act 2013, in particular Part IV of the Act, and other legislation such as the Pipeline Safety Regulations 1996. It is, however, the Energy Act 2013 that prohibits any development and most intrusive activities within the Easement Strip without specific consent from Exolum. Exolum's Easement Strips are 6 metres wide and can incorporate other associated Exolum facilities.</p>	
2.33.3	<p>Exolum will be able to provide guidance on the required procedures for entering into a Works Consent and provide confirmation on permitted development and intrusive activities. The whole process of obtaining a Works Consent can take between four and six weeks depending on circumstances at the time of application. To reiterate, you should not undertake any work or activity without first contacting Exolum for advice and, if required, a Works Consent. For a copy of Exolum's Standard Requirements for Crossing or Working in Close Proximity to Exolum Pipelines, please visit https://lsbud.co.uk/wpcontent/uploads/2021/10/lsbud-standard-requirement-uk-um.pdf. This will provide you with practical information regarding the legislation that governs the Exolum.</p>	
2.33.4	<p>You should also be aware that landowners and third parties have a duty of care not to carry out any works that have the potential to damage Exolum apparatus. This duty of care applies even if the works themselves are situated more than 3 metres from the pipeline. Examples of such works are mineral extraction, mining, explosives, piling and windfarms. Please note that implementation of any unapproved work that affects the Exolum Easement Strip may result in serious consequences in terms of health and safety, expense and other attendant liabilities. In such cases it is the perpetrator of the act, together with any other promoting organisation, that shall be held fully accountable for any resulting damage. Should you require any further assistance regarding this letter please contact the undersigned or alternatively, you can contact Exolum using the details provided above.</p>	

Table 2-34 - Flintshire County Council (FCC) – RR-034

Reference	Relevant Representation Comment	Applicant's Response
2.34.1	The County Council is seeking general clarification around various issues including project programme timetable (including method of acquisition) and potential effect on management of nominated County Council land affected by the proposed scheme, extent of working width / easement width, proposed construction works on the relevant County Council land and the potential effect on the Council's retained land (whether including retained working width/depth below ground of any pipeline / equipment etc) including potential development.	<p>The Applicant confirms it is in regular communication with the Council.</p> <p>The Applicant has drafted and shared a Statement of Common Ground (SoCG) (document reference: D.7.2.1) with FCC (submitted at Deadline 1) and further discussion on the topics raised in their Relevant Representation will be captured in the SoCG which will be updated throughout the Examination.</p> <p>The Applicant is engaging to discuss the Project with the FCC leadership. A meeting related to the wider HyNet project was held on 28 March 2023 and the Applicant is approaching FCC to discuss the detail of the Carbon Dioxide Transport and Storage Network.</p> <p>Details on the working widths /easements proposed by the Applicant during construction of the DCO Proposed Development are contained in Chapter 3 of the 2022 ES [APP-055].</p>

Table 2-35 - Flintshire County Council (FCC) – RR-035

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
2.35.1		This Relevant Representation of Flintshire County Council provides an initial comment and issues relating to the content and scope of the application including the Local Development Plan Policy context, and the proposed requirements and provisions of the Draft Development Consent Order (DCO). Further to this representation, as a Host Authority, the Council will be providing a Local Impact Report (LIR) and, if necessary, a Written Representation (WR) at the forthcoming examination. As a Host Authority, it is assumed therefore that this representation does not need to include all areas that will be discussed during the Examination. Further representations in the form of the LIR, and/or WR, if necessary, may include the following matters: the proposed effects of the underground carbon dioxide pipeline and proposed above ground installations in relation to; air quality, dust, climate change and climate resilience, cultural heritage, ecology and biodiversity, greenhouse gases and decarbonisation, land and soils, restoration and decommissioning, land contamination, landscape and visual impact, materials, mineral safeguarding and waste, noise and vibration, population and human health, traffic and transport, water resources and flood risk and any cumulative effects with other projects.	The Applicant is in regular communication with FCC. The Applicant has drafted and shared a SoCG (document reference: D.7.2.1) with FCC (submitted at Deadline 1) and further discussion on the topics raised in their Relevant Representation will be captured in the SoCG which will be updated throughout the Examination.

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
	1	The Planning Statement and Policy Context	
2.35.2		The submitted application and associated Planning Statement identifies the Flintshire Unitary Development Plan (UDP) as the adopted development plan for Flintshire County Council. Reference is also made to the emerging Flintshire Local Development Plan (LDP). Following the examination of the Flintshire LDP, the binding Inspectors Report was received from Planning and Environment Decisions Wales (PEDW) on 15th December 2022. A report will be taken to Cabinet on 17th January 2023 and Council on 24th January 2023 seeking adoption of the LDP. Therefore, it is anticipated that at the examination of this DCO proposal, the Flintshire UDP will not be relevant and the LDP will be the Development Plan for Flintshire.	<p>The Applicant confirms it is aware that the Flintshire LDP was adopted on 24 January 2023.</p> <p>The Applicant has reviewed and updated the Planning Statement [APP-048] as required to reflect the adopted LDP and an updated version is submitted at Deadline 1.</p>
	2		
2.35.3		The Council has previously provided comment and recommendations on the scope and content of the Preliminary Environmental Impact Report (PEIR). There are ongoing discussions between the Council's internal services and the applicant in respect of the content of the submission stage Environmental Statement. A detailed response in respect of the Local Impacts of the project will be provided as part of the examination within the Council's LIR.	<p>Responses from the Applicant to FCC's comments and recommendations on the initial scope and content of the PEIR can be found in Appendix 1.3 of the 2022 ES [APP-076] and the HyNet DCO Consultation Report [APP-031], respectively.</p> <p>The Applicant will continue to work proactively with FCC.</p>
		Chapter 8 – Cultural Heritage	
2.35.4		A large number of geophysical anomalies described as of "uncertain origin" would need to be evaluated at the pre-determination stage to accord with PPW11 and TAN24. If pre-determination evaluation is not carried forward, then a robust WSI (written scheme of investigation) document should be submitted with the ES. It is considered that the WSI 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.	<p>The geophysical survey anomalies are being targeted by a first stage of evaluation, as detailed in Section 2.3 of the Outline Archaeological Written Scheme of Investigation [APP-223]. Following further discussion with FCC and CWAC during August, October and November 2022, targeted trenching was undertaken in February 2023 and the results will be submitted during the DCO Examination. A second phase of trenching will be undertaken prior to the start of construction, as detailed in Section 2.3.3 of the Outline Archaeological Written Scheme of Investigation [APP-223]. This will provide further detail to inform the final mitigation strategy.</p> <p>The Applicant does not believe that it is proportionate to undertake an archaeological watching brief in all areas and instead to design targeted mitigation strategies using the results of the non-invasive and invasive assessment techniques to allow defined mitigation areas to be identified, with an appropriate level of recording, proportionate to the value and importance of each archaeological site. With the assessment work undertaken to date, including the Historic Environment Desk-Based Assessment [APP-084 to APP-086], the remote sensing assessment [APP-088], geophysical survey</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			<p>[APP-089] and geoarchaeological assessment [APP-090], and with the results of the proposed trial trenching (February 2023) sufficient evaluation will have been undertaken to robustly evaluate the archaeological resource. However, to address concerns raised by FCC, it is proposed that a member of the project archaeology team (either a designated Archaeological Clerk of Works, if required, or a member of the excavation team) will undertake twice weekly review of the initial ground reduction works to ensure that archaeological remains can be identified and recorded. When developing the mitigation strategy, the Applicant will review the DCO Proposed Development in tandem with all stages of the evaluation results to identify any areas of higher archaeological potential, particularly for prehistoric or paleo-environmental evidence, which may require further work, even if the trenching results are blank.</p> <p>Notwithstanding this, methodology for strip, map and sample is included in Section 3.3.1 to 3.3.9 of the Outline Archaeological Written Scheme of Investigation [APP-223], which could be applied for any areas where trial trenching is not possible or in areas of higher archaeological potential, as described above.</p> <p>The Applicant will submit an updated Outline Archaeological Written Scheme of Investigation during the examination.</p>
		Chapter 9 – Biodiversity	
2.35.5		The submission does not address the additional requirements outside of the new build infrastructure boundary to meet the Biodiversity Net Benefit (BNG) target. BNG Assessment D.6.5.12 states that this is being pursued through engagement using the off-site compensation scenarios. However no detail has provided how this will be delivered to ensure compliance and their long term management.	<p>As stated in Paragraph 4.1.7 of the Biodiversity Net Gain (note: this is an alternative terminology for Biodiversity Net Benefit (BNB)) – Part 1 Assessment [APP-231], the Applicant confirms that they are exploring opportunities for the creation of off-site compensation through liaison with appropriate and suitable landowners, stakeholders and other interested parties with a view to securing agreements. Detail of the proposed delivery and compliance of offsets will be provided through the Examination as it is progressed, with management and monitoring of offset sites dependent on the final offset site locations, delivery bodies and individual agreements.</p> <p>The Applicant has held meetings with FCC regarding the council's provision of BNB for three out of the four priority habitats. Meetings have been held on 24 January 2023 at Wepre Park and 3 March 2023 via MS Teams. Both have been focused on developing a plan to deliver BNB for the project.</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		Chapter 11 – Land and Soils	
2.35.6		The document makes reference to a requirement to access land for the purpose of excavating trial pits specifically. However, it's likely that alternative methods of exploring the ground conditions at the different points along the route of the pipeline; including the block valve stations, will need to be relied upon to enable the samples required to be collected and so there appears to be a conflict between the approach to be taken in terms of assessing and addressing land contamination and the scope of the DCO.	The Applicant has undertaken a ground investigation [APP-135 to APP-137] that include boreholes (cable percussive, rotary and window sample), cone penetration tests and trial pits. A range of investigative methods was used to provide the ability to collect a range of samples.
2.35.7		For this reason, it is suggested that the DCO is amended to allow for a broader scope of exploratory methods to be used to enable the works proposed. As it is, the DCO is too restrictive.	<p>The Applicant has undertaken a ground investigation [APP-135 to APP-137] that include boreholes (cable percussive, rotary and window sample), cone penetration tests and trial pits. A range of investigative methods was used to provide the ability to collect a range of samples.</p> <p>This reference to trial pits only is incorrect and will be removed.</p> <p>The Applicant recognises that there is a need for future ground investigation works to be undertaken by the Construction Contractor.</p>
2.35.8		As a point to draw to the attention of those involved in the land contamination assessments and reporting, it's important to ensure that any references, guidance and legislation referred to is applicable to Wales and not only to England.	<p>It is confirmed that reference to the 'Contaminated Land (Wales) Regulations 2006' is missing from Chapter 11 [APP-063].</p> <p>This will be updated as part of the next iteration of Chapter 11 [APP-063].</p>
		Community Benefit Fund	
2.35.9		<p>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 granted, this would result in extending the life of the Point of Ayr 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.</p> <p>As such, it is considered reasonable for the developers to commit to providing a community benefit fund for those effected communities.</p>	<p>The Applicant acknowledges the objective of the wider HyNet project, including the DCO Proposed Development, would require the extension of the current life of the Point of Ayr Terminal (although the works to that site are the subject of a separate planning application) and is committed to ensuring all existing investment in the community and surrounding area is maintained for the duration of CCS activity. This includes management of the environmentally designated and publicly accessible areas, funding for the provision of the DangerPoint educational facility and the provision of free environmental education for schools through the Eni Field Study Centre.</p> <p>In addition to the above, ongoing, investment, the Applicant is preparing a <u>voluntary</u> Community Benefit Fund proposal for the benefit of communities along the pipeline route in England and Wales. This proposed fund would be set up as part of the Applicant's reasonable business approach and is not proposed to be part of the DCO application. This is due to the fact that no evidence to support the requirement of a fund being necessary to make the</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			<p>proposal acceptable in planning terms has been received, and nothing in the ES has identified the need for a Community Fund either as mitigation or compensation for any identified effect of the proposal.</p> <p>The DCO Proposed Development provides socio-economic benefits through the provision of construction jobs and supply chain opportunities and supports the retention of high-quality jobs at the Point of Ayr Terminal through the extension of its operational life. The proposal will also support the decarbonisation of existing and new businesses providing continuing employment and investment in the local area. The majority of the pipeline will be buried with no significant residual effects on the neighbouring communities during the operation phase. Mitigation measures are proposed for any permanent above ground infrastructure to minimise any impacts as far as practicable.</p> <p>The proposed voluntary Community benefit Fund would allow for the provision of <u>additional</u> benefit to the communities along the pipeline route but does not form a mitigation measure which requires to be secured through the DCO.</p>
	3.	The Draft Development Consent Order	
2.35.10		On review of the draft Development Consent Order (DCO) the Council raises several concerns in respect the proposed wording and appropriateness of its provisions including the principal powers, the content and wording of the suggested requirements and the unrealistic proposed process timescales relating to applications made under the requirements, and the associated fees. Discussions with the applicant in respect the draft DCO are ongoing and whilst it is expected that much the raised issues can be appropriately addressed there are several which without resolve are potentially matters for significant concern.	The Applicant is in regular communication with FCC on the content and wording of the dDCO [AS-016] .
2.35.11		<p>These include but are not limited to the following:</p> <ul style="list-style-type: none"> • The proposed exceptions and definitions in relation to the proposed construction working hours under Requirement 13 (1-5) are not considered acceptable. • There is the need for detailed restoration plans including aftercare under Requirements 15 and 16. • Lack of reference to a Decommissioning Environmental Management Plan (DEMP). DEMP is essential to ensure the decommissioning and removal of the above ground installations once they are no longer required. 	<p>The Applicant is in regular communication with FCC on the content and wording of the draft DCO [AS-016].</p> <p>Reference to the Decommissioning Environmental Management Plan (DEMP) is included in the dDCO [AS-016] Requirement 17(3) and (4).</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		<ul style="list-style-type: none"> Clarification of timescales for notifications and decisions under the proposed requirements and discharge of requirements. The proposed 5/21-day notification periods for the request for further information under Schedule 2 Part 2 paras 21 (2-4)) is not considered acceptable. Schedule 2 Part 1, Para 22 Fees: clarification on fees for approving the requirements is required. £97 does not correlate with any fees regulations and concern is expressed in relation to the scale of work required for determination of the requirements. 	

Table 2-36 - Gavin Goodwin – RR-036

Reference	Relevant Representation Comment	Applicant's Response
2.36.1	<p>We are concerned about the lack of willing and meaningful engagement with the representatives of the Hynet C02Pipeline scheme, which will impact the land we own and occupy during the construction stage.</p> <p>Furthermore we are concerned that the excavations to install the pipeline will be irreparable damage to the soil structure of the land, reducing its ability to be farmed and becoming more prone to flooding, reducing its usefulness to agriculture and leisure. In addition the presence of the pipeline would sterilise the land from any future development.</p>	<p>The Applicant held a site visit with the landowner on 2 February 2023 and will continue to engage and negotiate with them.</p> <p>The Applicant has prepared an Outline Soil Management Plan [APP-227] which provides guidance on the stripping, storage and replacement of soils to prevent damage to soils. The Applicant will produce a detailed Soil Management Plan as part of the CEMP to be approved by the LPA under Requirement 5(2)(f) of the dDCO [AS-016] prior to undertaking any works which will set out best practice to prevent irreparable damage to the soil structure.</p> <p>The Applicant has considered flood risk in the FRA [APP-166 to APP-167] in consultation with the Environment Agency, Dwr Cymru and United Utilities Cheshire West and Chester Council's Lead Local Authority for the proposed pipeline in England.</p> <p>The Applicant has also considered the impacts of the new AGIs and BVSs on the increase in surface water flood risk in the Outline Surface Water Drainage Strategy [APP-241] and this has ensured compliance with all local and national requirements for sustainable water drainage design to prevent any increase in flood risk elsewhere along the proposed pipeline in England.</p>

Table 2-37 - Gillian Stevenson – RR-037

Reference	Relevant Representation Comment	Applicant's Response
2.37.1	<p>My initial concern is that I have had limited engagement from senior stakeholders.</p> <p>The proposed project could sterilise the land for future development. The structure of the soil could be affected which would impact future productivity of crop growth. There could also be flooding implications once any proposed work is completed.</p>	<p>The Applicant held a site visit with the landowner on 14 February 2023 and will continue to engage and negotiate with them.</p> <p>The Applicant has prepared an Outline Soil Management Plan [APP-227] which provides guidance on the stripping, storage and replacement of soils to prevent damage to soils. The Applicant will produce a detailed Soil Management Plan for approval by the LPA under Requirement 5 (2)(f) of the dDCO [AS-016] which will set out best practice to prevent irreparable damage to the soil structure.</p> <p>The Applicant has considered flood risk in the FRA [APP- 166 to APP-167] in consultation with the Environment Agency, Dwr Cymru and United Utilities Cheshire West and Chester Council's Lead Local Authority for the proposed pipeline in England.</p> <p>The Applicant has also considered the impacts of the new AGIs and BVSs on the increase in surface water flood risk in the drainage strategy [APP-241] and this has ensured compliance with all local and national requirements for sustainable water drainage design to prevent any increase in flood risk elsewhere along the proposed pipeline in England.</p>

Table 2-38 - Hawarden Community Council – RR-038

Reference	Relevant Representation Comment	Applicant's Response
2.38.1	<p>Concerns about: More information and clarity is required and definitive maps. What are the immediate benefits to Hawarden (Aston, Mancot and Ewloe wards) and to the wider Flintshire county area.</p>	<p>The Applicant will continue regular engagement with Hawarden Community Council (HCC) to resolve issues raised. An initial meeting was held on 13 February 2023 with a full Council and included affected members of the community. This was followed up with a meeting with the Senior Council Team on 29 March 2023, in which all the issues raised in the Relevant Representation were discussed. Clearer paper copies of the plans have been provided to HCC and the Applicant intends to improve the clarity of the plans as part of ongoing engagement with the HCC.</p> <p>The Applicant has submitted a significant amount of information as part of the DCO Application and therefore will engage with HCC to identify what further information and clarity is sought.</p> <p>The Applicant sets out the likely benefits of the DCO Proposed Development in Chapter 6 of the Planning Statement [APP-048]. The Carbon Dioxide Pipeline will deliver significant benefits in helping to decarbonise industry in the local area, the Flintshire region and beyond. The DCO Proposed Development will</p>

Reference	Relevant Representation Comment	Applicant's Response
		<p>enable the delivery of the wider HyNet Project and build capacity to tie-in to future emitters.</p> <p>The Needs Case outlines that there will be average annual job creation figure of 6,200 jobs through until 2030, peaking at 7,400 jobs in the region in 2026, this for DCO Proposed Developments pre-construction, construction, operational and manufacturing sectors.</p> <p>The Needs Case [APP-049] provides further detail on how the DCO Proposed Development will help meet both national and local government ambitions and policies for Net-Zero and tackling the climate emergency.</p> <p>The DCO Proposed Development is deliverable and meets the relevant policy tests as set out in the Planning Statement [APP-048].</p>
2.38.2	Proof required about the success rate and deliverability of such a project.	<p>Carbon Capture typically uses an amine-based solvent, that chemically captures the carbon dioxide prior to the carbon dioxide being discharged and the amine recycled. Such systems have been used in chemical processing facilities for decades, including gas treatment and fertiliser manufacturing. This known technology is now being applied to new emissions sources (such as energy to waste and cement plants).</p> <p>Carbon dioxide transport and storage has similarly been in operation for decades, with over 25 operational sites around the world. Indeed, the Sleipner project in Norway has been successfully storing carbon dioxide for over 25 years. This has helped to develop global safety codes and best practice guides for carbon dioxide transport.</p> <p>Recent reports from the UK Government and the Royal Society confirm that well designed and managed storage infrastructure retains storage integrity over thousands of years.</p>
2.38.3	This 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 Applicant has produced a Coal Mining Risk Assessment [AS-043 to AS-52] and additional works to locate the exact position of mine shafts will be undertaken during detailed design stage and prior to any works being undertaken onsite. This will be secured in a detailed CEMP as secured by Requirement 5 of the dDCO [AS-016] .
2.38.4	The impact on existing bore holes on farms and domestic properties (which are numerous) could be detrimental given this work. Disruption of local farmland.	Strict working practices will be implemented to prevent any leaks or spills during the construction works that could impact local groundwater resources which are used by existing farms or domestic properties and will be secured in a detailed CEMP, required by Requirement 5 of the dDCO [AS-016] .
2.38.5	There are 21 councillors within Hawarden Community Council via the following link: http://www.hawardencommunitycouncil.gov.uk/Councillors_40697.aspx	The Applicant will continue regular engagement with Hawarden Community Council and its Councillors.

Table 2-39 - Helen Louise Eadon-Sinkinson – RR-039

Reference	Relevant Representation Comment	Applicant's Response
2.39.1	I am a property owner on (Redacted), Pentre and the proposed route of the pipeline will run under the road directly in front of the property. I have particular concerns about why the pipeline needs to run through this section of road when the majority of the rest of the route is running through agricultural land.	The routing of the Newbuild Carbon Dioxide Pipeline is based upon a balance of factors. Chapter 4 Consideration of Alternatives [APP-056] of the 2022 ES provides an overview of how different factors were fed into the iterative design process.
2.39.2	I would also like to know about the safety aspects of the close proximity of the pipeline to property and what the plan would be if an issue arose with the section of pipeline that runs under the road. This road is a main road and is used for access to both residential property and industrial estates.	The Newbuild Carbon Dioxide Pipeline shall be constructed in line with the UK's robust pipeline safety requirements in consultation with the HSE, including consideration of the proximity of the pipeline to properties and under the road.
2.39.3	This also raises concerns about what negative impact the pipeline would have on property along (Redacted).	The Applicant appreciates the concerns however, at the location identified the pipeline is being installed through trenchless techniques so that surface uses will not be disturbed. For more information, please refer to paragraph 6.2.8 of the Statement of Reasons [AS-021] .

Table 2-40 - Historic England – RR-040

Reference	Relevant Representation Comment	Applicant's Response
2.40.1	Historic England is the Government's statutory advisor on the historic environment ('cultural heritage') in England. We will be commenting on the assessment of the cultural heritage and of the impact of the proposed development upon it (with particular reference to Chapters 8 and 12 of the ES, and their appendices).	The Applicant is undertaking ongoing engagement with Historic England to discuss a range of matters and has drafted a SoCG submitted at Deadline 1 (document reference: D.7.2.6) and further discussion on these topics will be captured in further iterations of this document related to areas of agreement and/or matters to be resolved.
2.40.2	We will also be commenting on measures for the identification and protection of cultural heritage, and for the mitigation of impacts upon it, as included in the draft DCO itself, and related documents such as the Register of Environmental Actions and Commitments and the Outline Archaeological Written Scheme of Investigation.	The mitigation measures are discussed in Section 8.10 of Chapter 8 Cultural Heritage [APP-060] of the 2022 ES and within the Outline Archaeological Written Scheme of Investigation [APP-223] and the Applicant would welcome Historic England's comments.

Table 2-41 - J. Bradburne Price & Co. on behalf of Andrew & Karen Hirst – RR-041

Reference	Relevant Representation Comment	Applicant’s Response
2.41.1	Notwithstanding the number and extent of intrusive and non-intrusive surveys undertaken on the subject land, there is no clear indication as to the exact line of the pipeline and the associated easement. This uncertainty causes concern to the landowner/occupier and it is not acceptable that they have been requested to enter into agreements with such uncertainty as to the rights that will be taken through the property and limits the ability to plan and make long term decisions for the subject property. Specifically relating to Oakfield the documentation has continuously included a recently constructed ménage, and part of the residential curtilage to the property despite strong objections made to this and the implications arising therefrom. It is respectfully requested that these areas are removed from the DCO and that the area subject to the easement rights relates solely to the pasture paddock and does not include any part of the equestrian facilities or residential curtilage.	A nominal 100m corridor has been denoted along the whole Newbuild Carbon Dioxide Pipeline length. This corridor enables detailed design contractors a level of flexibility in final design routing to balance construction and environmental requirements with disruption to local land interests.
2.41.2 to 2.41.8	Please refer to the comments under Table 2-27 set out in rows with reference numbers from 2.27.2 till 2.27.8	Please refer to the responses provided under Table 2-27 in rows with reference numbers from 2.27.2 till 2.27.8

Table 2-42 - J. Bradburne Price & Co. on behalf of Andrew Mullock - RR-042, J. Bradburne Price & Co. on behalf of David Leigh Connah - RR-043, J. Bradburne Price & Co. on behalf of Ian Bentley - RR-044, J. Bradburne Price & Co. on behalf of J.G. & M.A. BROWN & SON - RR-045, J. Bradburne Price & Co. on behalf of Michael A. Jones & Sarah M. Jones & T. Benjamin Jones - RR-047, J. Bradburne Price & Co. on behalf of Mr E. & Mrs J. Williams - RR-048, J. Bradburne Price & Co. on behalf of Myles David Platt - RR-049, J. Bradburne Price & Co. on behalf of Peter Hardern - RR-050, J. Bradburne Price & Co. on behalf of Stephanie Roberts - RR-051 and J. Bradburne Price & Co. on behalf of The Hewitt Family - RR-053

Reference	Relevant Representation Comment	Applicant’s Response
2.42.1 to 2.42.8	Please refer to the comments under Table 2-27 set out in rows with reference numbers from 2.27.1 till 2.27.8	Please refer to the responses provided under Table 2-27 in rows with reference numbers from 2.27.1 till 2.27.8

Table 2-43 - J. Bradburne Price & Co. on behalf of John Calvin Peers – RR-046

Reference	Relevant Representation Comment	Applicant’s Response
2.43.1	Please refer to the comment under Table 2-27 set out in the row with reference number 2.27.1	Please refer to the response provided under Table 2-27 in the row with reference number 2.27.1
2.43.2	The requirement for an easement width of 24m is excessive and has not been justified. This potentially sterilizes a large area through the subject property and where relevant will prevent appropriate development and restrict other operations including some agricultural operations. Specifically relating to the subject land at Northop Hall. The current proposals with the excessive permanent easement restrictions and the short term option area totally sterilizes the land in relation to future residential development, for which interest has been received from potential developers. It is respectfully requested that the width of the easement should be reduced dramatically as well as the overall option area.	<p>The permanent rights corridor width of 24.4m is in line with pipeline industry norms and is required to ensure sufficient access is available for future inspection and maintenance works on the pipeline should they be required.</p> <p>The Applicant would welcome the opportunity to discuss with the party the perceived restriction of agricultural operations and will continue to engage with the landowners.</p>

Reference	Relevant Representation Comment	Applicant's Response
2.43.3 to 2.43.8	Please refer to the comments under Table 2-27 set out in rows with reference numbers from 2.27.3 till 2.27.8	Please refer to the responses provided under Table 2-27 in rows with reference numbers from 2.27.3 till 2.27.8.

Table 2-44 - J. Bradburne Price & Co. on behalf of The Executors of Mrs Gwyneth Evans Deceased- RR-052

Reference	Relevant Representation Comment	Applicant's Response
2.44.1	Please refer to the comment under Table 2-27 set out in the row with reference number 2.27.1	Please refer to the response provided under Table 2-27 in the row with reference number 2.27.1
2.44.2	The requirement for an easement width of 24m is excessive and has not been justified. This potentially sterilizes a large area through the subject property and where relevant will prevent appropriate development and restrict other operations including some agricultural operations. Specifically relating to the clients land at Old Aston Hill which possesses short to medium term development and is currently subject to an Option Agreement to a national developer, the uncertainty as to the extent of the easement and option area causes concern. Without prejudice to the comments contained herein the proposed route through the subject land is supported in relation to any other route through the said land.	The permanent rights corridor width of 24.4m is in line with pipeline industry practice, and is required to ensure sufficient access is available for future inspection and maintenance works on the pipeline should they be required. The Applicant would welcome the opportunity to discuss with the party the perceived restriction of agricultural operations and will continue to engage with the landowners.
2.44.3 to 2.44.8	Please refer to the comments under Table 2-27 set out in rows with reference numbers from 2.27.3 till 2.27.8	Please refer to the responses provided under Table 2-27 in rows with reference numbers from 2.27.3 till 2.27.8

Table 2-45 - James Doran – RR-054

Reference	Relevant Representation Comment	Applicant's Response
2.45.1	To whom it may concern I writing as I have been advised by Sean from HI NET to make my concerns known in relation to the HI NET pipeline. My name is James Doran I have an planning application with flintshire county council (planning reference 061368) that is going for appeal. I have a sister who has a son that has (Redacted) who is a member of the travelling community indeed of somewhere to call her home and to be able to provide the correct support for her and her Childs health. As I am led to believe with the correspondence from Sean you have unlimited resources and will be very understanding to our needs as a minority. We are also led to believe by Sean that your suggested pipelines may not even come into contact with our land so with that being said I would ask that you take our needs and feeling into consideration and please if possible, keep the pipelines from impacting our land. My land coordinates are : easting: 329906 northing: 367036 Thank you for taking the time to read this and we look forward to your reply.	The Applicant will continue to engage with Mr Doran in relation to the proposed route of the Newbuild Carbon Dioxide Pipeline and the impacts on his proposed development. The Applicant refutes that they have “unlimited resources”.

Table 2-46 - John Horace George Bletcher – RR-055

Reference	Relevant Representation Comment	Applicant's Response
2.46.1	<p>We are extremely concerned about the lack of willing and meaningful engagement from Senior Stakeholders on the CO2 Pipeline scheme, in particular given that a large Above Ground Infrastructure apparatus is to be installed and will permanently impact land crucial to the running of the family dairy farm enterprise.</p> <p>We have requested that HyNet seek to relocate the AGI to a more suitable position. This is to be further exacerbated by plans to connect a second pipeline carrying CO2 from the Hanson Cement Works at Padeswood will lead to this parcel of land being affected for several years.</p> <p>We are also concerned about the long term impact to the remaining land and soil structure following its use as a construction compound and from flooding arising from the new infrastructure which could reduce the productive capacity of the land and impact upon the viability of the farming business and its ability to be farmed by future generations.</p>	<p>The Applicant has held several meetings with John Horace George Bletcher over the past 18 months with senior members of the project team. The Applicant will continue to engage with Mr Bletcher.</p> <p>The Applicant submitted a Change Request to the ExA on 27 March 2023. Change 3 of this Request proposes the relocation of Work No. 45 (the Northop Hall AGI) to the west by 75 metres, in response to a request by Mr Bletcher, as landowner. The Change has been agreed with Mr Bletcher in principle. The amended location of the AGI would benefit the landowner by resulting in lower agricultural land take. The proposed new access route to the AGI (Work No. 45B) has also been agreed with the landowner.</p> <p>The proposed change was scoped into the assessment of likely significant effects for Chapters 9, 10, 11, 12, 14, 15, 16, 17, 18 and 19 of the 2023 ES Addendum Change Request 1 (document reference: D.7.7). The assessments concluded that the proposed change did not result in significant changes to the original assessment in the 2022 ES.</p> <p>The Applicant has prepared an Outline Soil Management Plan [APP-227] as secured by Requirement 5(2)(f) of the dDCO [AS-016] which provides guidance on the stripping, storage and replacement of soils to prevent damage to soils. The Applicant will produce a detailed Soil Management Plan for approval by the LPA as secured by Requirement 5(2)(f) of the dDCO [AS-016] prior to undertaking works.</p> <p>The Applicant has considered the impacts of the new AGIs and BVSs on the increase in surface water flood risk in the drainage strategy [APP-241]. This has demonstrated compliance with all LLFA and Welsh Government's SAB requirements to prevent any increase in flood risk elsewhere along the proposed pipeline in Wales. This has also demonstrated compliance with all local and national requirements for sustainable water drainage design to prevent any increase in flood risk elsewhere along the proposed pipeline in England.</p>

Table 2-47 - John Littler – RR-056

Reference	Relevant Representation Comment	Applicant's Response
2.47.1	<p>I am concerned that they has been a lack of willing and meaningful engagement from the scheme in relation to the positioning of a large construction compound on the land.</p> <p>Furthermore, following poor performance from contractors acting for the HyNet CO2 Pipeline in relation to the Ground Investigation works, the reinstatement of the land was unsatisfactory with the high quality top soil being buried and subsoil left on the surface. This land is of high agricultural value and is used for the growing of high value root crops such as carrots and potatoes and fresh produce including brassicas and salads. I am seriously concerned that the works will irreparably damage the soil structure, reducing its ability to be used for growing high value crops and increase the risk of the land becoming waterlogged.</p>	<p>The Applicant has recently held a site visit with the landowner and will continue to engage and negotiate with them.</p> <p>The Applicant acknowledges and apologises for the poor reinstatement of the land at this location. This is below the standards the Applicant requires for any excavations to take place and discussions have taken place as outlined above. Subsequent investigative works have been monitored to ensure soil has been reinstated correctly.</p> <p>The Applicant has prepared an Outline Soil Management Plan [APP-227] which provides guidance on the stripping, storage and replacement of soils to prevent damage to soils. The Applicant will produce a detailed Soil Management Plan to be approved by the LPA under Requirement 5(2)(f) of the dDCO [AS-016] prior to undertaking any works which will set out best practice to prevent irreparable damage to the soil structure.</p>

Table 2-48 - Lea Backford Parish Council– RR-057

Reference	Relevant Representation Comment	Applicant's Response
2.48.1	<p>As a Parish Council are main concerns are as follow: Access to the Lea by Backford, Environmental loss, Village disturbance, General pollution, Route.</p>	<p>The Applicant encourages Lea Backford Parish Council (LBPC) to provide further detail regarding their concerns during the Examination. The Applicant will continue regular engagement with LBPC to resolve the issues raised.</p> <p>The Applicant met with councillors from Lea Backford and adjacent communities affected along the pipeline route on 23 February 2023 to give an overview of the project and discuss the councillors' concerns. As the project progresses, further engagement with LBPC will be carried out.</p>

Table 2-49 - Linda Thew – RR-058

Reference	Relevant Representation Comment	Applicant's Response
2.49.1	<p>The route the pipeline will follow.</p>	<p>The Applicant has provided a suite of plans with the DCO application which show the route of the Carbon Dioxide Pipeline [APP-007, AS-010 to AS-013 and APP-014 to APP-020].</p> <p>The Works Plans [AS-012] in particular show the route of the pipeline along with the type of works proposed for each section.</p>

Reference	Relevant Representation Comment	Applicant's Response
2.49.2	The impact on the villages of Northop Hall, Northop and Sychdyn	Population and Human Health related impacts on receptors within the villages of Northop Hall, Northop, and Sychdyn were scoped out of the assessment as presented in Appendix 1.1 - EIA Scoping Report [APP-073 to APP-074] of the 2022 ES as receptors within those villages lie beyond the relevant Population and Human Health Study Areas of 500m. Appendix 16.1 [APP-147] outlines relevant receptors within the villages of Northop Hall, Northop and Sychdyn where those fall within the Study Area.
2.49.3	Any environmental impact the pipeline may have.	The DCO Application is accompanied by the 2022 ES which sets out the assessment of the environmental impacts of the DCO Proposed Development on a range of environmental topics. The approach to assessment was agreed in consultation with a range of statutory and non-statutory consultees as set out in the EIA Scoping Opinion [APP-075 to APP-076] . The 2022 ES sets out the assessment of effects and the proposed mitigation, which will be delivered in line with the commitments set out in the REAC [AS-053] and secured by requirements in the dDCO [AS-016] and the residual effects once mitigation measures have been implemented.

Table 2-50 - Maritime and Coast Guard Agency (MCA) – RR-059

Reference	Relevant Representation Comment	Applicant's Response
2.50.1	The MCA has an interest in the works associated with the marine environment, and the potential impact on the safety of navigation, access to ports, harbours and marinas and any impact on our search and rescue obligations. The MCA would expect any works in the marine environment to be subject to the appropriate licensing and planning consents before carrying out any marine licensable works.	<p>The Applicant has identified consents required outside of the DCO in the Other Consents and Licences document [APP-046]. This includes a Marine Licence for the River Dee crossing to be obtained from Natural Resources Wales following DCO application submission.</p> <p>If any further consents are required, the Applicant will seek the appropriate licensing and planning consents for any marine licensable works.</p> <p>The Applicant met with the MCA on 16 March 2023 to give a more in-depth overview of the project and discuss the requirement for a Statement of Common Ground (SoCG). On 17 March 2023, the Applicant received written confirmation that the MCA does not wish to enter in to a SoCG, as they will be a consultee for the aforementioned Marine Licence.</p>
2.50.2	A range of potential project impacts on shipping and navigation have been identified for this project which could occur during the construction, operation and maintenance, and decommissioning phases of the proposed development, and the MCA wishing to remain consulted throughout the examination.	<p>The 2022 ES [APP-051 to APP-072] has not identified any impacts on shipping and navigation as a result of the DCO Proposed Development.</p> <p>Trenchless installation techniques will be used to install the pipeline under the River Dee to avoid any disruption to the function of the watercourse as per</p>

Reference	Relevant Representation Comment	Applicant's Response
		<p>REAC commitment D-PD-001 [AS-053], secured by Requirement 4 of the dDCO [AS-016].</p> <p>The Applicant will engage with MCA where required throughout the examination, and the Applicant communicated this to the MCA at the meeting held on 16 March 2023.</p>

Table 2-51 - Mostyn History Preservation Society – RR-060

Reference	Relevant Representation Comment	Applicant's Response
2.51.1	To press for community benefit fund covering communities such as Mostyn, Talacre, Ffynnongroyw, Gwespyr.	<p>The Applicant is committed to ensuring all existing investment in the community and surrounding area is maintained for the duration of CCS activity. This includes management of the environmentally designated and publicly accessible areas, funding for the provision of the DangerPoint educational facility and the provision of free environmental education for schools through the Eni Field Study Centre</p> <p>In addition to the above, ongoing, investment, the Applicant is preparing a <u>voluntary</u> Community Benefit Fund proposal for the benefit of communities along the pipeline route in England and Wales. This proposed fund would be set up as part of the Applicant's reasonable business approach and is not proposed to be part of the DCO application. This is due to the fact that no evidence to support the requirement of a fund being necessary to make the proposal acceptable in planning terms has been received, and nothing in the ES has identified the need for a Community Fund either as mitigation or compensation for any identified effect of the proposal.</p> <p>As such, the proposed voluntary Community Benefit Fund would allow for the provision of <u>additional</u> benefit to the communities along the pipeline route but does not form a mitigation measure which requires to be secured through the DCO.</p>

Table 2-52 - National Air Traffic Services LTD- RR-061

Reference	Relevant Representation Comment	Applicant's Response
2.52.1	We refer to the correspondence received from the Applicant dated 26-Nov-2022 advising of the Consultation. NATS operates no infrastructure within 5km of the proposed route and anticipates no impact from the development. Accordingly, it has no comments to make on the Application.	The Applicant acknowledges the response from National Air Traffic Services.

Table 2-53 – National Grid Electricity Transmission Plc (NGET) – RR-062

Reference	Relevant Representation Comment	Applicant's Response
2.53.1	Relevant Representation of NGET Electricity Transmission Plc in respect of the HyNet Carbon Dioxide Pipeline DCO (the "Project"). This relevant representation is submitted on behalf of NGET Electricity Transmission Plc ("NGET") in respect of the Project, and in particular NGET's infrastructure and land which is within or in close proximity to the proposed Order Limits. NGET will require appropriate protection for retained apparatus including compliance with relevant standards for works proposed within close proximity of its apparatus.	Ongoing discussions are taking place between the Applicant and NGET with respect to protective provisions and compliance with the relevant standards. Draft Protective Provisions are under discussion between the parties.
2.53.2	NGET's rights of access to inspect, maintain, renew and repair such apparatus must also be maintained at all times and access to inspect and maintain such apparatus must not be restricted. Further, where the Applicant intends to acquire land or rights, or interfere with any of NGET's interests in land or NGET's apparatus, NGET will require appropriate protection and further discussion is required on the impact to its apparatus and rights. Further detail is set out below.	
2.53.3	NGET owns or operates the following infrastructure within or in close proximity to the proposed Order Limits for the Project. NGET has a number high voltage electricity overhead transmission lines within or in close proximity to the proposed Order Limits. These overhead lines form an essential part of the electricity transmission network in England and Wales. The details of the electricity assets are as follows: Overhead Lines • 4ZB 400kV • ZO 400kV • ZK 400kV • 4ZE 400kV • YYS 132kV Other Apparatus • Pilot cables Protection of NGET Assets.	<p>The Applicant agrees with the assets identified by NGET within and in proximity of the Order Limits.</p> <p>For clarity and the avoidance of doubt, the crossing of overhead lines (ZO 400kV, ZK 400kV, 4ZE 400kV, YYS 132kV) and underground cables (Pilot Cables Protection) are on the new Ince AGI to Stanlow AGI Pipeline and new Stanlow AGI to Flint AGI Pipeline and are new crossings.</p> <p>However, 4ZB 400kV crosses the existing PoA to Douglas Pipeline and as such is considered by the Applicant to be an existing crossing.</p> <p>The Applicant is in regular communication with NGET regarding protective provisions.</p>
2.53.4	As a responsible statutory undertaker, NGET's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations. As such, NGET has a duty to protect its position in relation to infrastructure and land which is within or in close proximity to the draft Order Limits. As noted, NGET's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the Order Limits should be maintained at all times and access to inspect and maintain such apparatus must not be restricted.	Ongoing discussions are taking place between the Applicant and NGET with respect to Protective Provisions and compliance with the relevant standards. Draft Protective Provisions are under discussion between the parties.
2.53.5	NGET will require its standard protective provisions to be included within the draft Development Consent Order (the "Order") for the Project to ensure that its interests are adequately protected and to ensure compliance with relevant safety standards. NGET has not been consulted on the form of Protective Provisions included within the Order and confirms that as currently drafted these are not in a form acceptable to NGET. NGET is liaising with the Applicant in relation to such protective provisions, along with any supplementary agreements which may be required. NGET requests that the Applicant continues to engage with it to provide explanation and reassurances as to how the Applicant's works pursuant to the Order (if made) will ensure protection for those NGET assets which will remain in situ, along with facilitating all future access and other rights as are necessary to allow NGET to properly discharge its statutory obligations.	

Reference	Relevant Representation Comment	Applicant's Response
2.53.6	<p>NGET will continue to liaise with the Applicant in this regard with a view to concluding matters as soon as possible during the DCO Examination and will keep the Examining Authority updated in relation to these discussions.</p> <p>Compulsory Acquisition Powers in respect of the Project.</p> <p>As noted, where the Applicant intends to acquire land or rights, or interfere with any of NGET's interests in land, NGET will require further discussion with the Applicant. NGET reserves the right to make further representations as part of the Examination process in relation to specific interactions with its assets but in the meantime will continue to liaise with the Applicant with a view to reaching a satisfactory agreement.</p>	The Applicant notes and welcomes NGET's comments and will continue further discussions to resolve the issues raised. The Applicant is in regular communication with NGET regarding their land interests and compulsory acquisition powers being sought for the DCO Proposed Development.

Table 2-54 - National Grid Gas Plc (NGGT) – RR-063

Reference	Relevant Representation Comment	Applicant's Response
2.54.1	Relevant Representation of National Grid Gas Plc in respect of the HyNet Carbon Dioxide Pipeline DCO (the "Project"). This relevant representation is submitted on behalf of National Grid Gas Plc ("NGGT") in respect of the Project, and in particular NGGT's infrastructure and land which is within or in close proximity to the proposed Order Limits. NGGT will require appropriate protection for retained apparatus including compliance with relevant standards for works proposed within close proximity of its apparatus. NGGT's rights of access to inspect, maintain, renew and repair such apparatus must also be maintained at all times and access to inspect and maintain such apparatus must not be restricted. Further, where the Applicant intends to acquire land or rights, or interfere with any of NGGT's interests in land or NGGT's apparatus, NGGT will require appropriate protection and further discussion is required on the impact to its apparatus and rights. Further detail is set out below.	The Applicant is in regular communication with NGGT and will continue to progress discussions on Protective Provisions in relation to NGGT's assets.
2.54.2	<p>NGGT infrastructure within/in close proximity to the proposed Order Limits NGGT has a high pressure gas transmission pipeline located within or in close proximity to the proposed Order Limits. This transmission pipeline forms an essential part of the gas transmission network in England, Wales and Scotland: Transmission Pipelines: Feeder 21 Mickle Trafford to Tee To Shotwick</p> <p>Protection of NGGT Gas Assets</p> <p>As a responsible statutory undertaker, NGGT's primary concern is to meet its statutory obligations and ensure that any development does not impact in any adverse way upon those statutory obligations.</p>	
2.54.3	As such, NGGT has a duty to protect its position in relation to infrastructure and land which is within or in close proximity to the draft Order Limits. As noted, NGGT's rights to retain its apparatus in situ and rights of access to inspect, maintain, renew and repair such apparatus located within or in close proximity to the Order Limits should be maintained at all times and access to inspect and maintain such apparatus must not be restricted. NGGT will require protective provisions to be included within the draft Development Consent Order (the "Order") for the Project to ensure that its interests are adequately protected and to ensure compliance with relevant safety	

Reference	Relevant Representation Comment	Applicant's Response
	standards. NGGT is liaising with the Applicant in relation to such protective provisions, along with any supplementary agreements which may be required.	
2.54.4	NGGT requests that the Applicant continues to engage with it to provide explanation and reassurances as to how the Applicant's works pursuant to the Order (if made) will ensure protection for those NGGT assets which will remain in situ, along with facilitating all future access and other rights as are necessary to allow NGGT to properly discharge its statutory obligations.	
2.54.5	<p>NGGT will continue to liaise with the Applicant in this regard with a view to concluding matters as soon as possible during the DCO Examination and will keep the Examining Authority updated in relation to these discussions.</p> <p>Compulsory Acquisition Powers in respect of the Project</p> <p>As noted, where the Applicant intends to acquire land or rights, or interfere with any of NGGT's interests in land, NGGT will require further discussion with the Applicant. NGGT reserves the right to make further representations as part of the Examination process in relation to specific interactions with its assets but in the meantime will continue to liaise with the Applicant with a view to reaching a satisfactory agreement.</p>	The Applicant is in regular communication with NGGT regarding their land interests and compulsory acquisition powers being sought for the DCO Proposed Development.

Table 2-55 - National Highways (NH) – RR-064

Reference	Relevant Representation Comment	Applicant's Response
2.55.1	NATIONAL HIGHWAYS LIMITED ("National Highways") has been appointed by the Secretary of State for Transport as strategic highway company under the provisions of the Infrastructure Act 2015 as the highway authority, traffic authority and street authority for the Strategic Road Network ("SRN"). As such, National Highways are responsible for managing the SRN in accordance with the requirements of our statutory licence and in general conformity with the requirements of the Highways Act 1980, and to satisfy the reasonable requirements of road safety.	The Applicant is undertaking ongoing engagement with National Highways to discuss a range of matters and has drafted a SoCG submitted at Deadline 1 (document reference: D.7.2.9) and further discussion on these topics will be captured in further iterations of this document related to areas of agreement and/or matters to be resolved.
2.55.2	This is the section 56 representation of National Highways provided in respect of Liverpool Bay CCS Ltd's ("Applicant") application for a Development Consent Order ("Order") which seeks powers to enable the installation of a new build carbon dioxide ("CO2") pipeline from the Ince AGI in Cheshire to Talacre Beach in North Wales to transport CO2 produced and captured by future hydrogen producing facilities and existing industrial premises in North West England and North Wales for offshore storage ("Scheme").	The Applicant welcomes National Highways' response.
2.55.3	The Book of Reference ("BoR") identifies 32 plots ("Plots") of land owned or occupied by National Highways in respect of which compulsory acquisition powers to acquire new rights are sought. The compulsory acquisition powers sought are described in the BoR as being the permanent acquisition of land (in some cases the subsurface only), the permanent acquisition of rights and the temporary possession of land ("Compulsory Powers").	The Applicant confirms that this is correct.

Reference	Relevant Representation Comment	Applicant's Response
2.55.4	National Highways notes 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.	The Applicant confirms that this is correct and refers to the Statement of Reasons [AS-021] paragraph 3.1.19 stating that the Applicant will use trenchless installation techniques under major infrastructure such as motorways.
2.55.5	To safeguard National Highways' interests and the safety and integrity of the SRN, National Highways objects to the inclusion of the Plots in the Order and to Compulsory Powers being granted in respect of them.	The Applicant notes this objection.
2.55.6	The Plots constitute land acquired by National Highways for the purpose of its statutory undertaking and, accordingly, this representation is made under section 56 and sections 127 and 138 of the Planning Act 2008. National Highways 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 Planning Act 2008, 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 National Highways' undertaking. No other land is available to National Highways to remedy the detriment.	The Applicant notes National Highways response and refers to the Statement of Reasons [AS-021] paragraph 3.1.19 stating that the Applicant will use trenchless installation techniques under major infrastructure such as motorways and therefore does not intend to impact the land in a detrimental way.
2.55.7	National Highways also objects to all other compulsory powers in the Order that affect, and may be exercised in relation to, National Highways' property and interests.	The Applicant notes this objection.
2.55.8	In order for National Highways to be in a position to withdraw its objection, National Highways requires: (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 National Highways' 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 National Highways' statutory undertaking.	The Applicant will work proactively with National Highways to avoid any adverse impacts to assets and seek to allow NH to remove their objection. The Applicant will further discuss the inclusion of Protective Provisions in the DCO.
2.55.9	To safeguard National Highways' interests and the safety and integrity of the SRN, National Highways objects to the inclusion of the Compulsory Powers and any other powers affecting National Highways in the Order. National Highways requests that the Examining Authority treat National Highways as an Interested Party for the purposes of the Examination.	
2.55.10	If you require any clarification on the points raised, we can be contacted at PlanningandDevelopmentNorthWest@nationalhighways.co.uk	

Table 2-56 - Natural England (NE) – RR-065

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
	4.Part II	Natural England's detailed advice	
	International designated sites: Dee Estuary SPA/Ramsar; Mersey Estuary SPA/Ramsar; and National designated sites: Dee Estuary SSSI; Mersey Estuary SSSI		
2.56.1	1	<p>Impacts on functionally linked land - Wintering birds</p> <p>The following comments relate to details within the Habitats Regulations Assessment – Information to Inform An Appropriate Assessment (Document reference number D.6.5.6).</p> <p>There is reference to the Dee Estuary SAC within the text (4.2.1 and 6.2.7) in relation to birds however as this site is not designated for any bird features, we advise the text is updated accordingly.</p> <p>It is stated that bird surveys were carried out with a minimum of one visit per month throughout October to February and two visits per month during March to September. This is considered limited survey effort with regards to passage and wintering birds.</p> <p>Natural England has previously provided advice on bird survey methodologies to WSP on 11 February 2021, stating that wintering bird surveys are expected to include two surveys per month during October to March and passage surveys should include weekly visits between September to November (or March to May), surveys are to be undertaken at different tide states. We note that survey effort was increased for Transect 2 in the location of the River Dee crossing to two surveys per month.</p> <p>We advise further information is required within the HRA to explain the reduced survey effort and if sufficient additional data is available to enable a robust assessment of impacts to wintering birds.</p>	<p>The text citing the Dee Estuary SAC in relation to birds will be updated in future iterations of the HRA.</p> <p>As noted by Natural England, two surveys per month were completed between March 2021 and March 2022. In advance of the move to dual visits per month, single site visits were undertaken between December 2020 and February 2021, providing some additional survey data. The approach to the surveys is considered proportionate in the context of the DCO Proposed Development and the short term, temporary and localised works arising from construction. Transect 2 (along the River Dee) was subject to the most survey coverage given the potential for SPA qualifying species and its connectivity to the Dee Estuary SPA, with surveys completed at differing tidal states to ensure representative results.</p> <p>Given the volume of field survey results accrued across the survey period (2020 to 2022), the Applicant considers this sufficient to inform the Habitats Regulations Assessment (HRA) [APP-226] and its conclusions.</p>
2.56.2	2	<p>Impacts in on functionally linked land - Noise disturbance impacts on wintering birds</p> <p>We do not agree with the conclusions for the Mersey Estuary SPA/Ramsar and Dee Estuary SPA/Ramsar regarding noise disturbance to wintering birds. Additional detail is required regarding expected noise levels during works in close proximity to SPA birds in order to rule out impacts.</p>	<p>As detailed in paragraph 4.2.8 of the HRA [APP-226], the River Dee and its associated habitats (mudflats) were the primary location of interest for qualifying bird species of the SPA/Ramsar within the Order Limits.</p> <p>The DCO Proposed Development crosses the River Dee using specialist trenchless installation techniques. Table 2 of Appendix 15.2 - Noise and Vibration Assessment Assumptions [APP-145] identifies that the resultant noise levels at 10m from the trenchless installation techniques would be 82dB. The exit and entry pits would be located at least 16m from the riverbanks and also at an elevation change of approximately 2m (as detailed in the Evidence Supporting Conclusions of Tables 6.5/6.6 (Mersey Estuary</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			<p>SPA/Ramsar) and Tables 6.8/6.9 (The Dee Estuary SPA/Ramsar) of the HRA [APP-226]), potentially resulting in a small degree of attenuation. Following discussions with the noise specialist, the resultant noise levels at 16m (edge of the River Dee) are predicted to be approximately 78dB. As such, there is the potential that the noise levels would exceed the thresholds that may elicit a response from birds detailed in paragraph 6.2.10 of the HRA [APP-226].</p> <p>The crossing of the River Dee is short in duration and any disturbance would be temporary. There is also availability of sufficient alternative habitat resource along the River Dee to accommodate temporarily displaced birds. Due to the short-term, temporary nature of disturbance and availability of alternative habitat resource, Likely Significant Effects (LSE) were not concluded.</p> <p>However, on reflection and considering the approach taken in relation to LSE associated with lighting impacts on SPA qualifying birds using the River Dee corridor, the Applicant considers that the same approach will be applied to noise impacts. This impact pathway would therefore be taken through to Appropriate Assessment, where mitigation can be considered.</p> <p>Proposed mitigation for the control of noise emissions would include temporary noise screening methods, acoustic barriers and management, such as hoarding. As detailed within measure D-NV-009 of D.6.5.4 - Outline CEMP [AS-055], and as secured by Requirement 5 of the dDCO [AS-016], noise screening methods should achieve a minimum attenuation of 10dB.</p> <p>Following the implementation of mitigation and recognising the short-duration and availability of alternative habitat resource, it is considered that no adverse impact on the integrity of the SPA/Ramsar sites would occur.</p> <p>The Applicant proposes to update the HRA based on the above.</p>
2.56.3		We note that a distance of 300m is stated beyond which noise disturbance impacts are not expected to occur, however we advise this will depend on the type of works to be undertaken, and consideration should be given to any high disturbance works including piling and hydraulic breaking that may be required.	In relation to the 300m distance, the Applicant does not envisage a requirement for piling or hydraulic breaking at this time and no other high disturbance activities are anticipated. Any such requirement would be determined at the detailed design stage and a sensitivity test of the HRA would be undertaken, as secured by measure D-BD-067 set out in the Outline CEMP [AS-055] , and as secured by Requirement 5 of the dDCO [AS-016] .
2.56.4	3	<p>In-combination effects</p> <p>Appendix B of the HRA includes an In-combination Assessment Summary and considers other schemes that form part of the HyNet North West project, although some schemes have limited information available at this stage, we</p>	As further information becomes available from relevant projects this will be taken into consideration and, where necessary, updates made to relevant documents including consideration within the HRA.

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		advise that the in-combination assessment continues to be updated as more information becomes available. It is important that other schemes within the HyNet North West project are considered as fully as possible.	
		Protected Species	
2.56.5	4	<p>Impacts to otter</p> <p>We advise that all suitable otter habitat within 200m of the proposed works should be surveyed.</p> <p>The survey should be undertaken by an experienced otter surveyor, and should include a systematic search for spraints, paw prints, otter paths, slides, food remains, holts and places used for shelter. Guidance:</p> <p><u><i>NatureScot Protected Species Advice for Developers: Otter.</i></u></p> <p>Construction is likely to create temporary and short-term disturbance (through noise, vibration, and light) and displacement of animals through loss of suitable sheltering, foraging or commuting habitat during construction activities along and adjacent to watercourses.</p> <p>Natural England notes that there is likely to be direct loss of otter resting places as a result of permanent or temporary land take to facilitate construction, but no otter holts are currently identified within the Order Limits, however evidence of otter has been found within the Order Limits on three watercourses (Wepre Brook, Alltami Brook and the River Gowy).</p> <p>We have reviewed the sites within England, currently Groups 1-12 and are satisfied with the classification given at each site.</p> <p>Natural England notes that further surveys are to be completed for otter, we are unable to comment fully as final survey results have not yet been presented.</p>	<p>The Applicant can confirm that surveys for otter have taken place along watercourses and associated riparian/bankside habitat considered suitable to support the species following initial assessment. Surveys have been conducted by appropriately experienced surveyors along watercourses within the Order Limits and to 150m beyond the boundary, where access allowed. Through this approach a sufficient extent of watercourse and bankside habitat has been surveyed to inform the impact assessment. The Applicant has undertaken further surveys of watercourses with results detailed within Appendix 9.6 - Riparian Mammal Survey Report [AS-039]. Where access has not been possible or surveys have not been able to be completed, a precautionary approach has been applied and presence of otter assumed.</p> <p>The Applicant has completed a suite of surveys to establish the presence (or otherwise) of otter within and beyond the Order Limits, the extent of survey is considered appropriate to inform the impact assessment at this time in the absence of a detailed design stage for the DCO Proposed Development.</p> <p>Mitigation measures, as presented within the Outline CEMP [AS-055] as secured by the CEMP and LEMP (Requirement 5 and 11 of the dDCO [AS-016]), have been included to ensure that upon confirmation of a detailed design stage for the DCO Proposed Development, an appropriate survey effort is applied prior to commencement of construction to update baseline results and, where required, inform the need for further mitigation and/or licensing.</p>
2.56.6	5	<p>Impacts to water vole</p> <p>Water vole burrows are currently present within West Central Drain A, West Central Drain B, Hapsford Brook, Thornton Ditches, Thornton Main Drain and the River Gowy.</p> <p>Natural England notes that further surveys are to be completed for water vole.</p> <p>It is vital surveys are as accurate and as comprehensive as possible to gauge the size of the population of water voles likely to be affected. This population estimate is essential in order to ascertain how much compensation habitat will be required to adequately accommodate the water voles at receptor sites.</p>	<p>The Applicant can confirm that surveys for water vole have taken place along watercourses and associated riparian/bankside habitat considered suitable to support the species following initial assessment. Surveys have been conducted by appropriately experienced surveyors along watercourses within Order Limits and extended to 150m beyond the boundary, where access allowed. Through this approach a sufficient extent of watercourse and bankside habitat has been surveyed to inform the impact assessment. The Applicant has undertaken further surveys of watercourses with results detailed within Appendix 9.6 - Riparian Mammal Survey Report [AS-039]. Where access has not been possible or surveys have not been able to be</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		<p>We welcome the proposal for pre-commencement surveys in search of evidence/activity of riparian mammals (namely otter and water vole) in watercourses crossed by the proposed development, and those within an appropriate buffer of proposed works.</p> <p>Surveys should include all sections of watercourses within the Working Width, extending to 200m either side of the Working Width, as a minimum. Guidance Reference: The Water Vole Mitigation Handbook to confirm baseline conditions and mitigation proposals remain accurate or else inform requirements for new mitigation and/or licencing.</p> <p>At watercourses with confirmed water vole presence, a licence will be required to cover vegetation clearance as part of displacement method mitigation techniques, as per best practice guidance.</p> <p>Vegetation clearance can be completed between 15 February and 30 April inclusive or 15 September and 31 October under supervision of a licensed ecologist.</p> <p>We welcome the proposal that where culverts are to be installed, provision of mammal ledges to facilitate passage of mammals will be included, where practicable to provide safe passage for mammals.</p> <p>A further note on consistency within documentation – ensure that the Key within figure F9.6.1 is consistent with the Field Signs Table 5, we note for example EM1.1 which is noted as Water Vole burrow however on the map it is shown as 'other'.</p>	<p>completed, a precautionary approach has been applied and presence of water vole assumed.</p> <p>To facilitate construction, the displacement method is proposed, as recognised by Natural England. Given the relatively narrow working corridor and acknowledging that further efforts will be made to reduce the width of impacts at watercourse crossings, the short term and temporary displacement of water vole from a small section of any individual watercourse crossing into the retained waterways either side is considered appropriate and ensures no unnecessary removal of water vole from their home ranges.</p> <p>The Applicant is currently preparing draft licensing which will detail draft proposals for use of the displacement method, taking into account relevant vegetation clearance windows to be adhered to, and will seek to agree the principle of this licence with Natural England via the SoCG (document reference D.7.2.3). A full licence application will be submitted at the detailed design stage as set out in the Other Consents and Licences document [APP-046].</p> <p>The Applicant notes the query associated with EM1.1 in Figure 9.6.1 of D.6.3.9.6 – Appendix 9.6 - Riparian Mammal Survey Report [AS-039] and can confirm that this is not an error. EM1.1. highlights the location of a footprint of a small mammal. EM1.1. as per Table 5 cites a possible small mammal footprint. As the species could not be confirmed this has been included on both the water vole and otter figures.</p>
2.56.7	6	<p>Impacts to bats – Bat Activity Survey</p> <p>We welcome that bat surveys have been carried out during the 2021 and 2022 survey period, that more are planned, and that they broadly follow best practice guidelines. However, there are some areas that would benefit from further clarification to aid in a future EPSL application should one be required.</p> <p><u>Roost Designation</u></p> <p>Within the preliminary bat roost assessment surveys (Paragraph 2.3.1) there are 3 types of roost that the designations were grouped into; Maternity, /Transitional, and Hibernation. It is noted that within the scheme's definition of a Summer/Transitional roost, satellite roosts are included. Please be aware that, satellite roosts are viewed in the same way as impacting a Maternity roost would (timings of works and provided for loss of roost etc...).</p> <p>It is further noted that this is the only point in the survey report where Hibernation roosts are referred to. Further clarification on the hibernation potential of the</p>	<p><u>Roost Designation</u></p> <p>Satellite roosts will be considered as per BCT guidelines, where encountered. The Applicant recognises that satellite roosts are an alternative roost generally found in close proximity to a nursery colony used by either a few individual breeding females or small groups of breeding females during the breeding season (Collins, J. (ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn). The Bat Conservation Trust, London). However, to date, no satellite roosts have been recorded within the Order Limits (see Appendix 9.3 – Bat Activity Survey Report – Part 1 [AS-027]).</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		features onsite should be provided, and then further clarification on whether Hibernation surveys were carried out, if required per Best Practice Guidelines.	
		<p><u>Survey Methodology and Results</u></p> <p>It is welcomed that the survey methodology used has followed best practice guidelines where possible with regards to the presence/absence surveys.</p> <p>Within Annex E, Table 7 - Confirmed Bat Roosts, it is stated that T325-327 have potential emergences along the tree line. It is recommended that the scheme provide clarity on this as it develops- does this indicate individuals observing multiple trees within one survey or was this an incidental observation during surveys on individual trees? If the former, please provide clarity as to whether this approach was applied across additional tree surveys, or just this one occasion?</p>	<p><u>Hibernation surveys</u></p> <p>Hibernation surveys were not undertaken as they were considered disproportionate given the broadly short term, temporary and localised impacts associated with construction, whilst also acknowledging that the pipeline route is yet to be fixed until the detailed design stage.</p> <p>It can be considered that Moderate potential trees may offer hibernation potential for low or individual numbers of bats; with high and confirmed roosts offering hibernation potential for multiple bats.</p> <p>A requirement has been prescribed within the Outline CEMP [AS-055] as secured by Requirement 5 of the dDCO [AS-016] for update surveys of Moderate and High suitability trees to be completed prior to construction commencement, inclusive of vegetation clearance works (see D-BD-027 and D-BD-028 in Outline CEMP [AS-055]) as secured by Requirement 5 of the dDCO [AS-016]. The results of pre-construction surveys will inform the production of a Precautionary Working Method Statement (PWMS) which will cover land outside any licensable extents (D-BD-028), inclusive of a felling protocol to be developed at the detailed design stage. The felling protocol will detail an appropriate approach to the felling of trees within the hibernation period, where this is required.</p> <p><u>Survey Methodology and Results</u></p> <p>With regards surveys completed at T325-327, the Applicant can confirm that the potential emergence of brown long-eared bat was recorded during dusk emergence surveys of T325 and T327, with individual surveyors on each tree during the same evening. Due to the close proximity of T325, T326 and T327 it was not possible to wholly determine from which tree the potential emergence occurred. Tree surveys were conducted with a pair of surveyors observing individual trees; seldomly, where health and safety permitted and only a single feature was present on an individual tree, a single surveyor was utilised. Subject to the detailed design stage, further surveys will be undertaken where required to update baseline information and licensing requirements.</p>
		<p><u>Further Survey/Information</u></p> <p>The above comments are on the basis of all of the surveys carried out so far. It is highly recommended that the full survey effort on all potential roosting features</p>	<p><u>Further Survey/Information</u></p> <p>As per discussions with Natural England (7th July 2022 as referred to in the SoCG (document reference D.7.2.3)), further surveys were required during</p>

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		be carried out and added to the results. In addition, it would be beneficial to provide figures with the locations of the surveyors present, in addition to providing detailed statistics on the IR Camera's used (Resolution, Frames per Second etc...). Annex F – Table 8 and 9, should also contain timings of the surveys and the time of sunset/sunrise included.	<p>the preparation of the DCO Application. The results of these outstanding surveys are provided within the Bat Activity Survey Report [AS-027]. The Applicant would welcome comment on the Rev B report in due course. With regards survey effort, surveys have been completed in line with best practice guidelines (Collins, 2016), with two surveyors deployed at each tree. Where health and safety permitted and only a single feature was present on an individual tree, a single surveyor was utilised.</p> <p>With regards Annex F - Table 8 and 9 of Appendix 9.3 -Bat Activity Survey Report Part 2 [AS-029], Natural England's comments are acknowledged. Data associated with timings will be included within future iterations of the report.</p>
2.56.8	7	<p>Impacts to bats – Bat and Hedgerow Assessment</p> <p>We welcome that assessment surveys have been carried out and understand the limitations that have been caused due to land access restrictions, reducing the ability to carry out crossing point and static detector surveys.</p> <p>However, there are some areas that require clarification within the assessment.</p> <p><u>Discount Parameters</u></p> <p>In section 2.2.11 and Table 3 (including footnote), the scheme states that parameters were developed that discounted hedgerows with a BHSA score of good, excellent, or not assessed yet hedgerows from the survey requirements. Within this, one of the discount parameters is “Over 50% of hedgerow located within 50m of main roads”, where “Main roads” are defined by expert opinion from field ecologists, based on experience of the development, traffic and street lighting. It is recommended that the scheme provide further clarity on the parameters it used to define what a “main road” is, including consideration of expert opinion. This is because many roads are still used as flight corridors and linear features by bats, depending on their specific use. This information will thus provide important context as to whether “main roads” are a suitable discount parameter.</p> <p>In addition to this, due to how hedgerows have been defined (continuing past intersections if they continue in the same direction), further clarity on hedgerow range definition would be welcomed. Where sections of a single hedgerow outside of the established 50m range that meet an intersection and continue onwards (and thus still count as the same hedgerow as defined in the report)- have these been discounted, despite potential for bats to access it whilst not coming within the 50m range of the main road?</p>	<p><u>Discount Parameters</u></p> <p>During the scoping assessment, an aerial imagery review was undertaken of each of the hedgerow locations across the DCO Proposed Development; this was supplemented with site knowledge from ecologists in the field.</p> <p>The Applicant acknowledges that a number of parameters were set, however, these were guidelines only and each hedgerow was assessed individually. In terms of those hedgerows specific to the ‘main road’ assessment, to provide further clarification this included scoping out hedgerows where 50% of the hedgerow length or more was within 50m of an A-road, motorway and roads with substantial traffic movement and light pollution.</p> <p>As this was a case-by-case assessment, there were exceptions to the above. This review also retained hedgerows within the survey effort, based on hedgerow height and presence of hedgerow trees e.g., hedgerows >3.5m and/or with trees present, even if within 50m of a main road. For example, based on the above criteria, hedgerow 377 would have been scoped out as it is situated along a lit road, near housing; however, following individual assessment the hedgerow was scoped in for surveys, with the road comprising a green lane with deciduous woodland adjoining and ancient woodland within 320m.</p> <p>Hedgerows adjacent to smaller roads and lanes, with lower levels of traffic and/ or unlit, which could be used by commuting bats, were not scoped out based on presence of the road. If scoped out, these would have been scoped out on the basis of one or a number of other parameters.</p> <p>Separately, hedgerows running parallel with roads (bar those known to be used as access points, which were assessed independently), would have</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			<p>been scoped out as an assumption has been made that they will not be directly impacted by construction of the DCO Proposed Development.</p> <p>The intersect definition used was required to group hedgerows for assessment and allow a proportionate survey effort to be completed. It should be noted that where hedgerows have been grouped using the intersect assessment or other groupings, the conclusions for the area surveyed were extrapolated out to the remaining connected hedgerows also.</p> <p>For examples of these groupings and static placement, see Figure 9.4.3 (Annex A) – Appendix 9.4 - Bats and Hedgerows Assessment – Part 1 to 7 [AS-031 to 038]. As such, bat activity along intersected hedgerows has been recorded during the assessment and commuting bats taken into account.</p>
		<p><u>Static Detector Survey Methodology</u></p> <p>In paragraph 2.3.5 and 2.3.7, it is noted that the sound analysis carried out on the data collected by the surveys was done using an auto-analysis software and only 10% of data has been manually analysed. This is considered a limitation within the approach, as it renders species identification on a site less reliable, due to inaccuracy of the software (outside of Common and Soprano pipistrelle). That is to say, software identification often misses occurrences that human corroboration does not- such as when multiple species are passing at once, as only the loudest bat with the most calls is identified, or both/all bats are mis-identified entirely.</p> <p>Individual static detectors and grouped static detectors were deployed. It is recommended that the scheme provide the specific parameters that the statics covered, and whether this is extended to multiple hedgerows at once.</p>	<p>The 10% of data manually analysed only applies to the Quality Assurance (QA) checks. The QA was completed to confirm that none of the manually identified bat echolocation calls were mis-identified by the suitably experienced ecologists undertaking the manual data analysis.</p> <p>A manual check was completed on all calls that resulted in an automated identification of 'noise', 'no.id' and species which were not a Pipistrellus sp. Also, all Pipistrellus species calls with an identification confidence rating of 0.7 or below were subject to a manual analysis check. Manual checks were completed to confirm or alter the auto-identification.</p> <p>The random 10% QA was completed for all common and soprano pipistrelle calls with a confidence interval below 0.5 that were already subject to a manual check. A separate 10% random QA check for all other species and noise files was completed for all files which had already been manually analysed.</p> <p>Where relevant, static detectors were grouped to cover a number of hedgerows at once with static detector locations and hedgerow groupings illustrated in Figure 9.4.3 (Annex A) of D.6.3.9.4 – Appendix 9.4 - Bats and Hedgerows Assessment – Part 1 [AS-031].</p> <p>This grouping occurred where continuous flight lines were possible. Therefore, it is considered that results of the static detector location could be extrapolated out for the adjoined hedgerows. Where hedgerows have been grouped using the intersect assessment or other groupings, the conclusions for the area surveyed were extrapolated out to the remaining hedgerows also.</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		<p><u>Field Survey Methodology</u></p> <p>In paragraph 2.4.4 it is stated that further surveys will be carried out if DEFRA thresholds were met. While it is noted that applying DEFRA methods to 60 mins of survey effort instead of 90 was discussed in August 2021, please note that- as discussed in this advice- further information on the justification for this approach would be welcomed alongside any reference to the modifications applied. For example, where these thresholds were proportionately reduced to reflect the reduced survey effort? The scheme also state that survey timings were also subject to change dependent on the presence of Annex 2 species. Further information on the specifics of this change would also be welcomed in this explanation.</p>	<p><u>Field Survey Methodology</u></p> <p>Original DEFRA assessments (Berthinussen & Altringham, 2015 - Berthinussen & Altringham (2015) WC1060 Development of a Cost-effective Method for Monitoring the Effectiveness of Mitigation for Bats Crossing Linear Transport Infrastructure & Berthinussen & Altringham (2015) Appendix G. Local effects of transport infrastructure & mitigation: Best practice survey protocol and data analysis) were completed over a 90-minute period, however, as part of the research, it was concluded within the local scale methodology (page 13 of the guidance) that the survey time will be reduced to 60-minutes. This is further set out within Appendix G of the guidance documents. Therefore, the 60-minute survey completed to inform the HyNet assessment is in line with the current DEFRA guidelines.</p> <p>These methods were developed to inform monitoring standards for linear infrastructure schemes with an operational impact. For linear infrastructure schemes with a collision risk during operation, it is important to note where bat passes would be considered as safe when crossing the linear scheme. However, as the DCO Proposed Development results in short term, temporary and localised construction impacts only and there will be no operational collision risk, the safe and unsafe assessment is not relevant. Fieldnotes collected were restricted to defined 'use' of hedgerows and not the defined safe and unsafe passes.</p> <p>This is detailed within the data analysis methods of Section 2.4 of D.6.3.9.4 – Appendix 9.4 - Bats and Hedgerows Assessment – Part 1 [AS-031] and is the only modification to the DEFRA methods.</p> <p>Extending the survey timings to account for the presence of Annex II species was originally taken into consideration, however, this was not incorporated as part of the methodology.</p> <p>It is considered that extending the length of the crossing point surveys to take account of the behaviour of Annex II species would not alter the mitigation principles (as prescribed within Items D-BD-031, 032 and 033 of the Outline CEMP [AS-055]) as secured in the CEMP and the LEMP (Requirement 5 and 11 respectively of the dDCO [AS-016]) linked to each hedgerow category.</p> <p>However, the presence of Annex II species will influence the mitigation principle utilised on each hedgerow, which has been taken into account via the recorded presence of these species and woodland adapted species on the automated static detectors. This has influenced a hedgerows Bat Habitat</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			<p>Suitability Assessment (BHSA) category and therefore has the potential to influence the final mitigation principle adhered too.</p> <p>Additionally, at the point that the Annex II species were assessed as being present from the recordings, a number of crossing point surveys had already been completed. As per the DEFRA guidelines, any change to the methods would need to be undertaken for all hedgerows across the Order Limits. Altering the approach at that point and repeating surveys was not considered proportionate, given that it would not alter the mitigation principles utilised for each hedgerow.</p>
		<p><u>Static Survey Results/Progress</u></p> <p>The early results for the static deployments have highlighted the presence of a potential number of vulnerable, woodland-adapted species, and Annex 2 species present on the site. Any further information on whether this has been used to update and improve the design of the crossing-point surveys proposed (in line with previous feedback of the length of surveys needing to be lengthened should these species be found on the site) would be welcomed.</p> <p>In Annex F, please note that weather data from the deployments should be included in future submissions of the report (e.g., Rain, Wind and Temperature).</p> <p>We welcome that pre-commencement surveys will be carried out to update baseline surveys during the bat survey season (May-August inclusive) and prior to construction commencement. These should follow Best Practice Guidelines where possible.</p> <p>Further to this we also welcome the use of faux hedgerows to maintain linear features and minimise fragmentation and isolation during the construction phase of the development. It is noted that the faux hedgerows will be maintained until the “excellent” hedgerow replacement planting has been established and planting of “good” hedgerow completed. We note this could imply the risk that for a portion of time, there will be potentially no established hedgerow in place for the “good” hedgerows, which constitute a significant proportion of sites hedgerows. As the scheme develops, we recommend further clarity on whether this is the case, and if so, how the loss of the hedgerow during this time will be mitigated for.</p>	<p><u>Static Survey Results/Progress</u></p> <p>Section 2.4 - Appendix 9.4 - Bats and Hedgerows Assessment – Part 1 [AS-031] sets out the criteria for defining which hedgerows were subject to the DEFRA crossing point surveys. The activity levels recorded of all species including both potentially woodland-adapted species and the presence of Annex II species was used to justify the requirements of this next stage of assessment.</p> <p>For further clarification on the approach to DEFRA crossing point surveys please refer to the above comments, specifically under Field Survey Methodology.</p> <p>Static detectors were recording at set locations on a rotational basis within the Order Limits with this rotation of statics undertaken on a monthly basis. Due to the number of hedgerows requiring static deployment, it was not possible for all hedgerows to have statics deployed in a single month. Therefore, all locations were surveyed rotationally over the two-month period of that ‘season’. Therefore, on a project scale assessment, it is considered that static data collected would be subject to variances in weather across the entirety of the monitoring period, as such weather data was not recorded for each individual static deployment. Given this, it is considered that any deviations in activity recorded would be ‘balanced out’ and therefore not considered a limitation to the assessment.</p> <p>The Applicant welcomes Natural England’s agreement to proposed pre-commencement surveys and use of faux hedgerows.</p> <p>Opportunities to reduce the amount of hedgerow removal required at each hedgerow crossing will be explored at the detailed design stage and during construction; with the smallest practicable width of hedgerow removal possible prioritised to facilitate construction of the DCO Proposed Development.</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			<p>As prescribed within items D-BD-031 and 032 of the Outline CEMP [AS-055] as secured by the CEMP and the LEMP (Requirement 5 and 11 respectively of the dDCO [AS-016]), where open cut trenching results in loss of sections of good or excellent assessed hedgerows, artificial (faux) hedgerow measures will be employed during construction to maintain the 'structure' of hedgerows to ensure bat foraging and commuting routes are not adversely impacted during works. Artificial hedgerows will be utilised following removal of hedgerow sections throughout the construction period and until such time that reinstatement planting has been completed for good hedgerows. Hedgerows directly impacted as a result of construction will be reinstated within 1 year of impact. During the construction period and until planting the connective corridor will be retained.</p> <p>Following the above, all hedgerows subject to hedgerow loss will be reinstated with native species of local provenance in-keeping with the overall species compositions of hedgerows. Reinstatement will comprise a combination planting of whips and standard-sized shrubs. Planting shall be selected in order to match, as close as possible, the height of any adjacent retained hedgerow. Therefore, all 'good' hedgerows, whilst not reinstated to the condition of pre-construction, will be designed to have the planting provide immediate structure and connectivity, facilitating bat commuting and foraging. Further details of planting regimes and faux hedgerows design and use will be developed at the detailed design stage.</p>
2.56.9	8	<p>Impacts on great crested newt</p> <p>Is it noted that the scheme combines the use of licensing in Wales, District Level Licensing (DLL) in England, and traditional bespoke licensing in the section of the scheme in England where DLL's red zone is in operation. The following comments pertain to those ponds within England's DLL red zone, to be licenced under traditional bespoke licensing, unless otherwise stated.</p> <p>The following comments related to Appendix 9.2 Great Crested Newt Report Volume III (Document reference number D.6.3.9.2).</p> <p><u>HSI Surveys</u></p> <p>The proposed HSI survey methodology broadly follows best practice guidelines published in The Great crested newt Mitigation Guidelines (GCNMG). Natural England's Wildlife Licensing Service had previously given advice (dated 15th March 2021) that, when applying for a bespoke EPS mitigation licence, HSI survey methodology should always be used in combination with presence/absence surveys and- where likely absence is not established-</p>	<p>The Applicant welcomes Natural England's comments regarding the approach to HSI surveys.</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		population size class surveys. The scheme's acknowledgement of this under section 2.7.6 is welcomed.	
		<p><u>Presence/Absence Surveys</u></p> <p>The proposed presence absence survey methods outlined in section 2.5 align with best practice and are welcomed.</p> <p>However, under notes and limitations in section 2.7.5, the scheme details that some presence/likely absence surveys were undertaken in temperatures below 5°C, which deviates from best practice.</p> <p>The scheme details that, "as alternative methods were used, e.g., torching, netting, refuge search, egg search, the surveys are considered valid". Please note that, as described in our email of 28/03/2022 to the consultants, WSP, Natural England do have concerns about the validity of data collected in temperatures colder than 5°C. In section 5.6.3. of the GCNMG, it is explicitly stated the Torch survey results are highly variable in temperatures lower than 5°C. Further to this, as an ectothermic (cold blooded) species, GCN are less likely to be active during colder temperatures, rendering survey results from methodologies such as netting and refuge search less valid in colder temperatures.</p> <p>Please note that in support of a GCN mitigation licence application, surveys where this was the case should be clearly marked, and the scheme should provide further information as to why these surveys could not be conducted in optimum conditions, and how these constraints will be accounted for in consideration of results and approaches.</p>	<p>A small number of surveys were conducted during suboptimal temperatures – specifically surveys completed on ponds on 12th April 2021 where the temperature was 3°C. Alternative methods were utilised comprising combination of three of the following: netting, torching, egg search or refuge search. All other surveys of these ponds were conducted during optimal temperatures (5°C or above), with surveys conducted before and after the survey where temperatures were at 3°C. Therefore, the overall results of surveys, likely absence of great crested newt, are not considered to have been adversely impacted. The Applicant welcomes Natural England's advice on accounting for the approach to surveys and will ensure this is realised within any future mitigation licence application.</p>
		<p><u>Population Size Class Assessments</u></p> <p>The proposed population class survey methods outlined follow some best practice, in that a total number of 6 surveys were to be conducted. However, it should be noted that the best practice guidelines detail that population size class assessment should be undertaken using torch survey and bottle trapping for ponds, so that a count of GCN in ponds may be made. Please ensure that any population size class assessments (to be undertaken following established GCN presence) will be made using these methods.</p> <p>For any population size class assessments which have already been attempted, and cannot be repeated, the scheme may wish to consider utilising the information they have available to come up with a "reasonable maximum scenario" of GCN population size class under licensing policy 4 (further guidance linked here).</p>	<p>The Applicant welcomes Natural England's advice regarding applying a "reasonable maximum scenario" of GCN population size class utilising licensing policy 4. Whilst the Applicant will endeavour to provide all necessary information to support any licence application, where necessary and justified the Applicant will utilise this alternative approach.</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		<p><u>Results</u></p> <p>As noted above, this scheme combines 3 licensing regimes (Licensing in Wales, District Level Licensing [DLL] in England, and Bespoke Mitigation Licensing in England) in this approach. While Table 6 differentiates between waterbody survey results in Wales and waterbody survey results in England, it is recommended that waterbody survey results in England are further sub-divided by those within DLL, and those which fall under bespoke mitigation licensing (red zone). This will allow a thorough assessment to be made of all survey results in Table 6 pertaining to waterbodies within the red zone.</p> <p>In section 2.7.7, the scheme notes that ponds on Chester Zoo make use of data collected by the zoo for monitoring purposes, so as not to over-trap these water bodies. While data sharing to prevent over-trapping is generally welcomed, surveys on ponds 166, 167, 168, 169, 170, 171, and 172 unfortunately do not follow best practice guidelines for the purposes of informing development, given these were typically subject to one, although in some cases two, survey methodologies.</p> <p>Therefore, although presence has been confirmed at waterbodies 166, 167, 169, and 171 respectively, the survey information currently provided is not enough to confirm likely absence at waterbodies 166, 168, 170, and 172 respectively. Further to this, the survey effort at 166, 167, 169, and 171 is not sufficient to predict population size class in these ponds. The scheme may wish to consider further survey effort in collaboration with Chester Zoo, which adheres to the best practice guidelines for development mitigation, while also preventing double-trapping of newts.</p> <p>In this case, the risk of not having sufficient data to adequately predict the scheme's impacts on GCN is considered higher than the risk of over-trapping.</p> <p>Ponds 27, 47, 48, 49, and 52 were subject to public health and safety/ access constraints to surveying ponds as described in section 2.7.11 and 2.7.12. These constraints are appropriately addressed by combining further information and treating these waterbodies as likely present, described within 2.7.13.</p> <p>Upon review of the information in Table 2, Section 2, and Table 8 (Annex C), the following is noted:</p> <ul style="list-style-type: none"> • The surveys conducted on waterbodies 43, 45, 46 are broadly conducted within best practice guidelines and deemed acceptable surveys • Waterbodies 51 and 53 appear to have had some constraints around turbidity, please note that further justification as to the validity of these surveys, and 	<p>As presented within Chapter 9 – Biodiversity [AS-025] and the Outline CEMP [AS-055] as secured by the CEMP and LEMP (Requirement 5 and 11 respectively of the dDCO [AS-016]), item D-BD-044 details those ponds with confirmed or precautionarily assumed presence that will require an EPS licence as prescribed in Other Consents and Licences document [APP-046] to facilitate construction of the DCO Proposed Development. The Applicant notes Natural England's comment regarding presenting which ponds would fall under District Level Licensing or an EPS licence and will provide further clarity on this in a further iteration of the reports.</p> <p>As prescribed within item D-BD-006 of D.6.5.4 – Outline CEMP [AS-055] as secured by the CEMP and the LEMP (Requirement 5 and 11 respectively) of the dDCO [AS-016]), the need for further surveys and assessments will be judged upon confirmation of a detailed design stage. As such the need for additional surveys of ponds within Chester Zoo land will be assessed against the detailed design stage, and appropriate further survey effort undertaken (in collaboration with Chester Zoo) to inform an EPS licence as prescribed in Other Consents and Licences document [APP-046]. Natural England's comment on regarding the weighing up of further surveys against double-trapping of newts is acknowledged by the Applicant.</p> <p><u>Review of Table 2, Section 2, and Table 8 (Annex C)</u></p> <p>The Applicant welcomes Natural England's comments and can confirm that upon confirmation of the detailed design stage, the need for further surveys will be assessed at the detailed design stage (as described above) to ensure all necessary and relevant information to inform licensing is acquired.</p> <p>Where constraints to surveys or deviations from best practice are necessary, these would be fully detailed with appropriate justifications provided within any licence application. Additionally, appropriate and reasoned approaches to the assessment of individual ponds will be detailed within any EPS licence application as prescribed in Other Consents and Licences document [APP-046] taking into account Natural England's advice regarding consideration of the metapopulations and interactions between DLL and non-DLL ponds.</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		<p>how the results would be interpreted in light of this constraint, would likely be required in support of a bespoke licence application.</p> <ul style="list-style-type: none"> Waterbodies 47 and 52 had some surveys undertaken, but following constraints outlined in 2.7.11 and 2.7.12 respectively, have been assessed in combination with other information as likely present in 2.7.13. This is an acceptable approach. Waterbody 127 appears in Table 8 to have had fewer methods used during its last two surveys than best practice advises, but Table 2 provides some insight into why this might be. In a licence application, it is recommended that a clear line of ecological justification is provided per pond. Water bodies 54 and 112 dried out in April, before any GCN presence had been recorded. Please note that desk or multiple years' data should be utilised in cases like these in order to justify whether this is a typical or rare occurrence and design an approach accordingly. For the reasons outlined above, surveys at Chester Zoo waterbodies 166, 167, 169, and 171 are sufficient to confirm GCN presence, but not determined population size class. Also, for reasons outlined above, surveys at Chester Zoo waterbodies 166, 168, 170, and 172 are not sufficient to confirm GCN absence. <p>It is recommended that any bespoke licence application clearly outlines the approach to that bespoke EPS Mitigation licence, DLL, and the survey buffer/ logic applied to ponds within the red zone.</p> <p>Please note that for ponds within the red zone, survey effort should take into account the metapopulations of any ponds within the red zone and prevent fragmentation of these as far possible. Metapopulations can be anticipated for ponds within 250m-500m of one another provided there are no barriers to dispersal. This consideration should apply to all ponds within 500m where there are no barriers to dispersal- regardless of whether they are inside or outside the red zone. In this way, there may be ponds within 500m of the scheme's red DLL zone footprint where the scheme's impact on the pond is mitigated for within DLL, but the scheme's impact on metapopulations within a bespoke licence will still need consideration.</p>	
		Soils and Best and Most Versatile Agricultural Land	
2.56.10	9	Loss of BMV land	Following the completion of the ALC survey [APP-133 to APP-134] potential changes to the route were assessed against ALC grades and where reasonably practicable, the route alignment was amended to avoid BMV land.

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		<p>Based on the information provided, it appears that the proposed DCO area comprises 540 ha of agricultural land, including 278 ha classified as 'best and most versatile' (BMV) (Grades 1, 2 and 3a in the Agricultural Land Classification (ALC) system) (this is increased to 339.9 ha when including Predictive (Wales) and Provisional (England) ALC Grades for 81.9 ha of surveyed agricultural land; where Provisional ALC Grade 3 land has been divided evenly between Subgrade 3a and 3b).</p> <p>We understand that, of the 339.9 ha of BMV land which will be affected by the proposals during construction, 19.129 ha of this will be lost for the lifetime of the development.</p> <p>The land take figure provided in Table 11.12 'Construction Stage assessment of significant effects' (1.37 ha BMV) (Chapter 11 – Land and Soils D.6.2.11) does not correspond with Table 11.7 'Hectarage of permanently sealed agricultural land' (19.129 ha), although we acknowledge that the area presented in Table 11.7 would not alter the magnitude of impact and overall significance presented in Chapter 11.</p> <p>Having reviewed the ALC surveys provided within Appendix 11.4 and the residual assessment of effects provided within Chapter 11, we agree with the general conclusions presented.</p> <p>Natural England provided comment on the English Section of the HyNet Pipeline ALC and Soil Resource Report in August 2022, and as such, we have no further comments on Appendix 11.4. The land surveyed in Appendix 11.5 ALC and Soil Resources (Block Valve Stations) Report are all located in Wales, and therefore is not discussed in this response.</p> <p>Paragraph 11.2.10 should include reference to BMV agricultural land. National planning policy relevant to agricultural land and soils is set out in Paragraph 174 of the National Planning Policy Framework which states that:</p> <p>'Planning policies and decisions should contribute to and enhance the natural and local environment by:</p> <p>protecting and enhancing [...] soils (in a manner commensurate with their statutory status or identified quality in the development plan);</p> <p>recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.'</p> <p>Natural England welcome that soils supporting BMV agricultural land will be avoided as far as practicable set out in D-LS-007 of the REAC (Document</p>	<p>Chapter 4 Consideration of Alternatives [APP-056] of the 2022 ES provides an overview of how key environmental designations and environmental features, including BMV land, were fed into the iterative design process using constraints mapping and avoided where possible.</p> <p>The Applicant has commissioned a Soil Management Plan [APP-227] which will mitigate any disturbance to BMV land (with the exception of the permanent loss area) by providing appropriate direction with regards to procedures required for soil stripping, storage and replacement.</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		reference: D.6.5.1). However, it is not clear how the route option or site design has been devised to help minimise this loss of BMV agricultural land nor minimise the disturbance of peat soils.	
2.56.11	10	<p>Material Management Plan</p> <p>Soil is a finite resource which plays an essential role within sustainable ecosystems, supporting a range of ecosystem services, including storage of carbon, the infiltration and transport of water, nutrient cycling, and provision of food.</p> <p>It is recognised that a large proportion of the agricultural land affected by the development will experience temporary land loss or disturbance and will be restored to the baseline ALC grade (largely as a result of the pipeline trenching). In order to both retain the long term potential of this land and to safeguard all soil resources as part of the overall sustainability of the whole development, it is important that the soil is able to retain as many of its many important functions and services (ecosystem services) as possible. This can be achieved through careful soil management and appropriate, beneficial soil re-use, with consideration of how adverse impacts on soils and their functions can be avoided or minimised.</p> <p>Natural England welcomes the commitment to produce a Materials Management Plan (MMP) which will provide a clear process to enable the reuse of excavated material without it being classified as a waste and outline a cut / fill balance to reduce the amount of material permanently removed during the construction of the Proposed Development. As set out in the Defra Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (publishing.service.gov.uk), a Soil Resource Plan should feed into this MMP to describe how the applicant intends to manage excavated materials.</p>	A Soil Management Plan will be delivered in line with REAC commitment D-LS-007 [AS-053] as secured by Requirement 5(2)(f) of the dDCO [AS-016] . A Materials Management Plan will be delivered in line with REAC commitment D-LS-006 [AS-053] as secured by Requirement 5(2)(e) of the dDCO [AS-016] . It is anticipated in line with good practice that the Soil Management Plan will form a key part of, and provide input into, the preparation of the Materials Management Plan.
2.56.12	11	<p>Soil Management Plan</p> <p>Natural England welcome the production of an outline Soil Management Plan (SMP) and the commitment to produce an SMP as part of the detailed CEMP. The SMP should consider the soil handling resiliencies of all soils within the alignment of the Newbuild Carbon Dioxide Pipeline not just those supporting BMV agricultural land.</p> <p>Soil handling discussed in the Outline LEMP (Paragraph 3.1.3), should make reference to the Outline SMP and the Defra Construction Code of Practice to ensure consistency across the DCO.</p>	The Applicant will update the Outline Soil Management Plan [APP-227] to address these points.

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		<p>A Soil Management Plan (SMP) (Outline CEMP Appendix 1 Outline SMP) has been prepared and submitted; however, a number of deficiencies have been identified as follows:</p> <ul style="list-style-type: none"> • The outline SMP draws on the Defra Construction Code as a source of key guidance. In addition, detailed Soil Resources Plans should be produced by the Contractor for each part of the HyNet CO₂ Pipeline project in line with the Defra Code. It is expected that soil data collected as part of the ALC surveys will be re-used to develop the Soil Resources Plans, including providing plans of the soil handling units; soil volumes, location of stockpiles; and restoration criteria. • The loss of BMV land can only be considered temporary if it can be restored back to its original quality. The Outline SMP needs to be clearer that the aim is for BMV agricultural land to be returned to its original quality (Section 5.4. and Section 6). For example, this could be actioned by a target specification for the restored soils according to location and soil types, end use and required ALC grade. • The scope of the Outline SMP should also include the monitoring of all soil handling activities, not just at the stockpiling stage. • Areas of land which have not been surveyed due to access issues which will be subject to disturbance as a result of the proposed development should be surveyed prior to construction, with the soil and ALC information feeding into the detailed SMP (Paragraph 2.2.2.) • The Outline SMP should distinguish between topsoil, subsoil (upper and lower subsoil, where appropriate), and the basal material[1]. These soil resources all need to be handled and stored separately and replaced in sequence. Soil balance calculations should reflect this (Paragraph 2.2.4.). • The current excavation volumes estimated includes materials below the topsoil, extending to a depth of up to 6 m to be subsoil, however this material would include both subsoil and basal material. It is important that the excavation of these differing materials is undertaken separately, that they are stockpiled separately, and reinstated in the same order in which they were excavated to restore the soil profile. This needs to be reflected in Tables 3.2, 3.4 and 3.6. • Data on the laboratory assessment of particle size (PSD) is provided in the ALC Report (Reading Agricultural Consultants (2022) HyNet Pipeline ALC and Soil Resources); however, information is also needed about how this limited 	

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		<p>point information has been used in identifying soil texture for the wider site as presented in Annex B (Paragraph 3.2.1).</p> <ul style="list-style-type: none"> Any surplus material should be beneficially re-used on site where possible. If utilised in re-profiling, the changes to the soil profile (i.e., soil horizon depths, available water capacity etc) and subsequent ALC grade would need to be considered and presented in the detailed SMP to demonstrate that the re-use was indeed a benefit and would not result in a degradation of the soil profile or ALC Grade (Paragraph 3.4.5.) Detail needs to be provided on how bank or drainage ditch backfilling would be undertaken, to demonstrate this is an appropriate re-use of the soil material (Paragraph 3.4.7.) Soil stockpiles should be split into different soil types for the topsoil, upper subsoil, lower subsoil and basal material. The proposed location of these stockpiles should be provided in this Outline SMP (Paragraph 4.1.4). Soil stockpiles should be labelled and mapped (including soil type and volume) to facilitate appropriate reinstatement (Paragraph 4.5.2) The plastic limit should be determined through the use of the Wetness test as presented in Supplementary Note 4 IQ Soil Guidance full document including all practitioner advice updated May 2022.pdf (hubspotusercontent-na1.net). BS 1377-2:2022 details the geotechnical laboratory soils test methods and is therefore not appropriate in this context (Paragraph 4.2.3). Inappropriate soil handling can damage the soil structure, not the inherent soil texture. The risk of soil structural damage increases when the soils are handled when wet, this includes an increased risk of compaction (Paragraph 4.4.5. Bullet 5). Whilst reference has usefully been made to the Defra Construction Code in paragraph 4.4.1, for clarity, the plant type to be used for each element of soil handling should be specified in the subsequent appropriate sections. Any decompaction or remediation activities should be undertaken when the soils are in a suitably dry condition. 	
2.56.13	12	<p>Peat Management Plan</p> <p>Natural England welcomes the production of an outline Peat Management Plan (PMP) and the commitment to produce a detailed PMP as part of the detailed CEMP.</p>	<p>The Applicant will update the Outline Peat Management Plan [APP-228] to address the advisory points as acknowledged.</p> <p>The Applicant has prepared a draft SOCG (document reference: D.7.2.3) with Natural England to show the areas of agreement and those under discussion.</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		<p>The consideration of the potential impact of the development on peat soils is important, particularly with regards to their ability to store high quantities of carbon. Considerations regarding peat impacts should include the context of the peat and surrounding areas to ensure hydrological integrity can be maintained.</p> <p>An Outline Peat Management Plan (PMP) (Outline CEMP Appendix 2 Outline PMP) has been prepared and submitted with the application; however, a number of concerns have been identified as follows:</p> <ul style="list-style-type: none"> • The PMP should also utilise the data derived from the ALC and soil resource survey. For example, auger cores 62 – 69 identify clear organic and peaty loam horizons, which can be used to inform stripping depths and volumes. • The limitations set out in paragraphs 2.2.2 and 2.2.3 could in part be reduced through the use of the ALC core data. This is briefly referred to in paragraph 3.1.5. • Shallow water table identified at 1.15m below ground level (para 3.3.3.) in peat area 2 could be an issue for trenching and pipeline installation. The depth of the open trench is assumed to be 3 m (within a range of 2.5 and 6 m) (Para 3.4.3) • Paragraph 3.4.3. Ince AGI (Peat area 1) Is this peat soil a suitable platform for construction? <p>Natural England will continue to review the PMP and expects to provide further comments in addition to those above via our discussions with the applicants and the development of a SoCG.</p>	<p>The SOCG includes a table entry covering the latest discussions on the Outline Peat Management Plan.</p>
		Biodiversity net gain	
2.56.14	13	<p>Achievement of Biodiversity Net Gain objective</p> <p>Natural England welcomes the proposed commitment to achieving biodiversity net gain and use of the appropriate Biodiversity Metric.</p> <p>Natural England welcomes that further enhancement opportunities will be explored; these are strongly encouraged where possible.</p> <p>We advise that the identification of suitable local off-set sites is undertaken in liaison with LPAs and Cheshire Wildlife Trust.</p> <p>Natural England welcomes further consultation on the updated Biodiversity Net Gain report that the applicant will submit following confirmation of the land to be used to evidence an overall net gain in Priority Habitats.</p>	<p>The Applicant welcomes Natural England's comments and can confirm that discussions are on-going with local interested parties and landowners, including Cheshire West and Chester Council, to achieve suitable and local off-set site locations, with a view to detailing the results of such discussions in future iterations of the Biodiversity Net Gain Report [APP-231 to 236]. The Applicant can also confirm that a LEMP will be developed at the detailed design stage to capture monitoring and management of reinstated, restored and created habitats as appropriate, as secured by Requirement 11 of the dDCO [AS-016]. It is envisaged that those habitats restored or created as part of BNG will be subject to long term management in line with current BNG Guidelines, with a management and monitoring of period of 30 years to be considered.</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		<p>We note any retained/reinstated and created habitats are subject to long term management and monitoring as part of a LEMP, we encourage consideration that this covers a period of at least 30 years.</p> <p>There are minor points that should be addressed within the documentation for clarity, and these include:</p> <ul style="list-style-type: none"> Figures 1 and 2 are referenced throughout the document but not labelled appropriately in the report. 1.2.1 it is noted that hedgerows were also frequently present. Table 2.1 Footnote 3 regarding 'relevant local strategy' is missing. Table 2.2 Quantitative Outcomes of BNG calculations – We note that for 100% of baseline value the predicted scheme- wide outcome should state no net loss or net gain of biodiversity. 	<p>The figures accompanying Biodiversity Net Gain Report (Parts 1 to 3) [APP-231 to 233] will be updated with relevant titles within future iterations of the document.</p> <p>The Applicant acknowledges the absence of hedgerows within the list in paragraph 1.2.1. Whilst the list provided is not intended to be exhaustive, we will ensure to include hedgerows within the list in future iterations of the report.</p> <p>The Applicant will rectify the absence of Footnote 3 regarding 'relevant local strategy' within future iterations of the report.</p> <p>The Applicant disagrees with Natural England's suggestion that 100% baseline value should be interpreted as No Net Loss or Net Gain of Biodiversity. 100% of the baseline value does not constitute an exceedance of the baseline and therefore does not constitute a gain.</p>

Table 2-57 - Natural Resources Wales (NRW) – RR-066

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
1.	Introduction		
2.57.1	1.1	<p>NRW have identified key concerns relating to the following matters, as set out in the Environmental Statement (ES):</p> <ul style="list-style-type: none"> Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 ("the WFD Regulations 2017") <p>Flood Risk</p>	<p>The Applicant has drafted a SoCG with NRW submitted at Deadline 1 (document reference: D.7.2.4) and further discussion with NRW on these topics will be captured in further iterations of this document which will be updated throughout the Examination.</p>
2.57.2		<p>The above matters are those that require amendments to the scheme, substantial additional information, or a revised Development Consent Order ('DCO'). The topic headings for these matters are marked "Key Concern" in the relevant sections below.</p>	
2.57.3		<p>We also provide comments below on matters that may need minor amendments and / or clarification. These are matters that we can provide further details on in our Written Representations and / or can be addressed in our ongoing dialogue with the Applicant in the preparation of our Statement of Common Ground (SoCG).</p>	<p>The Applicant has drafted a SoCG submitted at Deadline 1 (document reference: D.7.2.4) and further discussion with NRW on these topics will be captured in further iterations of this document.</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant’s Response
2.57.4	1.2	NRW shall continue to provide advice to the Applicant on all the required matters, through correspondence and meetings, with the aim of reaching as many positions of agreement and common ground as possible prior to the examination of the proposals. Our Relevant Representation is based solely on the information provided within the application documents. Any changes in our position will be reflected in our full Written Representation and SoCG.	The Applicant welcomes NRW’s comments and looks forward to engaging in this matter further.
2.57.5	1.3	NRW has reviewed the DCO submission and, notwithstanding our key concerns and other issues raised in this representation, consider the submission, on balance, to be comprehensive and of a good quality. NRW is pleased to note that many of our previous concerns, as raised during the pre-application process, have been appropriately addressed.	
2.57.6	1.4	Our comments are made without prejudice to any further comments NRW may wish to make in relation to this application and examination whether in relation to the ES, provisions of the draft DCO and its Requirements, SoCG or other evidence and documents provided by Liverpool Bay CCS Ltd. and their consultants (‘the Applicant’), the Examining Authority or other interested parties. The following paragraphs comprise our Relevant Representation as a Statutory Party under the Planning Act 2008 and Infrastructure Planning (Interested Parties) Regulations 2015 and as an ‘interested party’ under s102(1) of the Planning Act 2008.	
2.57.7	1.5	In addition to being an interested party under the Planning Act 2008, NRW exercises functions under distinct legislation including (but not limited to) the Environmental Permitting (England and Wales) Regulations (EPR) 2016 (as amended) and the Marine and Coastal Access Act (MACAA) 2009. For the purpose of clarity, comments from NRW Regulation and Permitting Service are titled as such, and include comments in Annex A. We provide a comment on NRW’s general purpose in section 2.	
	1.6	Water Framework Directive (WFD) – Key Concern	
2.57.8		The following comments are based on our review of ES Appendix 18.3: Water Framework Directive Assessment (APP-165).	
2.57.9		<p>We would advise that in our view the WFD compliance assessment does not contain sufficient detail or confidence that compliance with the WFD Regulations 2017 can be reasonably assured, in particular:</p> <ul style="list-style-type: none">There is insufficient evidence to agree that "potential construction and operation impacts are unlikely to cause a deterioration in the status of quality elements or overall	The Applicant has undertaken the WFD compliance assessment in accordance with good practice guidance [APP-165] . The WFD assessment has been undertaken by suitably qualified and chartered technical specialists with extensive experience with WFD compliance and therefore the Applicant considers that sufficient information has been provided.

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		<p>status at the Wepre Brook water body scale with the mitigation within the CEMP, REAC and monitoring measures implemented" (para. 5.5.7), and;</p> <ul style="list-style-type: none"> There is insufficient evidence to agree that "The DCO Proposed Development therefore would not compromise the ability of the water bodies potentially impacted to achieve Good Ecological Potential/Status." (para. 5.5.20). 	<p>The Applicant consulted NRW on the scope of the WFD assessment through submission of a scoping report, as described in Section 3.2 of the WFD Assessment [APP-165] and via numerous WFD specific consultation meetings. The purpose of the consultation meetings with NRW was to present and agree the WFD screening, scoping and level of detailed assessment required. The WFD assessment was then undertaken in accordance with the agreements reached and outcomes of the consultation meetings with NRW, as set out in the SoCG (document reference: D.7.2.4).</p> <p>The Applicant will engage further with NRW to discuss any additional information they consider is required to provide sufficient detail or confidence, to demonstrate compliance with the WFD regulations.</p> <p>The Applicant welcomes further discussion with NRW regarding any additional evidence required relating to potential construction and operation impacts to the Wepre Brook water body and to demonstrate that the achievement of Good Ecological Potential/Status would not be compromised.</p>
2.57.10		<p>If sufficient evidence is not forthcoming it is our view that deterioration of Wepre Brook water body cannot currently be ruled out and the requirements of Regulation 19 of the WFD Regulations 2017 may therefore need to be met for the development to proceed. We will discuss this further with the applicant with the aim of reaching common ground where possible.</p>	<p>The Applicant has considered the effect of scale and proportionality at the water body level when determining the potential effects of localised impacts. The Applicant welcomes the opportunity to discuss this matter further, in particular any additional evidence that could be provided to demonstrate no deterioration of the Wepre Brook water body. The Applicant has engaged with NRW since this relevant representation was submitted to understand the additional data required to minimise the concerns with impacts to this watercourse, as set out in the SoCG (document reference: D.7.2.4).</p>
2.57.11		<p>Under a worst-case scenario, flow could be lost to the ground and cause watercourses to dry up downstream of the open-cut crossings.</p> <p>In particular, the submission fails to fully consider impacts to the Wepre Brook water body. There is a risk that the engineering works on the Alltami Brook open-cut crossing create a pathway for water to be lost to the ground/contaminated mine workings via disturbance, cracks, faults and joints between proposed bedrock removal and concrete backfill. Such flow losses, and any resultant contaminated mine water upwelling elsewhere, are difficult to address in the long term and could feasibly cause deterioration of hydromorphology, water quality and ecological elements downstream.</p>	<p>The Applicant does not agree that there is a reasonably foreseeable risk that the flow of the Alltami Brook would be lost to ground. Even if this were to occur, it is flowing water and losses would likely be negligible.</p> <p>The potential loss or gaining of water to or from the bedrock has not been identified as a potential issue or receptor in need of assessment during consultation between the Applicant and NRW. Therefore, this potential issue has not been assessed in the WFD Assessment [APP-165], Appendix 18.3 of the 2022 ES.</p> <p>Requirement 4(6) of the dDCO [AS-016] secures appropriate reinstatement of the channel as outlined in REAC commitment D-WR-064 [AS-053] to ensure appropriate and suitable infill material and tie-in with the bedrock is achieved to prevent loss of flow to ground. Therefore, the Applicant does not consider this a risk to the Wepre Brook water body with any potential impacts localised and not impacting at the water body scale.</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			<p>The possible presence of mine workings and the necessity to adapt and mitigate the proposed construction approach as a result of the possible presence of mine workings will be assessed and reviewed and potentially investigated at detailed design stage, also driven by health and safety requirements.</p> <p>The Applicant also considers it unlikely (barring the presence of open mine workings) that the bedrock units underlying the Alltami Brook, all classed as Secondary A aquifers, (Gwespvr Sandstone, Pennine Middle (and Lower) Coal Measures, Hollin Rock, Etruria Formation), which are generally interbedded mudstones, siltstones and sandstones would have sufficiently high (especially vertical) hydraulic conductivity to allow a significant throughflow of water to discharge from the overlying Alltami Brook watercourse. It is expected that the brook acts as a local groundwater receptor receiving shallow groundwater from the weathered upper zone of the bedrock aquifer. This will be confirmed as part of the detailed design stage.</p>
2.57.12		<p>Chapter 18 of the ES [APP-070] also states that the effects on the hydrology and hydromorphological processes of Alltami Brook and the effects of the installation of permanent artificial structures in watercourses are anticipated to be "Slight Adverse (not significant)". However, currently the submission does not provide sufficient assurance that this would be the case as insufficient geological, hydrogeological, hydrological, geomorphological and ecological information has been provided to justify the proposed open-cut crossing option for Alltami Brook.</p>	<p>The Applicant considers that sufficient evidence has been provided in Appendix 18.3 – WFD Assessment [APP-165] of the 2022 ES due to the proportionality and scale of the WFD water bodies compared to localised impacts of the DCO Proposed Development.</p> <p>The Applicant acknowledges the concerns raised and welcomes further discussion with NRW to agree additional evidence required that will be deemed sufficient to justify the proposed open-cut crossing of the Alltami Brook and the potential impacts.</p> <p>Requirement 4(5) and 4(6) of the dDCO [AS-016] requires details of the design and construction methodology to be submitted to and approved by the relevant planning authority following consultation with NRW. This includes specifying how Work No. 43 has been micro-sited to avoid the most sensitive areas of the Alltami Brook.</p> <p>The CEMP, required by Requirement 5 of the dDCO [AS-016], will also provide additional commitments.</p> <p>With regards to geological aspects such as rock hardness determining the depth to which bedrock can be excavated, this would need to be confirmed by site-specific ground investigation at detailed design stage. Borehole logs from nearby GI boreholes indicate that the shallow bedrock is of a weak to moderately weak strength. This material is considered excavatable. Additional boreholes will be implemented to confirm that these conditions are also present at Alltami Brook.</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
2.57.13		The submission does not appear to acknowledge NRW's email to the applicant during pre-application engagement, dated 8 August 2022, regarding the proposed options for the crossing at Alltami Brook. This email highlighted the issues associated with the open-cut proposal now submitted in comparison to the lesser environmental impacts of the other options considered, but we note that the applicant maintains that their proposed method is the only viable option. We advise that a detailed Options Appraisal for the various crossing options should be provided, to enable the advantages and disadvantages of each option to be fully assessed.	Annex A of Appendix 18.3 – WFD Assessment [APP-165] of the 2022 ES includes the minutes of the meeting (19 July 2022) between the Applicant and NRW where the crossing methodology was discussed. The Applicant will add reference to the email correspondence received on 8 August 2022 from NRW regarding the comparison of crossing methodologies in Chapter 18 of the ES [APP-070] . The email correspondence from NRW (August 2022) is also referenced within the SoCG between the Applicant and NRW (document reference: D.7.2.4). The Applicant does not agree that Appendix 18.3 – WFD Assessment [APP-165] of the 2022 ES needs to include details on the options appraisal. For the DCO Application, the WFD assessment assesses the proposed design only.
2.57.14		The proposals seek to address the geomorphological concerns through assessment, monitoring, and adaptive mitigation at the detailed design phase, but this assumes that the mitigation measures would be technically and financially feasible. For some elements of the proposals, we concur that this is reasonable. However, we do not consider this is reasonable for site-specific elements, decommissioning, and cumulative impacts, based on the lack of sufficient evidence included with the submission.	The Applicant assumes this comment refers to the Alltami Brook and Wepre Brook water body. As required by Requirement 4(6) of the dDCO [AS-016] , a bespoke geomorphological assessment will be undertaken of potential impacts to further inform design development and to design out adverse significant impacts. In addition, the Applicant will gather further information during the detailed design stage to inform micro-siting of the proposed crossing to minimise environmental impacts in line with Requirements 4(5) and 4(6) of the dDCO [AS-016] (see 2.57.12 for more info). Therefore, the Applicant considers that it would be technically and financially feasible to mitigate any residual or cumulative impacts. The Applicant does not agree that there would be decommissioning stage impacts. The Applicant looks forward to further engagement with NRW to discuss this matter.
2.57.15		Further information is needed to inform a risk assessment of the proposed Alltami Brook crossing open-cut option so that its viability can be assessed, as follows: a) Whether or not the affected reach of the Alltami Brook is 'losing' or 'gaining' water to/from the bedrock. If the stream is losing water, this loss could be enhanced with stream bed disturbance/excavation. A site investigation would enable more certainty on this point.	The potential loss or gaining of water to or from the bedrock has not been identified as a potential issue or receptor in need of assessment during consultation between the Applicant and NRW. Therefore, this potential issue has not been assessed within Appendix 18.3 – WFD Assessment [APP-165] of the 2022 ES. Considering the local geological conditions, the Applicant does not agree that this is a reasonably foreseeable risk that the flow of the Alltami Brook would be lost to ground. Even if this were to occur, it is flowing water and losses would likely be negligible.

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			The Applicant will ensure appropriate reinstatement of the channel to ensure appropriate and suitable infill material and tie-in with the bedrock is achieved to prevent loss of flow to ground. This is secured in Requirements 4(5) and 4(6) of the dDCO [AS-016] and outlined in REAC commitment D-WR-064 [AS-053] . Therefore, the Applicant does not consider this a risk to the Wepre Brook water body with any potential impacts localised and not impacting at the water body scale. As part of detailed design stage, more detailed ground investigation will be undertaken to establish properties of the strata including groundwater flow, hydraulic gradients, etc. At least one borehole will be drilled either side of the Alltami Brook (provided this is practically achievable) to a depth penetrating the bedrock of at least 5m to enable assessment of the bedrock. If required a second borehole will be implemented to confirm the findings of the first borehole.
		b) The depth to the local groundwater and the thickness of any vadose zone beneath the streambed if the stream is 'losing' water to bedrock.	See above response to point a).
		c) Local stratigraphic control, the permeability of the local bedrock and the thickness of the streambed on that bedrock. Cutting through a streambed for excavation purposes may for example directly facilitate the ingress of stream water into the unsaturated bedrock. If the bedrock is fractured, and because fractures can possess high permeabilities, the streambed water may become lost to the sub-surface.	Based on publicly available information on the bedrock at the site, which consists of Gwespyr Sandstone, Pennine Middle (and Lower) Coal Measures, Hollin Rock, Etruria Formation, which are generally interbedded mudstones, siltstones and sandstones, vertical and horizontal permeabilities would not be expected to be sufficiently high to allow a significant rate of discharge from the surface watercourse. Additionally, as the base of the watercourse is already in direct contact with the fractured bedrock aquifer, any possible loss from the watercourse to the bedrock would already be occurring.
		d) The degree to which the bedrock can be excavated. This would depend upon the hardness of the bedrock at the crossing point. We advise that blasting the bedrock would not be suitable but the method of bedrock excavation has not been provided to date, and should therefore be provided for review.	Borehole logs from nearby GI boreholes indicate that the shallow bedrock is of a weak to moderately weak strength. This material is considered excavatable. Additional boreholes would be implemented to confirm that these conditions are also present at Alltami Brook and will be drilled into the bedrock to confirm the bedrock properties.
		e) Whether stream diversion would be required and how this would be achieved from a practical perspective.	The Applicant does not propose a permanent stream diversion for the Alltami Brook crossing. Temporary 'fluming' and secondary over pumping is envisaged during the construction phase to provide a dry working area.
		f) The nature of legacy mine workings in the vicinity of the proposed crossing point and the influence that they may have on activities related to the crossing point, both for the excavation, construction, and operational phases.	The presence of legacy mine workings and the potential impact on the DCO Proposed Development has been assessed within the Coal Mining Risk Assessment [AS-043 to AS-052] . The assessment has been reviewed by The Coal Authority, with no major comments.

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		g) The potential that streambed excavation works could significantly damage the current stream flows (worst case: all the flow is lost to the unsaturated bedrock below) and remove flow that is relied upon downstream. This would lead to deterioration of the hydromorphology element and potentially other WFD elements including water quality and biological.	The Applicant does not agree that the streambed excavation works could significantly damage the current stream flows and/or remove flow that is relied upon downstream. The channel will be reinstated to maintain continuity of flows with the infill designed to mimic the baseline conditions which will be detailed in the CEMP, which is secured by Requirement 5 of the dDCO [AS-016] and the LEMP, secured by Requirement 11 of the dDCO [AS-016] . Therefore, the Applicant does not agree that the proposed works would lead to deterioration of the hydromorphology element and potentially other WFD elements at the water body scale.
2.57.16		<p>We note that the channel and banks of open-cut crossings “will be reinstated to mimic baseline conditions as far as practicable” (Table 5.3, ES Appendix 18.3: Water Framework Directive Assessment, APP-165). However, we consider that “as far as practicable” potentially permits deterioration.</p> <p>Given the expansive extent of the proposals and substantial number of sites requiring reinstatement mitigation (e.g., temporary culverts, open-cut crossings), this could cause a cumulative impact that causes non-compliance with the WFD Regulations 2017. As there is no reference to cumulative effects in the WFD compliance assessment we advise that this should be included and any relevant information from the ES should be signposted.</p>	<p>The Applicant does not agree that the term “as far as practicable” potentially permits deterioration. Reinstatement will have certain constraints that will need to be considered, such as tree root exclusion zones for the pipeline, therefore preventing actual replication of habitat during reinstatement. However, the risk of deterioration will be prevented by measures in the CEMP and LEMP, as required by Requirements 5 and 11 respectively of the dDCO [AS-016].</p> <p>The Applicant will reinstate the channel and banks to ensure no deterioration. This will be achieved through micro-siting of the crossing to minimise potential impacts in line with REAC commitment D-WR-064 [AS-053], secured by Requirement 4(6) of the dDCO [AS-016]. In addition, a pre-works crossing point survey will be carried out to record channel and bank morphology and features, riparian zone structure, and collect a photographic record, so that reinstatement is as close to baseline as practicable. Re-instatement works will be supervised by an appropriately qualified Ecological Clerk of Works in line with REAC commitment D-WR-052 [AS-053], which is secured by Requirement 5 of the dDCO [AS-016].</p> <p>The Applicant does not agree that the cumulative effects of reinstatement and associated mitigation of open-cut crossings would result in deterioration of WFD water bodies and non-compliance. This will be achieved in line with REAC commitments D-BD-048, BD-049, D-WR-064 and D-WR-052 [AS-053], which are secured by Requirements 4(6), 5 and 11 of the dDCO [AS-016]. The Applicant also considers that this is supported by the potential impacts being temporary during construction only with reinstatement and recovery of habitats within two years.</p> <p>Therefore, the Applicant does not consider that there would be any cumulative effects. This is consistent with the Applicant's agreed approach with the Environment Agency for open-cut crossings of the DCO Proposed</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			Development. A DCO Proposed Development-wide approach to the assessment has been undertaken.
2.57.17		<p>As the Competent Authority for the WFD in Wales, we need to ensure developments are compliant with Regulation 19. We must therefore be satisfied that if deterioration cannot be avoided in Wepre Brook water body the conditions of Regulation 19 are met and that no deterioration will occur in other water bodies as a result of the development in order for it to be compliant with the WFD Regulations.</p> <p>If it is considered that deterioration would be caused by the proposed Alltami Brook crossing option, we would advise that in order for the development to proceed the requirements of Regulation 19 of the WFD Regulations 2017 would need to be met.</p>	<p>The Applicant agrees that Regulation 19 will need to be satisfied should the Competent Authority for the WFD deem the DCO Proposed Development to be non-compliant.</p> <p>The Applicant has provided information to demonstrate that the DCO Proposed Development is WFD compliant, as set out Chapter 18.3 – WFD Assessment [APP-165] of the 2022 ES.</p> <p>The Applicant welcomes further discussions with NRW to discuss the WFD compliance.</p>
2.57.18		<p>We also have the following comments on the WFD Compliance Assessment:</p> <p>A. Calculations of the works footprint (in km² and % of water body area) have not been presented in Annex B, Table B.2 and therefore NRW cannot agree with its conclusions. We advise that these calculations should be presented.</p>	<p>The works footprint is not actually within the WFD water bodies, plus the DCO Proposed Development is linear and the WFD water bodies are extremely large. Therefore, the Applicant does not agree it is necessary to provide the calculation.</p>
		<p>B. While construction impacts have been included in the assessment, the document notes (para. 2.3.5) “that the assessment of potential construction impacts is not required as part of a WFD assessment”. However, contrary to this we advise that a WFD compliance assessment should include all stages of project activity (construction, operation, maintenance, and decommissioning), as per NRW internal guidance (OGN 72: Complying with the Water Framework Directive Regulations 2017: how to assess and appraise projects and activities) previously shared with the applicant.</p>	<p>The Applicant does consider construction impacts within the WFD assessment, presented within Chapter 18.3 – WFD Assessment [APP-165] of the 2022 ES. In addition, the WFD assessment is aligned with OGN 72.</p>
		<p>C. Section 1.2 - Study area: we advise that the England / Wales split of WFD Regs 2017 waterbodies is slightly misleading. Some waterbodies are transboundary and were formally assigned to either NRW or Environment Agency for reporting purposes. We note that there is a pipeline crossing in Finchett's Gutter water body, reported as being in England, but the crossing is in the Welsh part of the water body.</p>	<p>The Applicant agreed through early consultation with NRW and the Environment Agency that the Applicant would keep reporting consistent within the reporting WFD water bodies, and therefore all watercourses are reported as per water body and assigned competent authority in order to maintain consistency of approach. All watercourses present within the WFD water bodies are assessed, and therefore the assessment is complete. The Applicant will provide clarity on the England / Wales split within Chapter 18.3 – WFD Assessment [APP - 165] of the 2022 ES, in particular regarding the Finchett's Gutter crossing.</p>
		<p>D. WFD protected areas. A WFD compliance assessment should consider the project might prevent the achievement of protected area objectives. However, not all protected areas have been identified in this case. There is no mention of groundwater drinking water protected areas (DWPA) - we advise that all groundwaters in Wales are DWPA.</p>	<p>The Applicant will provide further information on Protected Areas in support of the D.6.3.18.3 2022 ES – Appendix 18.3 – WFD Assessment [APP-165] submission.</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		The Dee Estuary Ramsar site is also a protected area (NRW published a Protected Area Register with the River Basin Management Plans last year). The Dee estuary shellfish water protected area is also not assessed. However, given that it falls within the Dee Estuary Special Area of Conservation (SAC) and Special Protection Area (SPA), and these are assessed separately, it does not require further consideration.	
		E. Para. 5.6.2 - Nitrates Directive: in Wales the Nitrate Pollution Prevention (Wales) Regulations (2013) have been revoked and replaced by the Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021.	The Applicant will provide a correction to the wording regarding the Nitrates Directive within an updated version of the WFD Assessment as set out in the Cover Letter to the Section 51 Advice Response page 16 [AS-007] .
		F. Table 5.12 and Table 5.13: we note that different sets of information have been extracted for the Dee compared to North West and Western Wales River Basin Management Plans (RBMPs) but it is unclear why. We also note that different versions of the RBMPs were used – 2015 plan for Western Wales and draft 2021 RBMP for the Dee, even though the Dee and Western Wales RBMPs were always published (drafts for consultation opened Dec 2020 and final plans published July 2022) at the same time. Clarification should therefore be provided on this.	The Applicant will review and provide updated data and information regarding the 2021 River Basin Management Plans (published in July 2022) as appropriate. The Applicant had however agreed with Natural Resources Wales that the 2015 River Basin Management Plans would be the key source of information, as captured within the SoCG (document reference: D.7.2.4).
	1.7	Water Resources and Flood Risk	
		<i>Flood Consequences Assessment – Key Concern</i>	
2.57.19		<p>The site boundary lies partially within Flood Zones C1 and C2 according to the Development Advice Map (DAM) contained within Technical Advice Note (TAN) 15: Development and Flood Risk. The Flood Consequences Assessment (FCA, APP-168-170) also refers to the Flood Risk Assessment Wales (FRAW) maps. However, as the FRAW maps should not be used for planning purposes we advise that reference to these is removed.</p> <p>The FCA should be updated to refer to the Flood Map for Planning (FMfP) which represents the best and most up-to-date information on areas at flood risk than the DAM.</p>	<p>The FRAW maps are referred to in the FCA [AS-004 to AS-006] to provide more detailed information to inform the understanding of flood risk. However only the Development Advice Map (DAM) has been used in the assessment of the acceptability of the DCO Proposed Development within areas at risk of flooding, as per the requirements of TAN 15 (2004).</p> <p>The Applicant notes that the Flood Map for Planning was not available at the time of undertaking the FCA [AS-004 to AS-006] and only recently released by NRW. NRW's website states that "The Flood Map for Planning has no official status until it is formally implemented through planning policy in June 2023".</p> <p>The Applicant has however recently reviewed Chapter 3 of the 2022 ES [APP-055] against the new Flood Map for Planning (due to be formally implanted in June 2023) and there are no changes to flood risk as reported in the FCA [AS-004 to AS-006]</p>
2.57.20		We note there is no reference in the submission regarding the impact of the construction compounds and equipment yards on NRW's access arrangements. These concerns were highlighted in our Section 27 Preliminary Environmental Information Report consultation response (paragraphs 67 to 69, dated 22/03/22, our ref: CAS-181472-B2Q1), and relate	The FCA [AS-004 to AS-006] has assessed the proposed permanent works only as agreed within the Applicant's consultation meetings with NRW. The risk and proposed measures to manage flood risk during the construction works is referred to in the Outline CEMP [AS-055] . Temporary works within

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		to NRW's access to the Hawarden and Northern Embankments, and to several main rivers in Sandycroft and Pentre. Retaining our ongoing access to maintain assets which protect people and properties from flooding is vital. The FCA and ES (Chapter 18, APP-070) should therefore be updated to address this.	8m of a fluvial main river or flood defence, or within 16m of a tidal main river or flood defence will require Flood Risk Activity Permit (FRAP) as prescribed in Other Consents and Licences document [APP-046] approval from NRW. The appointed contractor will be responsible for obtaining FRAPs as prescribed in Other Consents and Licences document [APP-046] , noting that these permits will include the requirement to include working method statements. The Applicant will ensure that access to its assets is maintained for NRW and has added a protective provision to the dDCO [AS-016] securing that.
2.57.21		The ES (Chapter 18, APP-070) refers briefly to the construction compounds, and paragraph 18.8.4 states that "all centralised compounds are located outside the fluvial and coastal floodplain". However, this does not appear to be correct based on Sheet 14 of Drawing EN070007- D.2.4 – WP, as the centralised compounds "30D Wood Farm Compound" and "31A River Dee" are both located within the floodplain of the Tidal River Dee. This section of the ES should therefore be updated to reflect this and a plan showing the location of the Cathodic Protection cabinet north of the River Dee should be submitted for review.	The Applicant acknowledges that the wording in Chapter 18 [APP-070] of the 2022 ES is incorrect as the compounds are in areas at risk of flooding. This will be updated in future iterations of Chapter 18 of the 2022 ES [APP-070] . The FCA [AS-004 to AS-006] only considers permanent works, and not temporary works including compounds. The Cathodic Protection is assessed in the FCA [AS-004 to AS-006] The location of the CP Cabinet is set out within paragraph 3.4.37 of Chapter 3 – Description of the DCO Proposed Development [APP-055] and will be marked on any future iterations of Figure 3.2 – DCO Proposed Development [APP-176] .
2.57.22		We note that paragraph 3.7.7 of the ES (Chapter 3, APP-055) refers to a 24.4m permanent rights corridor which would place restrictions on this land. This could have implications for NRW, particularly where the pipeline runs under/close to flood defence assets, such as the Northern and Hawarden Embankments. Further information should therefore be submitted to enable NRW to assess how this could affect NRW maintenance works, which are completed regularly at these locations, and any major civil engineering improvements likely to be required to the defences within the design life of the pipeline (c. 40 years). If pipe locations deviate from agreed locations this could significantly affect NRW's Flood Risk Management activities and hence any change in location during the construction phase will have to be carefully managed.	The Applicant notes the potential impact on NRW's flood defence assets and will ensure that NRW are liaised with effectively to mitigate any impact here. The Applicant will ensure that access to its assets is maintained for NRW and has added a protective provision to the dDCO [AS-016] securing that.
2.57.23		The measures proposed for managing flood risk during the construction phase are referred to in the ES (Chapter 18) and the Outline Construction Environmental Management Plan (CEMP) [AS-055] . However, there is no reference to what would happen to any arisings resulting from the installation of the pipeline. The CEMP should therefore be updated to address this, confirming that any arisings resulting from the works would be stored outside the floodplain.	Reference D-WR-001 in Table 6.15 of the Outline CEMP [AS-055] and in the REAC [AS-053] state that material stockpiles will be located outside of the flood zone where practicable. This commitment is secured through the CEMP at Requirement 5 of the dDCO [AS-016] . The Applicant agrees that the Outline CEMP [AS-055] and REAC commitment [AS-053] should be updated to state 'stockpiles and arisings' – this will be updated in future iterations of the documents. Temporary works

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			within 8m of a fluvial main river or flood defence, or within 16m of a tidal main river or flood defence will require FRAP as prescribed in Other Consents and Licences document [APP-046] approval from NRW. The appointed contractor will be responsible for obtaining FRAPs, noting this will include working method statements.
2.57.24		We note that the Outline CEMP [AS-055] refers to the trenchless crossing of the River Dee (Table 6.6 D-BD-019) stating that all entry and exit pits will be 16m away from any tidal watercourses. However, in order to ensure that associated flood defence structures are also considered and safeguarded this should be updated to specify a distance of 16m away from any tidal watercourse and any flood defence structures on that watercourse.	Reference D-BD-019 of Table 6.6 of the Outline CEMP [AS-055] and in the REAC [AS-053] will be updated in future iterations to include the text '16m away from any tidal watercourse and any flood defence structures on that watercourse'. This commitment will be in the CEMP and the LEMP secured by Requirements 5 and 11 of the dDCO [AS-016] respectively.
2.57.25		For the operational phase of the works, we have no significant flood risk concerns based on the submitted FCA (APP-168). However, paragraphs 5.3.1 to 5.3.4 of the FCA (APP-168) should be updated to refer to potential risk from a breach in the River Dee defences along the River Dee corridor.	The Applicant confirms that, as discussed in the FCA [AS-004 to AS-006] , there are no AGIs or BVSs within the flood extents of the River Dee corridor, and therefore no change to flood risk in the event of breach. The Applicant also confirms that ground levels along the length of the DCO Proposed Development in areas identified to be at flood risk will be reinstated to current levels and therefore no change to flood risk in the event of breach.
2.57.26		Table 1 of the FCA provides a list of the proposed crossing types at several watercourses and Appendix 3.1 provides a table of Trenchless Crossings. This should be accompanied by location plans for each proposed crossing point. The FCA should be updated to advise on the typical design principles that would be followed for the crossings, such as minimum cover requirements below hard / firm bed levels, and how far this level would extend either side of the bank.	The Applicant has provided information within the FCA [AS-004 to AS-006] and Figure 18.5.17 - Watercourse Crossings [APP-169] show the location and type of proposed crossings. The Applicant advises that this information is further presented within Appendix 3.1 and 3.2 of the ES [APP-077 and APP-078] and therefore not duplicated within the FCA.
		<i>Flood Risk Activity Permit</i>	
2.57.27		For open cut crossings located on main rivers, a bespoke Flood Risk Activity Permit (FRAP) would be required under the Environmental Permitting (England and Wales) Regulations (EPR) 2016, for both the permanent and temporary works.	The Applicant confirms that a bespoke FRAP as prescribed in Other Consents and Licences document [APP-046] will be provided for permanent and temporary works not assessed within the FCA [AS-004 to AS-006] . This will be undertaken by the appointed contractor at the appropriate time prior to construction works commencing in areas at flood risk or within the specified limits of flood defences and main rivers.
2.57.28		The permanent works application would need to include details such as depth of cover beneath the bed of the main river and level of pipe/cable within an 8m/16m distance from the banks of the main river/toe of any associated flood defence structures, and the final route alignment.	The Applicant confirms that this information will be provided as part of the FRAP as prescribed in Other Consents and Licences document [APP-046] .

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
2.57.29		A temporary works application would need to be supported by a detailed method statement, including the cable's installation method and how flood risk would be managed during installation. NRW would need to consider impacts on access for inspection, maintenance and incident response, and impacts on the structural integrity of any flood risk assets in the vicinity. Service crossings below the bed of a main river using trenchless techniques (such as Horizontal Directional Drilling) can be registered as an exempt flood risk activity under the EPR 2016, subject to certain key conditions being met as per part 4 of Schedule 3 of the EPR 2016. We advise that these points are addressed in the ES (Chapter 18, APP-070).	The Applicant confirms that this level of detail is not considered appropriate to include within the EIA/ES. This information will be prepared as part of the FRAP as prescribed in Other Consents and Licences document [APP-046] by the appointed contractor in line with REAC commitment D-GN-001 and D-PD-010 [AS-053] (see Other Consents and Licences Document [APP-046]).
2.57.30		We note that some of the proposed crossings affect watercourses in Sandycroft. There is a complex network of multiple infrastructure in this urban area i.e., many mixed age culverts very close to residential property, within roads, with multiple utility pipes present. The crossings at these locations will require careful consideration, with input from NRW.	The Applicant confirms that this information will be reviewed with NRW and provided as part of the FRAP as prescribed in Other Consents and Licences document [APP-046].
2.57.31		A FRAP may also be required for any works in, over, under or within 8m of a fluvial main river (including any defences on that main river), or 16m of a tidal main river (including any defences on that main river), or within a flood plain. Please see our website for further information: Natural Resources Wales / Flood risk activity permits.	The Applicant will submit FRAPs as prescribed in Other Consents and Licences document [APP-046] for works in, over, under or within 8m of a fluvial main river (including any defences on that main river), or 16m of a tidal main river (including any defences on that main river), or within a flood plain that are not assessed as part of the FCA.
	1.8	Air Quality	
2.57.32		The proposed dust deposition mitigation appears reasonable, in particular the creation of a Dust Management Plan to be approved by the Local Planning Authority (REAC, D-AQ-004, AS-053). However, as this would be a key aspect of mitigation to address potential dust impacts on the River Dee and Bala Lake SAC, NRW would also wish to be consulted on this document.	The Applicant welcomes NRW's comments regarding the mitigation measures to minimise impacts of dust during construction. The Applicant confirms that NRW will be consulted when the Dust Management Plan is produced. This document is secured by Requirement 5(2)(c) of the dDCO [AS-016].
	1.9	Climate Resilience	
2.57.33		Chapter 7 of the ES (APP-059) is chiefly focussed on national (UK) and English legislation and policy, e.g., there is no mention of the Welsh Climate Change Adaptation Plan – Climate Conscious Wales, but reference is made to the English National Adaptation Programme. Since the proposals would be located within England and Wales, we advise that the relevant Welsh climate change policies should also be acknowledged.	The Applicant welcomes NRW's comment regarding the Welsh Climate Change Adaptation Plan – Climate Conscious Wales and will include the policy within the next iteration of Chapter 7 of the ES [APP-059].
	1.10	Biodiversity	
		<i>Great crested newt, bat species, otter, and water vole.</i>	

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
2.57.34		NRW consider the survey and assessment to be satisfactory in respect of great crested newts (GCNs), bats, otters and water vole and agree with the conclusions of the ES.	The Applicant welcomes NRW's comments regarding the survey and assessment being satisfactory for the stated receptors and conclusions of the ES. The Applicant has drafted a SoCG submitted at Deadline 1 (document reference: D.7.2.4) and further discussion on these topics will be captured in further iterations of this document.
2.57.35		We note the outline recommendations and proposed principles for mitigation in the ES, OCEMP and the OLEMP. We note that the OLEMP (APP-229) and OCEMP (AS-055) form the basis for a detailed LEMP and CEMP to be produced at detailed design stage, to be approved by the LPA. NRW agrees with this approach.	The Applicant welcomes NRW's comments regarding the approach to mitigation and the production of a detailed LEMP and CEMP at the detailed design stage as secured by Requirements 11 and 5 of the dDCO [AS-016] .
2.57.36		However, NRW considers that the final LEMP should include revised details regarding long-term monitoring and management.	The Applicant can confirm that the detailed LEMP to be developed at the detailed design stage will provide relevant details for long term management and monitoring of restored, reinstated and created habitats. Whilst to be developed at the detailed design stage, Requirement 11 of the dDCO [AS-016] captures the need for inclusion of long-term management of habitats post construction.
2.57.37		Given the confirmed presence of GCN in ponds within or adjacent to the working DCO corridor, an EPS Licence will be required to enable the construction of the DCO Proposed Development. The ES sets out some outline provisions for habitat clearance. We advise that these are developed further and set out in a GCN conservation plan to be submitted as an Annex to the detailed CEMP. We would be comfortable with this information being submitted to and approved by the LPA, in consultation with NRW.	<p>The Applicant can confirm the need for an EPS licence to facilitate construction and will apply for such at the appropriate time as identified in the Other Consents and Licences document [APP-046]. Measure D-BD-044 in the REAC [AS-053] which is secured by the CEMP and the LEMP required by Requirements 5 and 11 (respectively) of the dDCO [AS-016] specifically cites the requirement for relevant licensing in respect of GCN. A draft EPS licence application will be provided to NRW during examination for comment, however, this will be developed further during the detailed design stage to ensure its appropriateness before application.</p> <p>The Applicant will provide prescriptive methods of work and measures for the protection and conservation of GCN as part of the method statement for the EPS licence application as described in Other Consents and Licences document [APP-046] to be submitted to NRW for approval at the detailed design stage.</p>
		<i>Schedule 1 bird species (Wildlife and Countryside Act 1981, as amended)</i>	
2.57.38		With regards to Appendix 9.7: Barn Owl Survey Report – Part 1 (APP-108), while we note the comments regarding changes in the proposed pipeline route, clarification is needed as to whether the barn owl survey area included a buffer to consider potential disturbance to breeding barn owls outside of the Order Limits; it would be pertinent to map these	Surveys for potential roost/nest features were completed for the entirety of the Order Limits (where access allowed). The Order Limits have been revised and reduced during the course of design development. As such, surveys have previously been completed beyond the Order Limits as presented within the

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		different boundaries. Identifying Welsh and English sites in the results (e.g., Table 1) would be useful for interpretation.	DCO Application as submitted. Survey results, only where they fall within the current Order Limits, have been presented on the basis of impacts arising from, in particular, the construction of the DCO Proposed Development to develop appropriate mitigation, including avoidance of direct impacts wherever feasibly possible. Impacts beyond the Order Limits would be restricted to indirect effects, for which additional mitigation measures have been prescribed. Measures D-BD-005 and D-BD-006 in the REAC [AS-053] and secured by the CEMP and the LEMP required by Requirement 5 and 11 (respectively) of the dDCO [AS-016] have been prescribed to ensure completion of pre-construction surveys within a relevant zone of influence of the detailed designed pipeline route.
2.57.39		In terms of mitigation, alternative barn owl nest locations away from the Zone of Influence should be provided, especially where exclusion techniques are concerned. The scheme could also deliver other enhancements for barn owls in the local area (e.g., nest boxes).	As highlighted in Chapter 3 – Description of the DCO Proposed Development [APP-055] of the 2022 ES, a fixed route for the DCO Proposed Development is to be developed at the detailed design stage. As such, the need for use of exclusion techniques will be determined at this time. Where possible, impacts to barn owl or supporting features will be avoided. Measures have been included within the REAC [AS-053] (see D-BD-037, D-BD-038 and D-BD-039) to mitigate potential impacts to barn owl or potential supporting features with requirements for licensing and the erection of alternative nest/roost locations where required. These measures are secured in the CEMP and the LEMP required by Requirement 5 and 11 of the dDCO [AS-016] respectively. Further information regarding the location of alternative nest locations, where required, will be confirmed at the detailed design stage but will take into account potential Zones of Influence associated with construction to ensure appropriate and suitable alternative nest box erection.
2.57.40		Paragraphs 4.10.4-5 of Appendix 9.8: Breeding Bird Survey report (APP-112) should highlight the potential impacts on breeding Schedule 1 bird species (e.g., Cetti's warbler).	Potential impacts and effects upon Breeding Birds, including Schedule 1 species, resulting from construction of the DCO Proposed Development are provided within 'Table 9.11 Likely Significant Effects during the construction stage' of Chapter 9 - Biodiversity [AS-025] of the ES.
		<i>Fish</i>	
2.57.27		Regarding Appendix 9.9: Aquatic Ecology Report (Watercourses) (APP-113), whilst NRW accept the usage of e-DNA techniques there are some anomalous results (e.g., 0.17% European Bass in Wepre Brook). For a more realistic reference to species composition at the crossing sites a more thorough electrofishing survey would have been beneficial.	As stated in Section 2.3 and 2.7 of Appendix 9.9 - Aquatic Ecology (Watercourses) Survey Report [APP-113] , all watercourses were assessed for suitability for electric fishing surveys, with an assessment taking into account safe working practices detailed in Environment Agency guidance and the British Standard (BS EN 14011:2003).

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		Further explanation is therefore needed as to why some sites were ruled out from electrofishing surveys.	<p>Following an appropriate assessment, electric fishing was ruled out for some watercourses for health and safety reasons within the bounds of approved land access. The bank profiles of some watercourses prevented safe entry into the watercourse to carry out electric fishing. On some occasions, soft sediment within the watercourse was deemed to be a health and safety risk to the undertaking of electrofishing surveys. Furthermore, the site conditions of many of the watercourses encountered, prevented boat-based electrofishing surveys from safely being carried out as an alternative to wading surveys.</p> <p>False positives (i.e. taxon detected but not present) can be detected when conducting e-DNA sampling in aquatic environments, as DNA can be present in aquatic environments without the taxa/organism being present. Alternative explanations for DNA presence can include excretion by predators, human influence (e.g. fish stocking, fishing gear), sewage contamination, and movement by water currents. Despite the anomalous results sufficient data was retrieved with which to inform the impact assessment.</p>
2.57.27		<p>Regarding paragraph 3.4.205 of Appendix 9.9, we note that no data could be produced from the Northop Brook e-DNA survey. NRW note the presence of European eel (<i>Anguilla anguilla</i>) and brown/sea trout (<i>Salmo trutta</i>) in this brook.</p> <p>NRW also note that there are plans to improve fish passage on the reservoir at Broughton Brook (SJ26302 71084), which will improve eel passage up- and downstream. Mitigation should therefore be considered for crossings on this brook.</p> <p>With regards to the ES, Chapter 9 (Biodiversity): Table 9.6 (APP-061) please note that river and sea lamprey are Annex II qualifying features of the Dee Estuary SAC, and European smelt, river and sea lamprey are features of the Dee Estuary SSSI, but these do not appear to have been referenced.</p>	<p>As stated in Appendix 9.9 - Aquatic Ecology (Watercourses) Survey Report [APP-113] of the 2022 ES, the e-DNA sample taken from Northop Brook failed to amplify despite troubleshooting steps, therefore no result could be obtained. During consultation with NRW, the presence of European eel and brown/sea trout in Northop Brook was highlighted, with this acknowledged in Table 5 of Appendix 9.9 [APP-113]. Table 5 additionally acknowledges the presence of European eel and brown/sea trout within Broughton Brook, and therefore mitigation has been developed accordingly (see D-BD-050, D-BD-051, D-BD-052, D-BD-056, D-BD-057, and D-BD-058) which addresses the presence of these, and other, species as presented within the Outline CEMP [AS-055] and as secured by the CEMP and the LEMP (Requirement 5 and 11 of the dDCO [AS-016] respectively) to be adhered to during construction.</p> <p>The response regarding missing qualifying features is noted and will be addressed within future iterations of Chapter 9 [AS-025] of the ES.</p>
2.57.43		Regarding Table 9.11 (LSE – Fish) further information should be provided about how long the temporary culverts are expected to present in the watercourses as a ‘temporary’ feature and their locations (with National Grid References). In watercourses where salmonids are known to be present there is a need to avoid open-trench crossings through spawning periods; this is to avoid damaging redds, ova and alevins.	<p>The requirement for temporary culvert structures and their design would be determined during the detailed design stage of the DCO Proposed Development, with all culvert design adhering to Environment Agency fish pass standards.</p> <p>Acknowledging the potential for temporary culvert requirements, mitigation has been prescribed within the Outline CEMP [AS-055] and the Outline LEMP [APP-229], with a detailed CEMP and LEMP secured by Requirement</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			5 and 11 (respectively) of the dDCO [AS-016] to address any requirement. Mitigation items D-BD-050, D-BD-051 and D-BD-052 prescribe the need for, appropriate designed culverts; ensuring temporary culverts are removed as soon as practicably possible; and seasonal timings of works to aim to avoid risk of impacts to fish populations and account for sensitive life cycle stages (migration and spawning). Where this is not possible, the Construction Contractor will seek exception on a case-by-case basis.
2.57.44		With regards to the Habitats Regulations Assessment (HRA), paragraphs 6.2.30 & 6.2.31 [APP-226] we note that 'frac-out' has been deemed unlikely, but that should 'frac-out' occur there would be mortalities of fish in the area. Therefore, the final HRA should include mitigation for avoiding the main run-time for key fish species to ensure such effects are minimal. Clarification should be provided on the expected maximum timescale for completing the HDD underneath the River Dee. National Grid References should be provided for the open-cut crossings (paragraph 6.2.33).	<p>The maximum timescale for completing the trenchless crossing underneath the River Dee is expected to be no longer than four weeks, as stated in Paragraph 3.6.17 of Chapter 3 – Description of the DCO Proposed Development [APP-055] of the 2022 ES and cited in Table 6.5 – Evidence Supporting Conclusions (b) the Habitats Regulations Assessment [APP-226].</p> <p>As stated within Paragraph 6.2.3.1 of the HRA, geotechnical investigations either side of the River Dee have been undertaken (results presented within Appendix 11.6 - Ground Investigation Report [APP-135]). With a crossing at a sufficient depth, there would be an adequate thickness of low permeability, stiff cohesive strata that a frac-out of bentonite is not likely to occur. Paragraph 6.2.30 details general impacts associated with bentonite released within a watercourse. However, when considering the fast-flowing tidal nature of the River Dee, in the highly unlikely event of a frac-out, bentonite would be dissipated and diluted rapidly within the water column, preventing localised suspension. As such, Likely Significant Effects are not envisaged upon receptors (including key fish species) within the River Dee and therefore seasonally timed works are not considered required.</p> <p>The exact locations of open-cut crossings would be determined during the detailed design stage of the DCO Proposed Development, which will be subject to approval by the relevant planning authority under Requirement 4 of the dDCO [AS-016] following consultation with NRW.</p>
		<i>Designated Sites for Nature Conservation</i>	
2.57.45		We note that the existing natural gas pipeline to be repurposed for conveying carbon dioxide is already located below the Halkyn Mountain Special Area of Conservation (SAC)/Site of Special Scientific Interest (SSSI) and Flint Mountain SSSI, and a new pipeline is not proposed at these locations. However, any maintenance of this pipeline that would involve potentially damaging operations within the designated sites would need prior section 28 approval from NRW unless permitted directly through planning condition.	The Applicant can confirm that a new pipeline is not proposed below Halkyn Mountain Special Area of Conservation/Site of Special Scientific Interest (SSSI) and Flint Mountain SSSI. As part of the repurposing of the existing pipeline, no maintenance or works are proposed directly upon the pipeline as part of the DCO Proposed Development. Should works be required in the future the Applicant notes the requirement for prior Section 28 approval from NRW or necessary planning permission.

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		<i>Invasive Non-Native Species (INNS)</i>	
2.57.46		<p>NRW's scoping advice identified the potential for impacts arising from the introduction and spread of INNS, including Chinese mitten crab via water transfer during hydrostatic testing of the completed pipeline. We advise that this species is present in the River Dee, and possibly the Mersey, but note that the source of water for this activity is yet to be confirmed.</p> <p>The possibility of Chinese mitten crab transfer during hydrostatic testing should therefore be addressed in the Final Biosecurity Management Plan, which should be agreed with NRW prior to the work commencing.</p>	The Applicant can confirm that a Biosecurity Method Statement will be as part of the CEMP, secured by Requirement 5(2)(j) of the dDCO [AS-016] . The Biosecurity Method Statement will address all relevant Invasive Non-Native Species (INNS) concerns that may be encountered during construction of the DCO Proposed Development. Sources of water for use during construction of the DCO Proposed Development will be defined during the detailed design stage.
	1.11	Land and Soils	
2.57.47		Pipeline excavation and groundwater dewatering could result in interaction with existing groundwater contamination from local landfills and petrol stations. A site investigation has been performed, but it is unclear if the boreholes drilled to date are located between the proposed pipeline alignment and potential sources of contamination. Such boreholes would be used to assess groundwater levels and local permeabilities before any excavation and dewatering works, as these would inform the nature and extent of dewatering/permitting that may be required in a particular location.	The Applicant undertook a Ground Investigation Report, presented in Appendix 11.6 [APP-135 to APP-137] of the 2022 ES. Boreholes were located along the pipeline route and where possible were located to target identified sources as indicated in Chapter 3 and Section 5.3 of the Ground Investigation report [APP-135 to APP-137] . Areas that were unable to be drilled due to access constraints will be drilled to confirm no issues are present prior to construction taking place.
2.57.48		<p>In addition, the quality of the groundwater in these locations is important as this will indicate the degree to which local groundwater within a section of pipeline excavation requiring dewatering is polluted and hence requires treatment. This would require an acceptable methodology to be developed to determine the disposal of any pumped groundwater generated from pipeline dewatering activities.</p> <p>Additional boreholes should also be installed to assess the ground conditions around the proposed Alltami Brook crossing point.</p>	<p>It is anticipated that a Dewatering Management Plan, where required will be prepared and delivered via the Detailed CEMP, by the appointed contractor, in line with REAC Commitment D-LS-015 [AS-053] and secured by Requirement 5(2)(l) of the dDCO [AS-016]. This will include the testing and disposal requirements for any purge water.</p> <p>The Applicant proposed additional boreholes near Alltami Brook to investigate this area as access was not available during investigations undertaken to date. These will be performed prior to detailed design to ensure the underlying geology is clearly understood.</p>
2.57.49		Hydrostatic Testing – a validation process/report for the disposal of any pipeline purge water should be developed due to the purge water volumes generated and to ensure that the final discharge of any purge water, treated or otherwise, is acceptable from a permitting perspective.	A validation report stating the final discharge volume, discharge methods and processes required will be produced by the contractor. This will be undertaken in line with REAC commitment D-LS-015 [AS-053] , which is secured by Requirement 5 of the dDCO [AS-016] .
	1.12	Major Accidents and Disasters	

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
2.57.50		Chapter 13 of the ES (APP-065) identifies the risk of the loss of containment of carbon dioxide and asserts that, based on the assumptions and mitigation measures, these will be managed to be as low as reasonably practical (ALARP). However, the risk assessment should include the impact of a major loss of containment of carbon dioxide and how significant adverse environmental effects would be prevented or mitigated, including details of emergency preparedness.	<p>Chapter 13 of the 2022 ES [APP-065] considers both small and large scale releases of CO₂ during the operation and maintenance stages of the Proposed DCO Development. Risk record entry numbers 6, 7, 10, 12, 15, 18 and 19, presented in Appendix 13.2 – ES Risk Record [APP-143], all consider the potential risk of the release of carbon dioxide as a result of damage to either the pipeline, AGI and/or BVSS. Risk record entry numbers 6, 15 and 18 specifically consider a major loss of containment of CO₂.</p> <p>Appendix 13.2 – ES Risk Record [APP-143] identifies the reasonable worst consequence of these loss of containment events as: “CO₂ toxicity and fogging hazard affects neighbouring property and/or those people in the immediate area.” The Applicant has undertaken studies, including modelling of carbon dioxide releases, to assess the likelihood and consequences of a large scale release of CO₂. The reasonable worst consequence presented in Appendix 13-2 – ES Risk Record [APP-143], aligns with the outcome of these studies.</p> <p>The following specific mitigation measures have been identified in Appendix 13.2 – ES Risk Record [APP-143] to minimise the likelihood of a loss of containment event from the pipeline:</p> <ul style="list-style-type: none"> • Buried below ground. • Geotechnical ground investigation informing the design of the Newbuild Carbon Dioxide Pipeline and the underlying support structure • Provided with enhanced wall thickness at identified risk areas. • Provided with corrosion / cathodic protection systems (coating damage). • Operated, Maintained and Inspected (via Pipeline Inspection Gauges - PIGs) to ensure continued integrity and in compliance with relevant codes, standards and regulations. • Provided with additional protection at key crossings e.g. motorways. • Provided with pipeline tape markers and pipeline surface markers. <p>In addition, as identified in Appendix 13.2 – ES Risk Record [APP-143], the carbon dioxide transmission system will be fitted with leak detection and an emergency shutdown system. On detection of a potential leak, the Carbon Dioxide Pipeline will be shut down and isolated to minimise the volume of carbon dioxide released.</p> <p>As outlined in Appendix 13.2 – ES Risk Record [APP-143], the Proposed DCO Development will be constructed to appropriate design standards.</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
			<p>Management systems will also be in place for preventative maintenance including pipeline inspection and integrity checks.</p> <p>With regards to emergency preparedness, the Applicant will prepare an emergency plan which covers potential emergency scenarios, as secured through the CEMP and the OMEMP under Requirements 5 and 17 of the dDCO [AS-016] respectively. This emergency plan will be regularly tested through desk top exercises. In preparing this plan, the Applicant will collaborate with existing Control of Major Accident Hazard (COMAH) operators to ensure a robust response to an emergency situation which may involve these COMAH facilities. The off-site emergency plans associated with these COMAH facilities will also be updated to consider the potential for initiating events on the Newbuild Carbon Dioxide Pipeline and associated infrastructure. During the preparation of the emergency plan the Applicant will also engage with the emergency services to agree the proposed response to a loss of containment event.</p>
	1.13	Water Quality	
2.57.51		<p>NRW agree with the conclusions of the ES, WFD compliance assessment and HRA in terms of Marine Water Quality based on the provision that the mitigation for pollution and biosecurity listed in the Register of Environmental Actions and Commitments (REAC, AS-053) can be secured within the CEMP. We have the following advice regarding water pollution and the Outline CEMP:</p> <p>1) Paragraph 4.2.2 and Table 6.1 (D-GN-003): Any pollution incident in Wales should be self-reported to NRW, without delay.</p>	The Applicant acknowledges this advice.
		<p>2) Paragraph 5.2.2: We note that the detailed CEMP will include a Biosecurity Management Plan. Site monitoring should include identifying the presence of INNS to minimise their spread.</p>	<p>The Applicant acknowledges the need to include identifying the presence of INNS and the need to minimise their spread. The Applicant can confirm that a Biosecurity Management Plan (BMP) will accompany the detailed CEMP to be adhered to throughout construction of the DCO Proposed Development. Measures D-BD-027 and D-BD-027 detailed within Table 6.6 of the Outline CEMP [AS-055] and the REAC [AS-016] and secured through Requirement 5(2)(j) of the dDCO [AS-016] provide the basis for the development of such a plan with a full BMP to be developed during the detailed design stage. As a minimum this will include provision of relevant surveys to identify the presence of INNS with measures and methodologies detailed to prevent the spread and/or propagation of INNS.</p>

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		3) Table 6.1 (D-BD-054) should also include ordinary watercourses as it refers to a water discharge activity, not a Flood Risk Activity. Reference should also be made to NRW as it currently only refers to the EA.	The Applicant agrees and this will be updated in Chapter 18 – Water Resources and Flood Risk [APP-070] of the 2022 ES.
		4) Table 6.15 - Water resources and flood risk: It is important that all identified measures are transferred and elaborated on in the detailed CEMP and surface water management and monitoring plan, particularly regarding soil management and prevention of silt pollution.	The Applicant notes this advice and confirms that all measures will be secured through the CEMP under Requirement 5 of the dDCO [AS-016] .
		5) Table 6.15 (D-WR-025): If sewage from welfare facilities is to be disposed via a septic tank to ground in Wales, this discharge activity will require either a registration of an exemption with NRW or a discharge permit, depending on location and flows.	If the appointed contractor requires septic tank discharge they will obtain all required discharge permits prior to the commencement of relevant works.
		6) Table 6.15 (D-WR-035): Dewatering activities in Wales may require a water resources permit from NRW. Reference should therefore be made to NRW as this currently only refers to the EA.	The Applicant agrees and reference to NRW will be updated in Chapter 18 – Water Resources and Flood Risk [APP-070] of the 2022 ES.
		7) Given the size and length of time to complete this project we advise that the appointed construction contractor(s) and/or appointed environment manager make proactive contact with the local NRW environment team at the start of the construction phase.	The Applicant will ensure that the appointed contractor and/or environment manager make proactive contact with the local NRW environment team. It is anticipated that this consultation will form part of the preparation of the Detailed CEMPs as secured by Requirement 5 of the dDCO [AS-016] .
	1.14	Dee Conservancy Trust	
2.57.52		NRW's comments with regards to the Dee Conservancy Trust estate centre around the need for a lease agreement to be in place, which covers the installation and operation of the HyNet infrastructure beneath NRW's estate. NRW's ability to undertake its statutory duties as Harbour Authority and Local Lighthouse Authority for the River Dee must not be impeded as a result of the proposal. The wording of any agreement must allow NRW, as the statutory harbour authority, to carry out navigation works within the lease area with notification to the applicant, rather than with their permission.	The Applicant welcomes further discussions with NRW to discuss potentially impacted assets.
2.57.53		We would also advise that an annual payment is attached to the lease and that this is discussed further with the Dee Conservancy Trust.	Lease payments are the subject of commercial negotiation outside the scope of the DCO Examination.
	2.	NRW's General Purpose	
2.57.54	2.1	NRW is satisfied that this advice is consistent with its general purpose of pursuing the sustainable management of natural resources in relation to Wales, and applying the principles of sustainable management of natural resources. In particular, NRW acknowledges that the principles of sustainable management include taking account of all	The Applicant acknowledges NRW's role in delivering the Well-being of Future Generation (Wales) Act 2015.

Reference	Relevant Representation Reference	Relevant Representation Comment	Applicant's Response
		relevant evidence and gathering evidence in respect of uncertainties, and taking account of the short, medium and long term consequences of actions. NRW further acknowledges that it is an objective of sustainable management to maintain and enhance the resilience of ecosystems and the benefits they provide and, in so doing meet the needs of present generations of people without compromising the ability of future generations to meet their needs, and contribute to the achievement of the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015.	
ANNEX A –NRW Regulation and Permitting Services			
2.57.55	1.	Marine Licensing: Regulatory Response	
		Works proposed under the DCO that are within Welsh Waters may require a marine licence under the Marine and Coastal Access Act 2009, for which NRW is the licensing authority. The applicant has noted that the project includes works that will require a marine licence under the MACAA, including crossing the Dee Estuary. To date no formal marine licence application or request for formal pre-application advice has been received. We would strongly encourage the applicant to engage with the Marine Licensing Team.	<p>The Applicant has identified consents required outside of the DCO in the Other Consents and Licences document [APP-046] which includes a Marine Licence for the River Dee crossing to be obtained from NRW following DCO submission.</p> <p>The Applicant is undertaking ongoing engagement with NRW and is progressing the pre-application advice request in relation to a marine licence.</p>

Table 2-58 - Paul Smith – RR-067

Reference	Relevant Representation Comment	Applicant's Response
2.58.1	I want to know how this will affect the land I own that hynet have an interest in.	<p>The Land Plans [AS-010] and Works Plans [AS-012] set out the land required for the DCO Proposed Development and can be viewed to understand the effect on the land. The land owned by Paul Geoffrey Smith and Virginia Smith is listed in the Book of Reference [AS-023] and Schedule of Negotiations (updated at Deadline 1) as being plot 20-22 (required for acquisition at subsurface for pipeline) and an ad medium filum interest in the road in plots 20-16 (required for temporary possession in association with a construction compound) and 20-21 (required for acquisition at subsurface for pipeline). The Applicant refers to paragraph 3.7.7 of the 2022 ES [APP-055] which explains that a 24.4m permanent rights corridor will be required and would place restrictions on this land. Currently, the exact Newbuild Carbon Dioxide Pipeline routing is not confirmed and will fall within the 100m option area; becoming clearer when the DCO Proposed Development reaches the detailed design stage.</p>

Table 2-59 - Philip Warrington – RR-068

Reference	Relevant Representation Comment	Applicant's Response
2.59.1	Damage to the soil which won't be returned to its original condition	The Applicant has prepared an Outline Soil Management Plan [APP-227] which sets out the approach the stripping, storage and replacement of soils to prevent damage to soils. The Applicant will produce a detailed Soil Management Plan prior to undertaking any works as part of the CEMP to be approved under Requirement 5(2)(f) of the dDCO [AS-016] .
2.59.2	The impact of the site on the ability to market & sell our property, farmhouse, outbuildings & farmyard, including future development of this.	The Applicant will continue to proactively liaise with the landowner to assess the impact the development will have on the stated concerns.

Table 2-60 - Rainford Hall Estate Limited on behalf of Messrs J & E Williams – RR-069

Reference	Relevant Representation Comment	Applicant's Response
2.60.1	Please refer to the comment under Table 2-27 set out in the row with reference number 2.27.1	Please refer to the response provided under Table 2-27 in the row with reference number 2.27.1
2.60.2 to 2.60.4	Please refer to the comments under Table 2-27 set out in rows with reference numbers from 2.27.2 till 2.27.4	Please refer to the responses provided under Table 2-27 in rows with reference numbers from 2.27.2 till 2.27.4
2.60.5	Please refer to the comments under Table 2-28 set out in rows with reference numbers from 2.28.5	Please refer to the response provided under Table 2-28 in the row with reference number 2.28.5
2.60.6 to 2.60.8	Please refer to the comments under Table 2-27 set out in rows with reference numbers from 2.27.6 till 2.27.8	Please refer to the responses provided under Table 2-27 in rows with reference numbers from 2.27.6 till 2.27.8
2.60.9 & 2.60.10	Please refer to the comments under Table 2-27 set out in the rows with reference number 2.27.9 and 2.27.10	Please refer to the responses provided under Table 2-27 in the rows with reference number 2.27.9 and 2.27.10
2.60.11	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. Changes announced for farmers in Wales will mean that with effect from 1st April 2023 there will be a maximum limit of 170kg/ha of nitrogen permitted for spreading. For Messrs Williams to remain compliant with the regulations, the loss of this land will have a serious financial impact to the farming business with a potential reduction in cow numbers and hence reduced turnover, leading to possible job cuts.	The Applicant will continue to engage and negotiate with the landowner regarding the compound site in order to mitigate the impacts on their farming business as much as reasonably possible. The Applicant would be pleased to discuss the specific needs of the business and potential mitigations measures with the landowner in the context of the land agreements but notes in general that losses caused by the project will be compensated in line with the Compensation Code.

Table 2-61 - Robert Angell – RR-070

Reference	Relevant Representation Comment	Applicant's Response
2.61.1	Has such a project been carried out in this country and how successful is it. The information and definitive maps are lacking in detail. What will be the benefit to this area and who will benefit. The area roughly identified is agricultural land supporting several businesses and it is also the ground for the feeding of animals in the adjacent SSSI. and woods.	<p>The Applicant sets out the likely benefits of the DCO Proposed Development in Chapter 6 of the Planning Statement [APP-048]. The Carbon Dioxide Pipeline will deliver significant benefits in helping to decarbonise industry in the local area, the Flintshire region and beyond. The DCO Proposed Development will enable the delivery of the wider HyNet Project and build capacity to tie-in to future emitters.</p> <p>As noted in paragraph 6.2.7 of the Planning Statement [APP-048], there will also be significant local and regional benefits resulting from the construction of the pipeline, including direct, indirect and induced employment. By 2025, the construction and implementation of the CO₂ distribution infrastructure will deliver approximately 800 construction jobs and approximately 100 manufacturing jobs in the North West area.</p> <p>The Needs Case [APP-049] provides further detail on how the DCO Proposed Development will help meet both national and local government ambitions and policies for Net-Zero and tackling the climate emergency.</p> <p>In the first instance the Applicant has sought to avoid direct impacts to designated sites, habitats, and species as part of the embedded design of the DCO Proposed Development. To support the DCO Application, the Applicant has completed a series of surveys and assessments of designated sites, habitats and protected and/or notable species to identify constraints to construction, operation and decommissioning of the DCO Proposed Development. Appropriate mitigation measures have been devised to avoid, manage and/or ameliorate impacts to protected and/or notable species that utilise habitats across the Order Limits, including woodlands and designated sites (including SSSIs).</p>

Table 2-62 - Rostons on behalf of Emma Clare Craven-Smith-Milnes – RR-071

Reference	Relevant Representation Comment	Applicant's Response
2.62.1	We are concerned about the lack of willing and meaningful engagement from senior stakeholders involved in the HyNet CO2 Pipeline scheme.	The Applicant is continuing to engage with Emma Clare Craven-Smith-Milnes and the appointed land agent, Rostons. The Applicant does not agree there has been a lack of willing and meaningful engagement. The Applicant has requested a meeting with the respondent on numerous occasions since September 2022, the respondent has not been forthcoming in arranging a meeting.

Reference	Relevant Representation Comment	Applicant's Response
2.62.2	Furthermore, the proposed route of the pipeline directly impacts a proposed solar farm development on the land, sterilizing land from development.	The Applicant acknowledges the proposed development may impact a proposed Solar Farm Development. The Applicant will continue to engage with the landowner and solar developer with an aspiration to allow for both developments to proceed. The Applicant will continue to engage with the landowner and compensation will be assessed on a case-by-case basis in accordance with the Compensation Code.
2.62.3	Furthermore, in excess of 7 acres of land will be affected by the works and there is a concern that the soil structure will be irreparably damaged, resulting in a reduction in the ability to grow crops and the potential for increased flooding of the land.	<p>The Applicant has prepared an Outline Soil Management Plan [APP-227] which provides guidance on the stripping, storage and replacement of soils to prevent damage to soils. The Applicant will instruct the contractor to produce a detailed Soil Management Plan for approval prior to undertaking any works under Requirement 5(2)(f) of the dDCO [AS-016], which will set out best practice to prevent irreparable damage to the soil structure.</p> <p>The Applicant has considered the impacts of the new AGIs and BVSs on the increase in surface water flood risk in the Outline Surface Water Drainage Strategy [APP-241]. This has demonstrated compliance with all LLFA and Welsh Government's SAB requirements to prevent any increase in flood risk elsewhere along the proposed pipeline in Wales. This has also demonstrated compliance with all local and national requirements for sustainable water drainage design to prevent any increase in flood risk elsewhere along the proposed pipeline in England.</p> <p>The Applicant has considered the effects on Agricultural Land Holdings in Chapter 16 Population and Human Health [APP-068] of the 2022 ES which concludes that there are no residual significant Population and Human Health effects on Agricultural Land Holdings associated with the DCO Proposed Development.</p>

Table 2-63 - Rostons on behalf of Frances Isobel Jones, Kevin Glyn Jones and Sarah Ann Jones – RR-072

Reference	Relevant Representation Comment	Applicant's Response
2.63.1	We are concerned about the lack of willing and meaningful engagement from senior stakeholders in the project to date.	The Applicant has held several meetings with the Jones family over the past 18 months with senior members of the project team. The Applicant will continue to engage with Frances Isobel Jones, Kevin Glyn Jones, Sarah Ann Jones and their appointed land agent Rostons.
2.63.2	The business operates a dairy farm enterprise and is affected both by the presence of an Above Ground Installation permanently affecting an area of 6.6 acres, while the pipeline, which runs straight through the middle	The Applicant will continue to engage with the landowner and compensation will be assessed on a case-by-case basis in accordance with the Compensation Code.

Reference	Relevant Representation Comment	Applicant's Response
	of the farm, affects an area in excess of 10 acres during construction. This will have a major impact to the operation of the farm, and necessitate a permanent reduction in livestock due to loss of land.	
2.63.3	Furthermore, there is a concern that the construction works will irreparably damage the soil structure, reducing its ability to grow crops and becoming more prone to flooding.	<p>The Applicant has prepared an Outline Soil Management Plan [APP-227] which provides guidance on the stripping, storage and replacement of soils to prevent damage to soils. The Applicant will instruct the contractor to produce a detailed Soil Management Plan for approval prior to undertaking any works under Requirement 5(2)(f) of the dDCO [AS-016], which will set out best practice to prevent irreparable damage to the soil structure.</p> <p>The Applicant has considered the impacts of the new AGIs and BVSs on the increase in surface water flood risk in the Outline Surface Water Drainage Strategy [APP-241]. This has demonstrated compliance with all LLFA and Welsh Government's SAB requirements to prevent any increase in flood risk elsewhere along the proposed pipeline in Wales. This has also demonstrated compliance with all local and national requirements for sustainable water drainage design to prevent any increase in flood risk elsewhere along the proposed pipeline in England.</p> <p>The Applicant has considered the effects on Agricultural Land Holdings in Chapter 16 Population and Human Health [APP-068] of the 2022 ES which concludes that there are no residual significant Population and Human Health effects on Agricultural Land Holdings associated with the DCO Proposed Development.</p>
2.63.4	Without confirmation that the land severed during construction will continue to be able to be accessed, the farm may be subject to an even greater temporary loss of land.	The Applicant will continue to engage with the landowner and compensation will be assessed on a case-by-case basis in accordance with the Compensation Code.

Table 2-64 - Rostons on behalf of Mr David John Brown, Mr James Edward Brown and Mrs Ruth Brown – RR-073

Reference	Relevant Representation Comment	Applicant's Response
2.64.1	<p>We are extremely concerned about the lack of meaningful and willing engagement both from representatives of the CO₂ Pipeline, and also from Senior Stakeholders from all involved in the HyNet scheme, including the Hydrogen Pipeline and Natural Fuel pipeline.</p> <p>All 3 pipelines severely impact the Brown family's land, however no meetings in person have taken place, or been offered by senior stakeholders.</p>	Several face to face meetings over the last 18 months have already taken place with senior members of the project team and the Brown family. The Applicant will continue to engage with the Brown family in order to mitigate the impact of the DCO Proposed Development on their land.

Reference	Relevant Representation Comment	Applicant's Response
2.64.2	These projects, including both the pipeline and associated construction compounds will have a detrimental impact on a significant proportion of the farm for several years, and sterilise a strategic parcel of land from future development from which the family would benefit from.	Furthermore, the Applicant is organising a meeting with the Brown family and the other HyNet interested parties to discuss the wider project impact on their land.
2.64.3	Furthermore there is a concern that such large construction activities will irreparably damage the soil structure causing compaction and flooding and reduce the ability to farm and produce crops when land is finally returned.	<p>The Applicant has prepared an Outline Soil Management Plan [APP-227] which provides guidance on the stripping, storage and replacement of soils to prevent damage to soils. The Applicant will instruct the contractor to produce a detailed Soil Management Plan for approval prior to undertaking any works under Requirement 5(2)(f) of the dDCO [AS-016], which will set out best practice to prevent irreparable damage to the soil structure.</p> <p>The Applicant has considered the impacts of the new AGIs and BVSs on the increase in surface water flood risk in the Outline Surface Water Drainage Strategy [APP-241]. This has demonstrated compliance with all LLFA and Welsh Government's SAB requirements to prevent any increase in flood risk elsewhere along the proposed pipeline in Wales. This has also demonstrated compliance with all local and national requirements for sustainable water drainage design to prevent any increase in flood risk elsewhere along the proposed pipeline in England.</p> <p>The Applicant has considered the effects on Agricultural Land Holdings in Chapter 16 Population and Human Health [APP-068] of the 2022 ES which concludes that there are no residual significant Population and Human Health effects on Agricultural Land Holdings associated with the DCO Proposed Development.</p>

Table 2-65 - Sarah Harley – RR-074

Reference	Relevant Representation Comment	Applicant's Response
2.65.1	I am an interested party as part of the pipeline will affect me as a landowner. My concerns are the impact the pipeline will have on my livelihood. Will I get fair compensation? Will there be any negotiations where and when the pipeline will go?	<p>The Applicant recognises the party as an impacted landowner and appreciates their concerns about the impact to their livelihood. Regarding compensation, the Applicant can confirm that this will be assessed on a case-by-case basis, in line with the Compensation Code. The starting point for that Code is that affected landowners should be put in a position of equivalency, which includes that they should suffer no loss. The Applicant stresses that it is seeking to agree voluntary agreements with all affected landowners but refers to the UK Government guidance on compulsory purchase compensation for business owners as that sets out the heads of compensation under the Code for your information: https://www.gov.uk/government/collections/compulsory-purchase-system-guidance .</p>

Reference	Relevant Representation Comment	Applicant's Response
2.65.2	What is the intended timescale?	The overall programme of construction is to be in the region of 16 months. Specific timelines for the areas of the pipeline route are to be determined by the appointed construction contractor but are anticipated to be a fraction of this. The construction commencement depends on a number of factors, including the outcome of the DCO process.

Table 2-66 - SP Energy Networks (SPEN) - RR-075

Reference	Relevant Representation Comment	Applicant's Response
2.66.1	Further to the submission of the above proposals which have recently been accepted, I have reviewed the submission and on the basis of my review to date, I have the following comments. Please note that the general point to these comments is to avoid SP Manweb assets being adversely impacted on and to engage as much as possible with the applicant to avoid such impacts. Comments have previously been sent to the applicant in March and July 2022 and these are attached. I also attach 5no. plans sent over in separate emails which show the affected SPM network and the pipeline proposals. General These comments are made by SP Energy Networks which acts on behalf of SP Manweb, the licenced Distribution Network Operator (DNO) for the area covered by the proposed scheme.	<p>The Applicant is engaging with SPEN regarding Protective Provisions.</p> <p>The Applicant had a meeting with SPEN on 29 March 2023 to discuss their SPM network assets in detail and comments provided in their Relevant Representation.</p> <p>The Applicant can confirm they have received draft Protective Provisions from SPEN and are currently reviewing and updating these.</p>
2.66.2	SP Energy Networks operate and manage the electricity network up to 132kV. In general, SP Energy Networks has no objection in principle to the proposed pipeline scheme, however, it must ensure the avoidance of any adverse impact on its network as we all drive to maintain a network that is capable of meeting the increase in demand from an all-electric economy. SP Energy Networks has started a process of developing investment targets from 2023 to 2028 to meet the UK and devolved Governments ambitious decarbonisation targets for Net Zero. The next decade will be crucial in preparing the grid for these changes and this is why we are very interested in being able to comment on the proposals which may undermine maintaining and developing a suitable future grid network. In relation to this scheme, to date, SP Energy Networks has initiated engagement on various matters relating to the impact of the proposals on its network assets including the s27 stage and so considers to be at the early stages of working with the applicant to avoid impacts on its network.	
2.66.3	<p>SPM Network assets</p> <p>Based on the plans prepared by SP Manweb, it is unclear where there will not be an impact on those SPM assets which are within the DCO limits. The current position is that SP Energy Networks has recently asked the applicant to provide an overlay plan showing SPM assets and the proposed DCO limits which seems the clearest way of showing the crossover points in detail with a schedule explaining what the crossover is. The key crossover points of interest to SP Manweb where there are existing high voltage 132kV and 33kV assets, which in some cases include the sites of the later proposed changes, are as follows:</p> <ol style="list-style-type: none"> 1. North west Chester services 2. West of Backford 	

Reference	Relevant Representation Comment	Applicant's Response
	3. Saughall 4. Sealand Road 5. South of River Dee 6. South Queensferry 7. Connah's Quay 8. Halkyn	
2.66.4	<p>SP Energy Networks would like to resolve matters as much as possible and would like to see clarification on the crossover points/SPM assets as soon as further details can be provided. Impacts and consenting SP Energy Networks needs assurances that any affected network requiring to be diverted is, once identified, included in the EIA and properly assessed and reported.</p>	<p>The Applicant is engaging with SPEN regarding Protective Provisions which will address protection of SPEN's assets.</p> <p>The potential for cumulative impacts of electricity connection diversions has been considered within Chapter 19 – Combined and Cumulative Effects [APP-071] of the 2022 ES.</p>
2.66.5	<p>Where necessary, any related consents for diverting network is included in the DCO. The applicant should clarify these matters as soon as possible.</p> <p>Measures for agreed working (DCO)</p> <p>Having carried out an initial review of the draft protective provisions in the draft DCO, these are not consistent with the provisions SP Energy Networks has secured in similar DCOs. As such, the applicant is asked to continue to work with SP Energy Networks and agree as many areas as possible of possible through the application stages.</p>	<p>No diversions are known to be required. Any diversion needed would be small and within the scope of the DCO.</p> <p>The Applicant will continue to proactively engage with SPEN regarding Protective Provisions.</p>
2.66.6	<p>Land Rights</p> <p>SP Energy Networks will require all SPM land rights affected by the scheme that need to be amended to be agreed in full agreement with SPM. Reference is made to the Book of Reference where SP Manweb interests are included. Reviewing the BoR and confirming existing and proposed rights is likely to be an expansive task and the applicant is asked to engage with SPM regarding a timetable and cost undertakings to support working with SP Energy Networks in this regard.</p>	<p>The Applicant will continue to proactively engage with SPEN regarding SP Manweb's assets.</p>
2.66.7	<p>There are a number of key areas to resolve in relation to SPM network, which is critical to protect as it is this network that will be relied upon to distribute the generation into local homes and businesses. Any adverse impacts on the SPM network that need to be resolved by SPM would impact on the benefits of delivering this proposed scheme. The applicant should discuss the above with SP Energy Networks as soon as possible as they have been requested to do for over the past year but without making much progress. Given the extent of the information prepared and submitted, it is a reasonable expectation for there to be a plan produced showing the SPM asset as likely to be most affected and how, and an SPM network diversions worksheet that outlines how this network will be managed within the proposed development.</p> <p>SP Energy Networks will continue to review the DCO application and may wish to raise further matters in due course. In order to progress the above, SPEN has identified a need for the applicant to address the following: - to show on suitable plans where direct and indirect impacts from the new development on SPM network will arise - to ensure that where there are impacts these can be managed in an appropriate way through agreed</p>	<p>The Applicant will continue to proactively engage with SPEN regarding Protective Provisions.</p> <p>The Applicant had a meeting with SPEN on 29 March 2023 to discuss their SPM network assets in detail and comments provided in their Relevant Representation. The Applicant has shown SPEN where the DCO Proposed Development is in proximity to each of their assets (underground and overground). SPEN have confirmed that only areas within 15m of their assets are of interest to them.</p> <p>No diversions are known to be required. Any diversion needed would be small and within the scope of the DCO.</p>

Reference	Relevant Representation Comment	Applicant's Response
	protective provisions - to ensure the agreed measures are made clear to contractors working on site through required method statements and impacts on SPEN network are avoided - to ensure that where existing land rights are interfered with then these are replaced with new rights which retain SPEN's existing rights or new rights are created as required for SPEN. Please let me know if you would like any other information.	The Applicant has drafted a Statement of Common Ground with SPEN (document reference: D.7.2.20) and will provide an initial draft to the ExA for Deadline 1.

Table 2-67 - The Coal Authority – RR-076

Reference	Relevant Representation Comment	Applicant's Response
2.67.1	The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, the Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas. Further to the notification received 09 December 2022 from Liverpool Bay CCS Ltd seeking the views of the Coal Authority on the above, I have reviewed Drawing No. HYNET-WSP-VES-XX-DR-GI-0757 Revision 1 (Pipeline Location Plan: Ince to Talacre. I can confirm that parts of the project site fall within the Development High Risk Area as defined by the Coal Authority.	The Applicant notes the Coal Authority's comments.
2.67.2	Within the specific parts of the site (detailed below), there are recorded coal mining features present at surface and shallow depth which should be considered as part of future development on the site. These features pose a potential risk to surface stability and public safety. The application is accompanied by Coal Mining Risk Assessment (CMRA) (D.6.3.11.2, revision A (Environmental Statement – Volume III) prepared for the project by WSP UK Limited.	
2.67.3	The Report has been informed by an extensive range of source of historical, geological and coal mining information. Having carried out a review of the available information, the Report informs that only some sections of the pipeline corridor are affected by former coal mining activity. The report notes that in some cases there are recorded shafts or adits present near the pipeline corridor. We hold treatment details for some of these features but for others there are no records available of what treatment, if any, has taken place.	The Applicant will make an application for treatment details of any shafts or adits (if required) at detailed design stage that could potentially be impacted by the works as set out in REAC commitments D-LS-004 [AS-053] and secured by Requirement 5 of the dDCO [AS-016] .
2.67.4	<p>The Coal Authority is of the opinion that development over, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy: https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries</p> <p>We are pleased to note that the report author informs that the pipeline corridor has, where possible, been adjusted to avoid known shafts/adits.</p> <p>The following sections of the current route of the pipeline lie within the Development High Risk Area and the recorded coal mining features present are as follows: SHEET 16 and 17 of 37 - WORKS PLAN REGULATION 5(2)(i) APPLICATION DOCUMENT REFERENCE D.2.4. Specific area: Works No. 35 and 36 [Identified as Area 1 – Mancot Lane to Lower Ashton Hall Lane section 4.1.1 of the CMRA] Our records indicate there are two mine entries (CA shaft ref: 331367-058 and 331367-059); probable shallow coal mining; thick coal seams that may have been worked at shallow depth.</p>	These mine shafts are shown on the coal mining report provided by the Coal Authority. The pipeline routing has been adjusted to avoid the mine entries identified by the Coal Authority and further mitigation is proposed in line with REAC commitments D-LS-003 and D-LS-004 [AS-053] and secured by Requirement 5 of the dDCO [AS-016] .

Reference	Relevant Representation Comment	Applicant's Response
2.67.5	<p>The site is also within the boundary of a site from which coal has been removed by surface mining (opencast) methods. In addition, the Coal Authority has in the past been called upon to deal with a surface hazard within the site boundary. The CMRA submitted concurs with our records. SHEET 18 of 37 - WORKS PLAN REGULATION 5(2)(i) APPLICATION DOCUMENT REFERENCE D.2.4 Specific area: Works No. 27, 27D and 27 [Identified as Area 2 – Old Aston Hill road to Northop Hall Section 4.1.2 of the CMRA]</p> <p>Our records indicate the presence of four recorded mine entries (three on-site mine entries: CA ref: 329367-062, 328366-179; and 328366-223 and one off-site mine entry: CA shaft ref: 329367-268.</p>	<p>The mine shafts identified in the Coal Authority's Relevant Representation are shown in the coal mining report provided by the Coal Authority. The pipeline routing has been adjusted to avoid these mine entries and further mitigation is proposed in line with REAC commitments D-LS-003 and D-LS-004 [AS-053] and secured by Requirement 5 of the dDCO [AS-016].</p>
2.67.6	<p>In addition, probable shallow coal mining intersects part of Work No. 27 area (land to the south of Holywell Road / junction of access road to 'Bellsfield'); and a coal seam of workable thickness is noted to outcrop at or close to the south western corner (area of Work No. 27) which may have been worked at shallow depths. The CMRA submitted concurs with our records, however we note that the report author states that it is unlikely that unrecorded shallow coal mining has taken place beneath the site. SHEET 19 of 37 - WORKS PLAN REGULATION 5(2)(i) APPLICATION DOCUMENT REFERENCE D.2.4 Specific area: Works No. 57K, 43B, 43A and 57J [Identified as Alltami Brook: Section 5.0 of the CMRA] Our records indicate that there are six mine entries (three on-site mine adits CA ref: 327367-053, 327367-048 and 327367-049) and three off-site adits CA ref: 327366-235, 327366-235 and 327367-234); recorded shallow coal mining; and a coal seam of workable thickness outcrops at or close to the site that may also have been worked at shallow depths. These mining features are present within the area to the west and east of Pinfold Lane and north of Magazine Lane, Ewloe. The CMRA identifies the two mine adits and comments that a geophysics survey was carried out to confirm the presence of these features.</p>	<p>The pipeline routing through the area of Work No. 27 has been adjusted following information obtained from the Coal Authority report and other data. This was undertaken to minimise the potential to encounter historic workings. The REAC commitment D-LS-004 [AS-053], secured by Requirement 5 of the dDCO [AS-016], will be complied with during construction.</p>
2.67.7	<p>The report author states that no indication of the mine adits were found, although a potential void was located in the north eastern corner of the field. However it is noted that due to sight constraints, a full survey was not completed. SHEET 36 and 37 of 37 - WORKS PLAN REGULATION 5(2)(i) APPLICATION DOCUMENT REFERENCE D.2.4 Specific area: Existing Pipeline [Identified as Point of Ayr Section 4.2 of the CMRA] Our records indicate that the zone of influence of a recorded mine entry (CA shaft ref: 311382-011) extends into the red line boundary and the site lies within an area of probable shallow coal mine workings.</p>	<p>The pipeline routing through this area has been adjusted following information obtained from the Coal Authority report and other data. This was to minimise the potential to encounter historic workings. The REAC commitment D-LS-004 [AS-053] and secured by Requirement 5 of the dDCO [AS-016], will be complied with during construction.</p>
2.67.8	<p>The CMRA states that the site does not lie within an area of probable historic unrecorded shallow coal mining however there are two recorded mine entries within the site. The Report makes reference to Coal Mining Report ref: 51002948750001, however I have not been able to find this specific Report in Appendix B. Nevertheless, it is acknowledged that this part of the project is the existing pipeline, which is to be decommissioned and then commissioned with a new plant (temporary storage compound). It therefore appears that no changes or new development is being proposed in this area. After reviewing the specific areas of pipeline affected by former coal mining activity, we are pleased to note that recommendations have been made by the report authors for the pipeline routing to avoid these areas where possible.</p>	<p>An incomplete version of the CMRA [APP-121 to APP-130] was submitted in error. An updated version with Appendix B was submitted to the Examining Authority in March 2023 as part of the Applicant's responses to section 51 advice response. An updated version with Appendix B has been submitted [AS-043 to AS-052].</p>
2.67.9	<p>In the event that the pipeline cannot avoid the areas, recommendations have been made within the report that intrusive ground investigations will be required in order to confirm the ground conditions present and inform any remedial measures required to mitigate the risk posed to the pipeline and associated infrastructure.</p>	<p>The Applicant notes the Coal Authority's comments and will undertake either geophysics or intrusive investigation to ascertain locations within the pipeline corridor to inform the final pipeline routing in accordance with REAC</p>

Reference	Relevant Representation Comment	Applicant's Response
	Where recorded mine entries are present, recommendations have been made for these will need to be cordoned off and careful excavation around these areas performed, if necessary, for the pipeline installations. It is noted that the report author states that the zone of the potential shafts should be determined from the Coal Authority's reports. We consider it would be prudent however for the report authors, or other technically competent persons, to carry out a positional review of all recorded mine entries in order that the best plot positions of these features can inform the cordoned off areas, amended route or the extent of any intrusive ground investigations.	commitment D-LS-002 [AS-053] , secured by Requirement 4 of the dDCO [AS-016] .
2.67.10	We welcome the comments made that unrecorded mining features could be present and therefore vigilance should be maintained during site preparation and groundworks within the identified areas. The intrusive site investigations should be designed and undertaken by competent persons to ensure that these are appropriate to assess the ground conditions on the site to establish the coal-mining legacy present and the risks it may pose to the development and inform any mitigation measures that may be necessary. Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Based on the information submitted, the Coal Authority considers that the applicant has identified the coal mining risks associated with the project site and set out appropriate measures to mitigate the risk that these may have to the development.	The Applicant will make relevant applications when required.
2.67.11	It is recommended that the measures proposed (Section 6.5) within the submitted Coal Mining Risk Assessment (CMRA) (D.6.3.11.2, revision A (Environmental Statement – Volume III) prepared by WSP UK Limited to address the risks posed to the development by past coal mining activity are included as requirements of any Order granted for the project.	The measures noted will be applied at detailed design.

Table 2-68 - The Woodland Trust– RR-077

Reference	Relevant Representation Comment	Applicant's Response
2.68.1	<p>The Woodland Trust welcomes the opportunity to register a representation to the following project.</p> <p>We hold serious concerns with regards to the potential impact to several areas of woodland designated as ancient on Natural Resource Wales' Ancient Woodland Inventory, plus numerous veteran trees as outlined in the Arboricultural Impact Assessment [ref: APP-115].</p> <p>We are concerned that the woodlands adjacent to the pipeline boundary will be subject to noise and dust pollution during construction, plus potential direct impact to one woodland which is subject to a trenchless crossing.</p>	<p>As part of early design commitments, efforts have been made by the Applicant to avoid sensitive habitats and features, wherever possible, including Ancient Woodland and veteran trees. Further efforts will be made during the detailed design stage to further reduce and/or avoid such receptors as secured by Requirement 4 of the dDCO [AS-016]. This includes a number of commitments relating to work adjacent to Ancient Woodland. For example, Commitment D-BD-008 states '<i>Design of the DCO Proposed Development has included use of trenchless crossing techniques to avoid and reduce adverse effects on Ancient Woodland present within the Order Limits.</i>'</p> <p>Through this approach the Applicant has sought to avoid direct impacts (i.e. the felling of trees) to ancient woodland, specifically at Northop, and maintain the integrity of the woodland. Other areas of ancient woodland have been</p>

Reference	Relevant Representation Comment	Applicant's Response
		<p>avoided and removed from the Order Limits and/or buffered wherever practicable from construction.</p> <p>In addition, Commitment D-LV-015, presented in the Outline CEMP [AS-055] and Outline LEMP [APP-229] as secured by Requirement 5 and 11 of the dDCO [AS-016] states <i>‘All ancient woodland areas will be protected. A 15m works exclusion zone or similar approved by an Arboriculturist is assumed, except for environmental mitigation works, such as drainage works. In these areas, works will be carried out as required but will ensure protection of the trees under supervision of a suitably qualified Arboriculturist. Protective measures will be detailed within a site-specific Arboricultural Method Statement and shown on a Tree Protection Plan (TPP) and where necessary, working methods will be monitored by a suitable Arboricultural Clerk of Works. The Construction Contractor will prepare the Arboricultural Method Statement’.</i></p> <p>Where impacts to trees are unavoidable, mitigation has been prescribed to compensate for the loss of trees on a 3:1 ratio (planted trees: lost trees), as per item D-BD-063 of the Outline CEMP [AS-055] and within the Outline LEMP [APP-229] as secured by Requirement 5 and 11 of the dDCO [AS-016]. Mitigation areas for the planting of trees have been identified across the Order Limits, as presented within D.2.4 – Works Plans [AS-012] and sought to tie into or enhance existing green corridors and green infrastructure.</p> <p>Mitigation and management of noise and air quality impacts during the construction of the DCO Proposed Development include a range of measures such as minimising construction traffic routing past sensitive receptors, as well as ‘Best Practicable Means’ to reduce any noise, air quality, and/or visual concerns. For example, choosing low noise equipment and optimising the location of equipment/activities. Construction works will be completed in accordance with a Dust Management Plan (see item D-AQ-005 of the Outline CEMP [AS-055]) as secured by Requirement 5(c) of the dDCO [AS-016] to be developed at the detailed design stage and will detail a range of measures and mitigation to suppress dust production and spread, including measures prescribed within the Outline CEMP [AS-055] as secured by Requirement 5 of the dDCO [AS-016].</p>
2.68.2	As such, the Woodland Trust recommends that a buffer zone of 30 metres is implemented to all areas of ancient woodland to mitigate for the above impacts during construction.	<p>As part of early design commitments, efforts have been made by the Applicant to avoid sensitive habitats and features. Further efforts will be made during the detailed design stage to further reduce and/or avoid such receptors as prescribed within item D-BD-009 of the Outline CEMP [AS-055] and also in the Outline LEMP [APP-229] as secured by Requirement 5 and 11 of the dDCO [AS-016]. The Outline CEMP [AS-055] and Outline LEMP [APP-229]</p>

Reference	Relevant Representation Comment	Applicant's Response
		as secured by Requirement 5 of the dDCO [AS-016] includes a number of commitments relating to work adjacent to Ancient Woodland. Commitment reference D-LV-015 of the Outline CEMP [AS-055] as secured by Requirement 5 of the dDCO [AS-016] states ' <i>All ancient woodland areas will be protected. A 15m works exclusion zone or similar approved by an Arboriculturist</i> '. The 15-metre exclusion zone is in line with buffer zone recommendations as presented within the National Planning Policy Framework (NPPF).
2.68.3	Furthermore, six veteran trees are likely subject to felling to facilitate the scheme.	The Applicant has submitted a change request to the Examining Authority on 27 March 2023 to extend the Order Limits further north near Backford Brook. This change will avoid the loss of veteran trees at this location (T849, T850, T858 and T1056) as far as practicable. The veteran trees T1470 and T1027 remain at risk of removal and will be reviewed at detailed design stage.
2.68.4	<p>The Trust asks that these trees are retained, and afforded buffer zones of 15 times the stem diameter, or five metres beyond the crown (whichever is greater).</p> <p>In summary, the Woodland Trust objects to the proposed development on the grounds of impact to ancient woodland and veteran trees. We hope our comments are of use to you.</p>	<p>The NPPF standing advice for buffer zones of 15 times the stem diameter, or five metres beyond the crown (whichever is greater) has been applied to inform Appendix 9.11 - Arboricultural Impact Assessment Parts 1 & 2 [APP 115 to APP 116].</p> <p>Through ongoing design development and refinement, direct impacts upon veteran trees have been reduced and minimised wherever possible. All construction and operational impacts on such receptors have been assessed and reported within Chapter 9 – Biodiversity [AS-025] and Chapter 12 – Landscape and Visual [APP-064].</p>

Table 2-69 - Turley, on behalf of Peel NRE on behalf of Peel NRE – RR-078

Reference	Relevant Representation Comment	Applicant's Response
	Introduction	
2.69.1	This Relevant Representation has been prepared by Turley on behalf of Peel NRE to the application by Liverpool Bay CCS Limited ('Applicant') for a development consent order ('Order') seeking powers for the delivery of the HyNet Carbon Dioxide Pipeline and related infrastructure (Planning Inspectorate Reference EN070007) ('Pipeline'). By completing this form, Peel NRE is registering to become an Interested Party to take part in the Examination of the above application.	The Applicant is actively discussing these points with Peel NRE as part of numerous SoCG focused meetings.
2.69.2	The Pipeline will facilitate delivery of HyNet North West, a hydrogen supply and carbon capture and storage project for which a separate development consent order will be sought.	

Reference	Relevant Representation Comment	Applicant's Response
2.69.3	Peel NRE is the owner of land required by the Pipeline for the Ince Above Ground Installation (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 plastics to hydrogen facility (ref. 19/03489/FUL), and a plastics park (ref. 21/04076/FUL).	
2.69.4	Protos is 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 resource recovery park and energy from waste facility for use in connection with the recycling, recovery and reprocessing of waste materials.	
2.69.5	Peel NRE is part of Peel L&P Group and has a long track record of delivering large scale, transformational developments and infrastructure across the UK. Peel NRE has been working closely with Cheshire West and Chester Council ("CWACC") to bring forward the various components of Protos over the last 14 years.	
2.69.6	Peel NRE is planning for the future expansion of Protos (as expressed through representations submitted by Peel NRE to the CWACC Local Plan Conversation in September 2021), to become a destination for sustainable energy, innovation and industry, helping to create a net zero industrial cluster and achieve climate change ambitions. The Pipeline is proposed within the area planned for the future expansion of Protos.	
2.69.7	Peel NRE submitted representations to the Section 27 Statutory Consultation in March 2022, and the response is summarised in the Consultation Report (document ref. D.5.1, Revision A, September 2022, references X-38, X-45, S1-08, S1-09, S1-10, S1-19, S1-20, S1-21, S1-22). The Applicant has amended the Pipeline scheme following the statutory consultation, which has resolved some of the concerns raised by Peel NRE about the impact of the Pipeline.	
2.69.8	<p>Peel NRE remains wholly supportive of the principle of the Pipeline. Indeed, Peel NRE recognises that there are potential beneficial synergies between the Pipeline and Protos. However, should the Order be granted as proposed, the Pipeline will conflict with planned development at Protos which would prejudice the delivery of a key development within CWACC and limit its potential. The key issues presented in this Relevant Representation, and to which objections are raised, include:</p> <ul style="list-style-type: none"> • Layout of the AGI • Easement of the CO2 Pipeline • Means of access • Negotiating land agreements 	<p>The Applicant welcomes Peel NRE's support on the principle of the DCO Proposed Development.</p> <p>The Applicant will continue to engage to resolve their concerns, which are captured as part of ongoing SoCG discussions.</p>

Reference	Relevant Representation Comment	Applicant’s Response
	<ul style="list-style-type: none">Key Issues Above Ground Installation	
2.69.9	Concern was raised by Peel NRE through the Section 27 Consultation regarding the conflict of the AGI which could prejudice the delivery of the expansion of Protos. Through conversations between the Applicant and Peel NRE, this proposal is now incorporated into the future expansion plans at Protos, with many synergies and opportunities capable of being delivered via both schemes. There are no concerns with the principle of the AGI element or its general location. However, in order to ensure that both the Protos expansion and the Pipeline are capable of co-existence there will need to be further assurances given by the Applicant to Peel NRE to confirm the layout of the AGI and agreement to the landtake.	<p>The Applicant acknowledges Peel NRE has no concerns with the principle of the Ince AGI and its general location.</p> <p>The Applicant will continue to engage to resolve their concerns.</p>
2.69.10	Peel NRE objects to the proposed layout of the AGI. The layout needs to be carefully considered to not conflict with existing site constraints (such as distances from existing watercourses / ditches), or constrain other planned developments. The layout submitted by the Applicant is “indicative” (plan ref. EN070007-D.2.12-LAY-Sheet 2), which indicates the layout is not yet fixed and there is scope to agree the layout between the Applicant and Peel NRE.	<p>The Applicant welcomes discussion around appropriate placement of Ince AGI.</p> <p>The Applicant will obtain the necessary FRAPs as prescribed in Other Consents and Licences document [APP-046] for the temporary and permanent works within 8 m of the main rivers from the Environment Agency.</p>
2.69.11	The Pipeline is proposed to travel north/south along the eastern boundary of the order limit. The location of the Pipeline in the current proposal is an improvement on the location of the Pipeline previously proposed in the Section 27 Consultation. However, despite this improvement, the current proposals are still not acceptable to Peel NRE on the basis that the proposed 24.4m corridor around the pipeline for the permanent acquisition of sub-soil (at plots 1-11, 1-12, 1-13, 1-15, 1-18 and 1-19) would cause an unacceptable quantum of land to be restricted from development by way of the proposed restrictive covenants.	The Applicant will continue to engage to resolve PEEL NRE’s concerns, which are captured as part of ongoing SoCG discussions.
2.69.12	The proposed restrictive covenants prevent any activity from being undertaken on this land (within the 24.4m corridor) which would interfere with the Pipeline (unless the prior written consent of the Applicant is obtained) including drilling foundations and hard surfacing. Such restrictions over the proposed quantum of land would impose unacceptable restraints on the ability to develop and extend the Protos site at these plots. Peel NRE accordingly objects in principle to the current proposal on the basis of the permanent acquisition and quantum of land included within this 24.4m corridor and is in the process of discussing matters with the Applicant to agree a position acceptable to both parties.	
	Access	
2.69.13	The proposed access road from Grinsome Road roundabout to the Pipeline/AGI conflicts with the delivery of the approved Protos Plastics Park (CWACC Planning application ref. 21/04076/FUL) which could constrain the delivery of the development. Therefore, at this stage, Peel NRE objects to the proposed access to the Ince AGI and the Pipeline. An alternative means of access should be identified to avoid conflicting with planned development at Protos, and utilise simpler crossings over existing and proposed railway tracks and ditches.	The Applicant has designed access to the site based on existing assets. The Applicant will continue to engage to resolve PEEL NRE’s concerns, which are captured as part of ongoing SoCG discussions.
2.69.14	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. This is	

Reference	Relevant Representation Comment	Applicant's Response
	welcomed and further conversations should be held with Peel NRE, but at this stage Peel NRE objects in principle to this aspect of the proposal.	
	Negotiating Land Agreements	
2.69.15	At this stage, Peel NRE objects to the proposed acquisition of land, interests and rights identified within the Land Plans (drawing ref. EN070007-D.2.2-LP-Sheet 1). The Applicant proposes to acquire land (including interests and rights) permanently for the AGI, the subsurface (including rights) permanently for the Pipeline, the permanent rights to access, and the temporary use of land for construction. These acquisitions will severely restrict the future development of this parcel of land by Peel NRE, not just during construction of the Pipeline but throughout the lifetime of its operation.	The Applicant will continue to engage and negotiate with Peel NRE with the aspiration to reach a voluntary agreement.
	Withdrawal of objection	
2.69.16	<p>In order for Peel NRE to be in a position to withdraw its objection to the proposed Order, Peel NRE requires confirmation from the Applicant that:</p> <p>1.16.1 the acquisition of land and rights over the Affected Land (including the extinguishment of any rights) is on terms agreed with Peel NRE;</p> <p>1.16.2 sufficient protection for the Protos expansion is afforded by the Pipeline scheme to enable the Protos expansion to come forward unhindered;</p> <p>1.16.3 no works pertinent to the Affected Land shall be carried out without Peel NRE's prior approval of the plans, specification, method statement and programme of works; and</p> <p>1.16.4 full access rights, during both the construction and operation phases, are retained to the Affected Land for the benefit of Peel NRE.</p>	The Applicant will continue to engage and negotiate with Peel NRE with the aspiration to reach a voluntary agreement.
	Conclusion	
2.69.17	Peel NRE does not object in principle to the general concept of the Pipeline scheme. However, it strongly objects to the proposed compulsory acquisition of land and rights over its land on the terms proposed. Peel NRE is keen to progress discussions with the Applicant with a view to reaching agreement that will enable it to withdraw its objection to the Pipeline. Until such time as Peel NRE is given the protection and assurances requested as detailed in this Representation it will continue to make representations in respect of the proposed Order.	The Applicant notes Peel NRE's comments and will continue to engage to resolve their concerns.

Table 2-70 - UK Health Security Agency (UKHSA) – RR-079

Reference	Relevant Representation Comment	Applicant's Response
2.70.1	Thank you for your consultation regarding the above development. The UK Health Security Agency (UKHSA) welcomes the opportunity to comment on your proposals at this stage of the project. Please note that we request views from the Office for Health Improvement and Disparities (OHID) and the response provided is sent on behalf of both UKHSA and OHID.	The Applicant acknowledges that these comments are on behalf of both UKHSA and OHID. The Applicant has sought to arrange a meeting with the UKHSA and are awaiting confirmation of a meeting time and date.
2.70.2	We can confirm that: With respect to Registration of Interest documentation, we are reassured that the majority of comments raised by us on 22 March 2022 have been addressed.	The Applicant acknowledges the response received from UKHSA and OHID.
2.70.3	In addition, we acknowledge that the Environmental Statement (ES) has not identified any issues which could significantly affect public health. UKHSA/OHID previously raised concerns with the use of the DMRB LA112 methodology within the Population and Human Health chapter, as it does not include an assessment of significance for those elements scoped in and as required under the EIA Regulations. Upon review of the results of the applicant's assessment, we recognise that in this instance any additional assessment of significance is unlikely to significantly alter the findings. Following our review of the submitted documentation we are satisfied that the proposed development should not result in any significant adverse impact on public health. On that basis, we have no additional comments to make at this stage and can confirm that we have chosen NOT to register an interest with the Planning Inspectorate on this occasion. Please do not hesitate to contact us if you have any questions or concerns.	The Applicant acknowledges that UKHSA and OHID have no additional comments on the DCO Proposed Development.

Table 2-71 - United Utilities Water Limited (U UW) – RR-080

Reference	Relevant Representation Comment	Applicant's Response
2.71.1	<p>United Utilities Water Limited (U UW) wishes to register an interest as an interested party in the examination. U UW submitted a detailed response dated 8 April 2022 to the EIA Preliminary Environmental Information Report. We identified a range of issues which need further consideration as part of the determination of the Development Consent Order. The matters included (inter alia):</p> <ul style="list-style-type: none"> • Our assets and property interests; • Flood risk; • Drainage – foul and surface water; • Geo-technical / geo-environmental including any impact on the groundwater environment and water resources; and • Water supply requirements. <p>Whilst dialogue has occurred with the applicant, we do not have the required information in response to the matters raised in our submission of 8 April 2022 to definitively address these matters.</p>	The Applicant will continue to engage with U UW regarding Protected Provisions. The Applicant will continue to discuss these matters with U UW and has drafted a SoCG submitted at Deadline 1 (document reference: D.7.2.17) and further discussion on the topics raised in the Relevant Representation will be captured in further iterations of the document SoCG.

Reference	Relevant Representation Comment	Applicant's Response
	Assets and Property	
2.71.2	UUW have a number of significant assets and property interests including large diameter trunk mains, water supply mains, raw water mains, sewers and gravity sewers within the Order Limits. These assets include the Dee aqueduct which are critical to water supplies within our area.	The Applicant will continue to engage with UUW regarding Protected Provisions.
2.71.3	Whilst issues around Assets and Property have been discussed, UUW is concerned that there has been no detailed review of our assets by the applicant and we are therefore unable to confirm that our assets will be adequately protected from the proposed development. We have reached a stage where UUW require a formal instruction and associated funding to progress any design and estimating works. In the absence of this instruction, the applicant carries a risk of not knowing the nature / cost of the works and the associated delivery timescales that will be required to ensure our assets are protected. Work relating to our assets could necessitate work outside the Order Limits which could have implications for delivery both in terms of costs and time.	
2.71.4	UUW will require appropriate protective provisions to be agreed as part of the DCO process to ensure that our assets are adequately protected and to ensure that a range of impacts are considered and addressed by the applicant as outlined in our submission of 8 April 2022.	
	Drainage	
2.71.5	UUW is concerned that no detailed foul and surface water drainage plans have been reviewed as part of the DCO application although we note recently submitted information which we are in the process of reviewing. Therefore, it has not been possible to assess the impact on our sewer network to date.	<p>The DCO Proposed Development does not have a foul water discharge requirement.</p> <p>The submitted Outline Surface Water Drainage Strategy [APP-241] follows the Drainage Hierarchy. As such each site has a more sustainable discharge location than connecting to the public sewer.</p>
	Flood Risk	
2.71.6	Whilst initial discussions regarding flood risk have been held, we request that the applicant instructs us to formally review flood risk in more detail. This would relate to a range of flood risk matters including sewer and reservoir flood risk and whether any works to watercourses could affect our existing outfalls.	The Applicant welcomes comments on the 2022 ES from UUW. Chapter 18 Water Resources and Flood Risk [APP-070] and supporting appendices [APP-163 to APP 171] sets out all the relevant water environment related detail.
	Geo Environmental	
2.71.7	In our previous submission, we requested that the approach to the assessment of the impact on the groundwater environment is considered as part of the DCO application and agreed with UUW. This has not been discussed in any detail with the applicant and therefore remains an outstanding matter.	<p>The Applicant has submitted the Phase I Preliminary Baseline Assessment [APP-117 to APP-120] and Phase II Ground Investigation Report [APP-135 to APP-137] as part of the DCO application submission.</p> <p>It is recommended that Chapters 11 Land and Soils [APP-063] and Chapter 18 Water Resources and Flood Risk [APP-070] are reviewed by UUW.</p>

Reference	Relevant Representation Comment	Applicant's Response
	Water Supply	
2.71.8	The applicant has not confirmed whether any water will be required from UUW either during the construction process or during the operational life of the development.	The Applicant will confirm any water required from UUW through the detailed design stage and will engage appropriately.

Table 2-72 - Urban Imprint Limited on behalf of CF Fertilisers UK Limited – RR-081

Reference	Relevant Representation Comment	Applicant's Response
2.72.1	CF Fertiliser UK Limited are broadly in support of the proposals that are presented, as they consider that the opportunity provided to their Ince manufacturing site has significant benefits to themselves or a future operator of the site, through presenting the opportunity for CO2 to be disposed of in environmental responsible manner.	<p>CF Fertilisers UK Limited (CF) and the Applicant previously worked and collaborated together on the HyNet project, prior to CF's withdrawal.</p> <p>It is recognised by the Applicant that the DCO Proposed Development is in close proximity to the Ince CF Fertiliser Plant and is located within the land use planning consultation zone. The Applicant welcomes further discussion with CF and/or a future operator of the site regarding the opportunities presented by the CO₂ transport pipeline being located adjacent to the site.</p>
2.72.2	It should be noted that the new pipeline and the AGI terminal at Ince is within very close proximity to their Ince site, which whilst currently closed, is the subject of a COMAH impact zone and care should be taken during the construction and operational phases to safeguard public health of those involved in construction and operation of the facility. It is acknowledged that the pipeline does pass within proximity to a number of COMAH sites and that this operation is one of many that will require careful consideration.	<p>It is understood and noted by the Applicant that the CF's Ince site is no longer subject to a COMAH impact zone.</p> <p>It should also be noted as outlined in Table 13.1 – Excluded Receptors of Chapter 13 of the 2022 ES [APP-065], “<i>Employees of the Applicant and/or its suppliers, whether during construction, operation, or maintenance of the DCO Proposed Development</i>” are excluded from the assessment as the “<i>Employer's commitment and obligations to manage risks to employees are addressed in the Health and Safety at Work etc Act 1974.</i>” On this basis, further assessment within Chapter 13 (Major Accidents and Disasters) of the 2022 ES [APP-065] of the potential impact on workers during the construction, operation and maintenance of the DCO Proposed Development have not been considered further.</p> <p>In line with the Applicant's commitment to compliance with relevant health and safety legislation [APP-065], the Applicant will prepare a Health and Safety Management System in line with REAC commitments D-MD-004 and D-MD-005 [AS-053] prior to the construction stage which will include emergency arrangements for both on and off-site scenarios, as secured through the CEMP and the OMEMP under Requirement 5 and 17 of the dDCO [AS-016] respectively. During the development of the emergency plan, the Applicant will engage with the operators of COMAH sites in close proximity to the DCO Proposed Development.</p>

Reference	Relevant Representation Comment	Applicant's Response
2.72.3	CF Fertilisers UK Limited will wish to be satisfied that the access requirements during construction and operation and impacts on their land holding - specifically in relation to drainage as a nearby drainage ditch is affected - is minimised and mitigated through the planning process.	The Applicant does not intend to stop-up the common site access on Grinsome Road or any other road that would impact access to the Protos site (which includes the CF site). The Applicant's contractor (once selected) will agree with the relevant local planning authority a CTMP, secured by Requirement 6 of the dDCO [AS-016] , which discusses how access to the Protos site will be safely maintained and operational impacts to the stakeholders involved will be minimised.
2.72.4	This is the only direct impact on the Ince site whereby the drainage ditch along the southern border of the CF land ownership (outside the factory fence). It appears from what has already been presented that there would be minimal impacts. Representatives from CF Fertilisers UK Limited have discussed this with those responsible for the application and indicated a willingness to allow this to be used, subject to the applicant doing any works necessary to clear and maintain this section of the ditch (to the satisfaction of the inspection panel) and CF not bearing any responsibility for any spillages from the AGI entering the Marsh ditches. This would need to be covered in the relevant legal agreement.	<p>The impact proposed on the drainage ditch, located outside of the CF's fence line is expected to be minimal and required for surveying and installation of a drain on the opposite bank during construction and for inspection / maintenance purposes during operation.</p> <p>The drain is required for surface water run off purposes only. The Applicant will be responsible for the quality of the surface water run-off into the drain. Other interested parties (notably PEEL NRE Limited and the Environment Agency) have been engaged and are in active communication on this topic.</p> <p>The Applicant notes and agrees that this will be addressed in the relevant agreement.</p>

Table 2-73 - Vera Elaine Warrington – RR-082

Reference	Relevant Representation Comment	Applicant's Response
2.73.1	Damage to soil which won't be returned to its current condition.	The Applicant has prepared an Outline Soil Management Plan [APP-227] which provides guidance on the stripping, storage and replacement of soils to prevent damage to soils. The Applicant will instruct the contractor to produce a final detailed Soil Management Plan prior to undertaking any works as part of the CEMP to be approved under Requirement 5(2)(f) of the dDCO [AS-016] .
2.73.2	The impact of the site on the ability to sell & market our property, outbuildings & farmyard for future development	The Applicant will continue to proactively liaise with the landowner to assess the impact the development will have on the stated concerns.

Table 2-74 - Welsh Government - RR-083

Reference	Relevant Representation Comment	Applicant's Response
2.74.1	I am the Welsh Government Development Control Officer responsible for reviewing this application. My role is to assess the impact the proposal may have on the Strategic Road Network for which the Welsh Government are the Highway Authority.	The Applicant is undertaking ongoing engagement with Welsh Government to discuss a range of matters and has drafted a SoCG submitted at Deadline 1 (document reference: D.7.2.10). Further discussion on relevant topics will be captured in further iterations of this document related to areas of agreement and/or matters to be resolved.