

APPLICANT'S COMMENTS ON RESPONSES TO EXA'S FIRST WRITTEN QUESTIONS

HyNet North West Carbon Dioxide Pipeline

Planning Act 2008

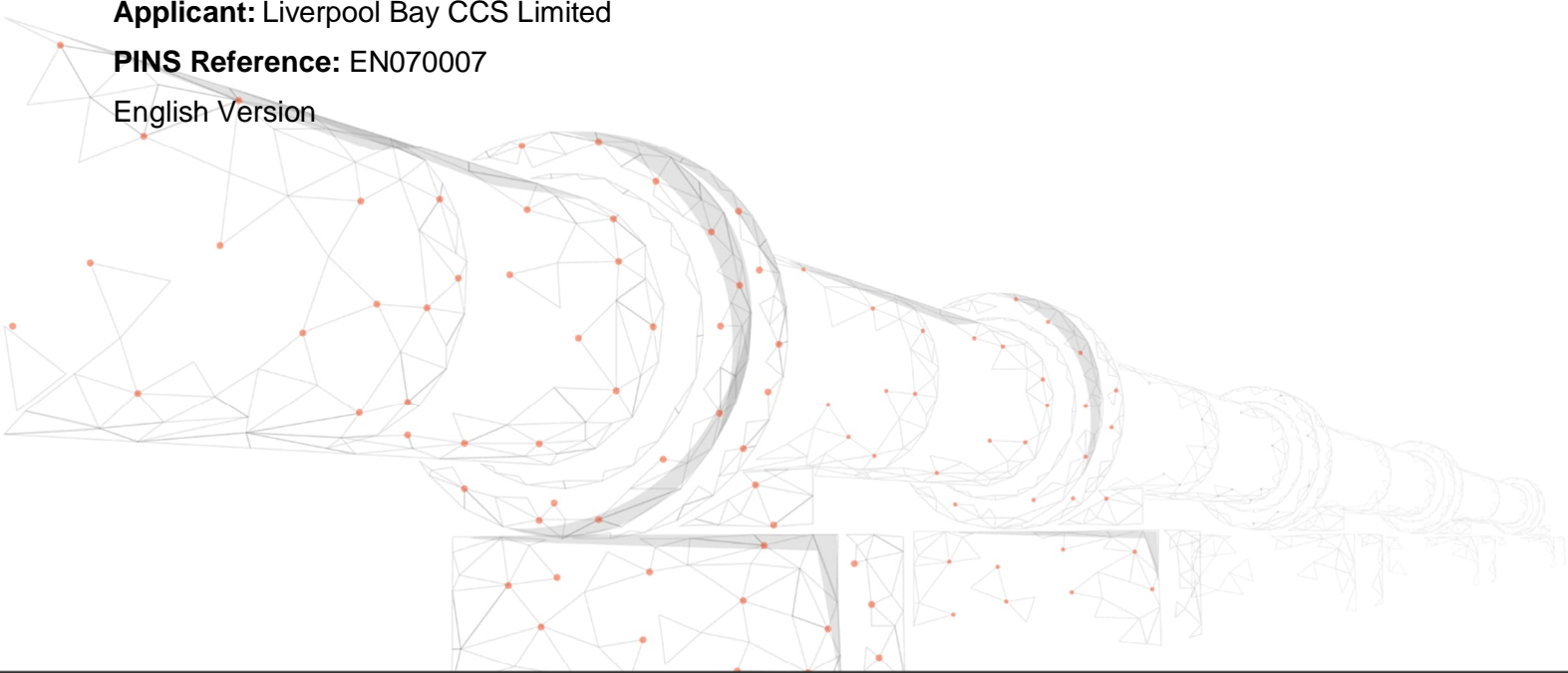
The Infrastructure Planning (Examination Procedure) Rules 2010 Rule 8(1)(b)

Document Reference Number D.7.16

Applicant: Liverpool Bay CCS Limited

PINS Reference: EN070007

English Version



REVISION: A

DATE: May 2023

DOCUMENT OWNER: WSP

PUBLIC

QUALITY CONTROL

Document Reference					
Document Owner		WSP			
Revision	Date	Comments	Author	Approver	Authoriser
A	May 2023	Deadline 2	Various	AV	AH

TABLE OF CONTENTS

1. INTRODUCTION.....	1
1.1. Purpose of this document.....	1
1.2. The DCO Proposed Development.....	1
2. APPLICANT’S RESPONSE	2

TABLES

Table 2.1 – Comments on the Response to the ExA’s WQ’s from Cadent Gas [REP1-052]	3
Table 2.2 – Not used.....	6
Table 2.3 – Comments on the Response to the ExA’s WQ’s from Canal & River Trust [REP1-056]	7
Table 2.4 – Comments on the Response to the ExA’s WQ’s from Cheshire West & Chester Council (CWCC).....	12
Table 2.5 – Comments on the Response to the ExA’s WQ’s from Environment Agency	53
Table 2.6 – Comments on the Response to the ExA’s WQ’s from Flintshire County Council (FCC) [REP1-077].....	74
Table 2.7 – Comments on the Response to the ExA’s WQ’s from National Highways [REP1-068]	134
Table 2.8 – Comments on the Response to the ExA’s WQ’s from Natural England	136
Table 2.9 – Comments on the Response to the ExA’s WQ’s from Natural Resources Wales .	149
Table 2.10 – Comments on the Response to the ExA’s WQ’s from Peel NRE	171
Table 2.11 – Comments on the Response to the ExA’s WQ’s from United Utilities Water Limited [AS-62]	205

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 & Net Zero (ESNZ) 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 **Deadline 2** document provides the Applicant's comments on the Responses to the Examining Authority's (ExA) First Written Questions (WQs) submitted by parties other than the Applicant to Deadline 1.

1.2. THE DCO PROPOSED DEVELOPMENT

- 1.2.1. HyNet (the Project) is an innovative low carbon hydrogen and carbon capture, transport and storage 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 details 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 which was accepted on 24 April 2023. The Applicant's Change Request includes '2023 ES Addendum Change Request 1' **[CR1-124 to 126]** and ES Addendum Chapter 3 provides an update to the description of the DCO Proposed Development **[APP-055]** resulting from the proposed design changes and clarifications to assessments.

2. APPLICANT'S RESPONSE

- 2.1.1. This chapter provides the Applicant's comments on the Responses to the ExA's First Written Questions.
- 2.1.2. The Applicant has not responded to the submission by Cadw to Deadline 1 **[REP1-053]** as there were no questions or requests for information from Cadw as noted in the response.

Table 2.1 – Comments on the Response to the ExA’s WQ’s from Cadent Gas [REP1-052]

ExQ1	Question to	Question	Interested Party Comment	Applicant’s Response to Interested Party Comment
1.6.10	Statutory Undertakers	<p>Protective Provisions - A number of Statutory Undertakers, including Cadent Gas Ltd; the Canal and River Trust (CRT); National Grid Electricity Transmission PLC; National Grid Gas PLC; National Highways Ltd (NH); Network Rail Infrastructure Ltd (NR); SP Energy Networks and United Utilities Water Ltd, have noted that:</p> <p>i) Protective Provisions in their favour have not been included within the draft DCO;</p> <p>ii) their standard Protective Provision wording has not been used; and</p> <p>iii) site specific circumstances in regard to Protective Provisions have not been taken into account.</p> <p>The ExA would ask all Statutory Undertakers to:</p> <p>a) provide copies of their preferred wording or, if they have previously provided wording to the Applicant, explain why the wording in the current version of the draft DCO should not be used;</p> <p>b) where relevant, advise what site-specific circumstances, in regard to Protective Provisions, have not been taken into account; and</p> <p>c) provide confirmation that the parties are willing to enter into a side agreement, or has commenced preparation of such a side agreement, or already entered into such a side agreement to the satisfaction of the relevant parties.</p> <p>Please note that the above information will be published on our website, so commercial and/ or confidential details need not be given.</p>	<p>The dDCO does not include adequate protection for Cadent’s apparatus and the gas distribution network. It does not include the specific protective provisions that Cadent requires to prevent serious detriment to his undertaking.</p> <p>Cadent require all promoters carrying out development in the vicinity of their Apparatus to comply with various guidelines including: GD/SP/SSW22 – Safe Working in the vicinity of Cadent High Pressure’s Gas Pipelines and Associated Installations; IGE (Institution of Gas Engineers) recommendations IGE/SR/18 Edition 2 Safe Working Practices to Ensure the Integrity of Gas Pipelines and Associated Installations; and the HSE’s guidance document HS(G)47 Avoiding Danger from Underground Services.</p> <p>The industry standards referred to above have the specific intention of protecting: the integrity of the pipelines and thus the distribution of gas; the safety of the area surrounding gas pipelines; and the safety of personnel involved in working with gas pipelines.</p> <p>Cadent requires specific protective provisions in place for an appropriate level of control and assurance that the industry regulatory standards will be complied with in connection with works in the vicinity of Cadent’s Apparatus.</p> <p>Cadent’s preferred form of protective provisions are included at Appendix 1 (the Cadent Protective Provisions). The Cadent Protective Provisions are in Cadent’s standard form and have been developed to afford full protection to Cadent and its undertaking.</p> <p>In addition to securing compliance with industry standards, the Cadent Protective Provisions include necessary insurance and security measures which are required to be put in place before works which may</p>	<p>The Applicant has agreed in principle that protective provisions will be included in the dDCO [CR1-017], [REP1-004] at a later deadline. The drafting of those is under negotiation.</p> <p>As noted in line 3.2.1 of the draft Statement of Common Ground (SoCG) with Cadent Gas [REP1-031], the Applicant is happy to agree compliance with Cadent’s specification for safe working in vicinity of Cadent assets, CAD/SP/SSW/22, in the protective provisions.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
			<p>affect Cadent's Apparatus. These are required given the nature of the Promoter.</p> <p>The Promoter has included a form of protective provisions in the order which appear to be based on the Cadent Protective Provisions taken from other DCOs but with amendments made to them without Cadent's approval. For example, the definition of parent company remains on page 127 of the dDCO but the associated wording around the requirement for security have been removed from the dDCO.</p> <p>In the current energy and security of supply crisis, providing full and proper protection to the gas distribution network is increasingly important. The Cadent Protective Provisions will help to achieve this and to avoid serious detriment to Cadent's undertaking.</p> <p>The Cadent Protective Provisions have been included in substantially the same form in a number of previous DCOs in order to afford protection to Cadent's Apparatus. For example, substantially similar protective provisions are included in the following orders: The A585 Windy Harbour to Skippool Highway Development Consent Order 2020, The M42 Junction 6 Development Consent Order 2020, The A38 Derby Junctions Development Consent Order 2021, The A47/A11 Thickthorn Junction Development Consent Order 2022, The A47 Blofield to North Burlingham Development Consent Order 2022, The A57 Link Roads Development Consent Order 2022, The M25 Junction 28 Development Consent Order 2022 and The M54 to M6 Link Road Development Consent Order 2022.</p> <p>Cadent would be willing to enter into a side agreement to secure the Cadent Protective Provisions with the Promoter. Cadent has sought to engage in discussions with the Promoter to agree the Cadent Protective Provisions and will continue to do so with a view to reaching agreement and submitting an agreed set of</p>	

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
			protective provisions to the ExA. Positive progress has been made in these discussions.	
			Next Steps Cadent request that the Examining Authority recommend that the final DCO, if made, includes the protective provisions in the form of the Cadent Protective Provisions.	The Applicant cannot agree to the protective provisions in the form submitted by Cadent at Deadline 1 (see Appendix 1 of Deadline 1 submission [REP1-052]) but will continue to engage with Cadent on the drafting of these.

Table 2.2 – Not used

Table 2.3 – Comments on the Response to the ExA’s WQ’s from Canal & River Trust [REP1-056]

ExQ1	Question to	Question	Interested Party Comment	Applicant’s Response to Interested Party Comment
1.6.3	APs/IPs	Are any Affected Persons or IPs aware of any inaccuracies in the BoR [APP-030], Statement of Reasons [APP-027] or Land Plans [APP-008]?	(i) In relation to any inaccuracies on the Land Plans [APP-008], the change request document (document reference: D.7.5), sets out under change 14, that a reduction of the order limits at Work No.18 to remove a section of the Shropshire Union Canal is proposed. However, the Land Plans (Rev B) [APP-008] and Work Plans (Rev B) [APP-010] in relation to Work No.18 still show the same order limits (red line) and work limits as originally submitted (including the length of canal that is meant to have been removed).	The Applicant’s Change Request 1 was accepted by the ExA on 24 April 2023, after Canal & River Trust’s (‘the Trust’) response to the ExA’s First Written Questions (EXQ1) was submitted at Deadline 1 [REP1-056]. The updated Land Plans [CR1-009] and Works Plans [CR1-011] can now be viewed on the Inspectorate’s website and consultation on Change Request 1 has commenced and will run until 14 June 2023. The updated plans show the reduction of the Order Limits in the vicinity of Work No. 18 over a section of the Shropshire Union Canal.
			(ii) In addition to the BoR, Statement of Reasons and the Land Plans, the Trust has reviewed the Applicant’s updated draft DCO (Document reference: D.3.1 Rev B , March 2023) [AS-017], and accompanying Schedule of Changes (Document reference: D.3.3 Rev A , March 2023). In particular the Trust notes the addition of Article 34 sub-paragraphs (1)(f) – (h). For the benefit of the ExA and the Applicant, the Trust notes that the new sub-paragraph (1)(f) appears to duplicate the existing sub-paragraph (1)(e), and is not necessary. The addition of the new sub-paragraphs (g) and (h) add to the risk / prospect of the Applicant’s apparatus and / or mitigation works remaining on or under land forming part of the Trust’s statutory undertaking beyond the Applicant’s period of temporary possession. This reinforces the needs for any power for the Applicant to enter and take temporary possession of Trust land to be exercised only with the prior consent of the Trust and agreement as to terms. The Trust’s position as to the compulsory acquisition of Trust land or rights is set out in full in the Trust’s rule 10(1) written representations	The Applicant does not agree that the addition (f) is duplication as it addresses a different scope from (e). The wording added reflects that included in recently made DCOs including Hornsea Three in 2020. As set out in paragraph 4.120 of the Explanatory Memorandum [REP1-006], these paragraphs allow for the carrying out of works under temporary possession powers before permanent rights are acquired. They therefore allow faster delivery and for the minimum level of permanent acquisition minimising the impact on landowners. On the principle of permanent works in temporarily possessed land, the Applicant would refer the Trust to the Applicant’s Response to ExA’s First Written Questions, Q1.19.36 (page 132 to 133) [REP1-044].
1.6.8	APs/IPs	Are any ‘Affected Persons’ and/ or ‘IPs’ aware of: i) any reasonable alternatives to any CA or Temporary Possession (TP) sought by the Applicant; or	(i) The Trust consider 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.	The Applicant has demonstrated that there is a compelling case in the public interest for the land/rights to be acquired. This is set out in the Statement of Reasons [CR1-020]. The Applicant is continuing to engage and negotiate with the landowner with the aspiration of reaching a voluntary agreement as set out in the Schedule of Negotiations of Land Interests [REP1-009].

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		ii) any areas of land or rights that the Applicant is seeking the powers to acquire that they consider are not needed?	(ii) Notwithstanding the correction being made as identified Q1.6.3 above, then the Trust still queries the extent of the area of land the applicant is seeking in relation to our land for a single pipeline crossing of the canal. We consider acquiring a right over a narrower section of subsoil at least 3.5m below the bed level of the canal would be sufficient for the pipeline.	<p>Paragraph 6.2.5 of the Statement of Reasons [CR1-020] sets out that <i>"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."</i></p> <p>Paragraph 6.2.7 of the Statement of Reasons [CR1-020] goes on to note that <i>"The precise location of the Newbuild Carbon Dioxide Pipeline, its associated subsurface land take and acquisition of new surface rights will depend on its route alignment within the corridor of land shown coloured pink on the Land Plans (document reference: D.2.2). This corridor within the Order limits is generally 100m wide to allow for the routeing that will be finalised through detailed design."</i></p> <p>It is therefore confirmed that a narrower section of subsoil will be acquired within that wider limit once the design is finalised. The Applicant has agreed that the minimum depth to the top of the trenchless installation under the canal bed will be 3.5m.</p>
1.6.10	Statutory Undertakers	<p>Protective Provisions - A number of Statutory Undertakers, including Cadent Gas Ltd; the Canal and River Trust (CRT); National Grid Electricity Transmission PLC; National Grid Gas PLC; National Highways Ltd (NH); Network Rail Infrastructure Ltd (NR); SP Energy Networks and United Utilities Water Ltd, have noted that:</p> <p>i) Protective Provisions in their favour have not been included within the draft DCO; ii) their standard Protective Provision wording has not been used; and iii) site specific circumstances in regard to Protective Provisions have not been taken into account. The ExA would ask all Statutory Undertakers to: a) provide copies of their preferred wording or, if they have previously provided wording to the Applicant, explain why the wording in the current version of the draft DCO should not be used;</p>	a) The Trust provided a copy of our preferred wording for protective provisions to the Applicant with our Relevant Representation on 13th January 2023. At present there is no wording contained within the draft DCO in relation to content of the protective provisions for the Trust. For ease of reference, we have included the version of protective provisions that we previously shared at Appendix C to our Deadline One response.	The Applicant has advised the Trust that it is happy, in principle, to include suitable protective provisions in favour of the Trust. The discussion on the precise wording of these provisions is ongoing.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		b) where relevant, advise what site-specific circumstances, in regard to Protective Provisions, have not been taken into account; and	b) In the absence of any protective provision for the Trust within the draft DCO, no site-specific circumstances have been taken in account by the Applicant at this stage.	<p>The Applicant believes this is inaccurate. As noted in the draft Statement of Common Ground (SoCG) with the Trust [REP1-030], several site-specific circumstances have been taken into account, including agreeing for example the minimum depth to the top of the trenchless installation under the canal bed will be 3.5m.</p> <p>The Applicant notes that it is engaging with the Trust regarding protective provisions and discussions are ongoing on the precise wording of the provisions.</p>
		c) provide confirmation that the parties are willing to enter into a side agreement, or has commenced preparation of such a side agreement, or already entered into such a side agreement to the satisfaction of the relevant parties. Please note that the above information will be published on our website, so commercial and/ or confidential details need not be given.	c) In principle, the Trust would be willing to enter into a side agreement to address our concerns, however given the absence of any protective provision within the draft DCO for the Trust, (albeit the amended draft DCO now includes the potential for these to be included), our preference would be to have an agreed version of protective provisions for the Trust included within the final DCO. The Trust have not received any comments on our preferred protective provisions, despite providing these to the applicant on 13 th January 2023.	The Applicant has advised the Trust that it is happy in principle to include suitable protective provisions in favour of the Trust. Discussions on the precise wording of these provisions is ongoing
1.6.12	Statutory Undertakers	Many Statutory Undertakers in their RRs have indicated that their primary concerns are to meet their statutory obligations and ensure that any development does not impact in any adverse way upon these statutory obligations. The ExA would ask whether: i) they have undertaken any assessment of the Proposed Development's impact on their statutory obligation(s) or are currently doing such an assessment(s); and	(i) The Trust has a statutory 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. Additionally, the Trust has a duty under S105 Transport Act 1968 to maintain commercial and cruising waterways in a suitable condition for use by the public. At present the Trust is only aware that Plot 8-03 subsoil is required for the pipe and that plot 9-06 is temporarily required for construction access/working. The exact details will become more apparent when the full rights that the applicant is trying to acquire over our land are known and how these may impact our statutory undertaking.	The Applicant believes this is inaccurate. It is agreed that the Trust is listed in the Book of Reference [CR1-022] in plots 8-03 (The Shropshire Union Canal, required for permanent acquisition of subsurface) and 9-06 (required for temporary possession). The rights sought over these plots are set out in Table 2 and 3 of the Statement of Reasons [CR1-020] respectively.
		ii) they have identified any such concerns and, if so, what those concerns are.	(ii) In terms of any areas of potential concern, if the applicant is only seeking rights over sub-soil (at least 3.5m below the bed level of the canal) of Plot 8-03, then the impact on our statutory undertaking would be limited. Concern would likely only be in relation to potentially restricting future maintenance of the canal	The Applicant is engaging with the Trust regarding protective provisions and other matters and concerns as set out in the draft SoCG [REP1-030] with the Trust submitted at Deadline 1.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
			and if there were to be a requirement to carry repairs which might be required, for example piling or anything that might interfere with the pipe. However, it is understood that the pipeline would be a considerable depth under the canal. We would not want the presence of the pipeline under the canal to restrict in anyway our operation, ongoing management and maintenance of the canal.	
1.6.13	Applicant/ Statutory Undertakers	Pursuant to the above question (Q1.6.12), the ExA would ask the Applicant and Statutory Undertakers whether any discussions about the Statutory Undertakers concerns, especially those related to them being able to meet their statutory obligations have occurred and, if so, what progress has been made by these parties with regard to addressing those concerns.	During pre-application discussions/consultation on the route optioneering, a number of matters and concerns were discussed with the applicant, but the specific points at Q1.6.12 (ii) have not been specifically raised or discussed directly with the applicant. Since the submission of the Application the Trust have had no further direct discussions with the applicant.	<p>The Applicant is engaging with the Trust regarding protective provisions and other matters and concerns as set out in the draft SoCG with the Trust [REP1-030] submitted at Deadline 1.</p> <p>The Applicant and the Trust have had frequent correspondence in the form of meetings and emails since DCO submission, as recorded in the draft SoCG [REP1-030].</p>
1.6.23	Applicant, APs and IPs	Do you consider all potential impediments to the development have been properly identified and addressed? Additionally, are there concerns that any matters, either within or outside the scope of the draft DCO, that would prevent the development becoming operational may not be satisfactorily resolved? This includes matters related to acquisitions, consents, resources or other agreements?	In terms of potential impediment to the development that have not been properly addressed affecting the Trust's undertaking, then as set out within our written representation, clarification in relation to potential surface water drainage to the canal and watercourses culverted under the canal is required. The ExA is respectfully directed to section 5 of our written representation (Trust Deadline One – Appendix B).	<p>The Applicant considers that all impediments have been identified and are addressed. Those matters which are not addressed in the dDCO [CR1-017], [REP1-004] itself are listed in the Other Consents and Licences document [REP1-011]. The Applicant is not aware of any in-principle reason why any of the matters listed will not be resolved at the appropriate stage.</p> <p>The Applicant refers the Trust to Table 2.8 in the Applicant's Response to the Relevant Representations [REP1-042]. The Applicant's response states that 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 [CR1-017], [REP1-004] and as provided in REAC [REP1-015 and CR1-109] commitments D-WR-002, D-WR-005 to D-WR-010, D-WR-012, D-WR-018, D-WR-019, DWR-022 to D-WR-024, and D-WR-026.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
1.17.1	IPs	Having regard to the Outline Construction Traffic Management Plan (OCTMP) [APP-224] submitted. The measures are indicative and there are several traffic management concerns being raised by IPs through relevant representations. Considering those concerns as well as the characteristics of the local road network the ExA requests that traffic management issues are resolved during the examination as far as possible. Comment on the content of the OCTMP are invited.	In relation to traffic management concerns and construction traffic routing, as set out in our Relevant Representation [RR-008] and Deadline One Appendix B, our concerns relate specifically to the construction traffic being routed to avoid the canal bridge crossing of the Shropshire Union Canal. 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. Subject to the final CTMP [APP-224] including this then the Trust would have no concerns with the routing of construction traffic.	As the Trust acknowledges, construction traffic serving the DCO Proposed Development is not proposing to cross Pretty Bridge (Bridge 134 Saughall).

Table 2.4 – Comments on the Response to the ExA’s WQ’s from Cheshire West & Chester Council (CWCC)

ExQ1	Question to	Question	Interested Party Comment	Applicant’s Response to Interested Party Comment
1. General and Cross-topic Questions				
Q1.1.2	Update All Relevant Planning Authorities, including Flintshire County Council (FCC) and Cheshire West and Chester Council (CWCC)	<p>The ExA notes that the Applicant has indicated a twin track method in that two separate Planning Applications will be submitted to FCC under the Town and Country Planning Act 1990 (Ref. 2.2): one for the Point of Ayr (PoA) Terminal and Foreshore Works and another for the three Block Valve Stations (BVS).</p> <p>Please provide an update of any planning applications that have been submitted, or consents that have been granted, since the DCO Application was submitted, that could either effect the proposed route or that would be affected by the Proposed Development and whether this would affect the conclusions reached in ES Chapter 19 Combined and Cumulative Effects [APP-071] or any of the associated Appendices - Appendix 19.1 – Inter Project Effects Assessment (Volume III) [APP-172]; Appendix 19.2 - Intra-Project Effects Assessment (Volume III) [APP-173].</p> <p>Please provide a response alongside question Q1.1.4.</p>	<p>Please refer to Appendix 1 appended to this response, which provides an update on planning applications submitted or planning permissions granted since the November 2022</p> <p>It should be noted that 22/03693/FUL, Encirc Glass, could affect the proposed route and/or the conclusions reached within Chapter 19 of the Applicant’s Environmental Statement in respect to transport impacts.</p>	<p>Chapter 19: Combined and Cumulative Effects of the 2022 ES [APP-071] and of the Environmental Statement Addendum Change Request [CR1-124] details the methodology for identifying other developments for potential assessment as part of Appendix 19.1 of the 2022 ES [CR1-044]. A continual review of prospective other developments after the submission of the 2022 ES was not proposed as part of this methodology. The Applicant considers that, when reviewing other developments, a line should be drawn at a point in time to enable the assessment of cumulative effects to be completed. This is provided for in the Planning Inspectorate’s Advice Note Seventeen: Cumulative Effects Assessment (August 2019) which states in section 3.4.9 that it <i>“is understood that applicants are required to stop assessment work at a particular point in time in order to be able to finalise and submit an application”</i>. The Applicant can also only take into account information in the public domain and therefore available to it.</p> <p>The Applicant consulted the public and all consultees on the long list of developments presented in the Preliminary Environmental Information Report (PEIR) during Statutory Consultation (found within the HyNet DCO Consultation Report [APP-031]). CWCC was provided with the PEIR and did not identify any additional developments that should be considered (refer to the HyNet DCO Consultation Report [APP-031]). The Applicant has continued to consult with both authorities regularly, as recorded in the relevant SoCGs [REP1-020 and REP1-021]. The identified development 22/03693/FUL, Encirc Glass, would meet the criteria for inclusion in the long-list of the Inter-Project Effects Assessment (Table 2 of Appendix 19.1 of the 2022 ES [CR1-044]). The development is of a proximity and scale to have the potential for significant Inter-Project Effects and therefore would be scoped into the short-list for full Inter-Projects Effects Assessment (Table 3 of Appendix 19.1 of the</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
				<p>2022 ES [CR1-044]). However, as the application was received by CWCC on the 30 September 2022, this falls outside of the scope of the DCO Proposed Development's assessment of Inter-Project Effects, as stated in the paragraph above.</p> <p>Notwithstanding the above, the Applicant has voluntarily engaged with Encirc Glass via Statement of Common Ground (SoCG) discussions (document reference: D.7.2.36) regarding the interaction between the two developments (which is primarily related to site access) and this is being handled via commercial discussions between the parties.</p>
Q1.1.3	Update All Relevant Planning Authorities, including FCC and CWCC and IPs	<p>As additional context to inform the Examination the following information is requested:</p> <p>(i) Advise if there is a Community Infrastructure Levy Charging Schedule (CILCS) in place for the administrative area the Development Consent Order (DCO) scheme falls within, or within any neighbouring administrative boundaries.</p> <p>(ii) Confirm if there any planned improvements to the local area which are separate to the scheme under consideration but potentially complimentary to it, directly arising from the CILCS?</p> <p>(iii) Notwithstanding any CILCS mechanism in place, advise if there are any other planned or known separate publicly led local capital investments, projects, or other planned initiatives in the vicinity of the area proposed for improvement or nearby which could potentially compliment the scheme. For the avoidance of any doubt the planned improvements queried/ referred to may cover any aspect of the local environment and could be wide ranging in their purpose.</p> <p>(iv) Explain how any existing separate local capital investments, projects or other initiatives would complement the scheme, if there are any being advanced.</p>	<p>(i) CWCC confirms that there is a Community Infrastructure Levy Charging Schedule (CILCS) in place in for the CWCC administrative area the DCO falls within.</p> <p>(ii) There are no known planned improvements relating to CILCS which would be complementary to the scheme.</p> <p>(iii) CWCC has no comment to make on this matter.</p> <p>(iv) This is being reviewed and a response will be provided in D2 should a separate capital investments projects or schemes be identified</p>	<p>The Applicant acknowledges the response and has no further comments and will review any further submission by CWCC on this matter.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
Q1.1.4	Update on development Applicant, FCC and CWCC	The ExA has initially observed the locality impacted upon by the proposals during Unaccompanied Site Inspections ([EV-003] and [EV-004]). The application documents suggest some public open space is to be utilised for Compulsory Acquisition (CA). For the avoidance of any doubt can the Applicant and Relevant Planning Authorities confirm whether the location of any other land planned for public open space or other special category land use is to be utilised by the scheme. You may wish to combine the answer to this question with the answer to question Q1.1.2.	CWCC can confirm that the order limits do not affect any existing or planned public open space in the administrative area of CWCC.	The Applicant acknowledges the response and has no further comments.
Q1.1.8	ES Cumulative Effects Applicant and IPs, including CWCC and FCC	<p>The ExA notes the content of ES Chapter 19 Combined and Cumulative Effects [APP-071] as well as Chapter 19.1 – Inter-Project Effects Assessment Rev A [APP-172] and Chapter 19.2 – Intra-Project Effects Assessment Rev A [APP-173].</p> <ul style="list-style-type: none"> • IPS <p>Are there any projects identified as under construction, which are expected to be completed before construction of the DCO Proposed Development, which have been excluded from the Applicant's assessment at Stage 2 (see Table 2 in Appendix 19.1 - Inter-Project Effects Assessment, Volume III [APP-172]). Do the Relevant Planning Authorities/ IPs agree with the scope and content of the list applicable for Stage 2?</p> <ul style="list-style-type: none"> • Relevant Planning Authorities Refused planning applications that are not subject to appeal have not been considered by the Applicant on the basis that their implementation is not considered to be reasonably foreseeable. Have any new consents (or planning applications) come to light, or which are expected, which would prevent the Applicant's stated position from being accepted? Can the Applicant confirm whether the list of developments to be considered in the cumulative assessment were agreed with relevant consultees. 	<p>CWCC agrees with the scope of the Applicant's assessment at Stage 2.</p> <p>CWCC has provided a list of applications under consideration or approved, since Nov 2022, within 500m of the buffer.</p>	<p>The Applicant acknowledges this response from CWCC regarding the Applicant's assessment at Stage 2.</p> <p>The Applicant notes the list of applications under consideration or approved since Nov 2022 within the 500m buffer. However, the Applicant would like to refer to their response to Q.1.1.2 above regarding the cut-off date for identification being on the 30 September 2022. Therefore, these applications fall outside of the scope of the DCO Proposed Development's assessment of Inter-Project Effects.</p> <p>A review of the list of applications provided by CWCC has identified developments that would qualify for inclusion in the long-list of the Inter-Project Effects Assessment (Table 2 of Appendix 19.1 of the 2022 ES [CR1-044]). These developments (references: 21/04024/FUL, 21/03392/HAZ, 18/04671/WAS, 18/04894/FUL and 18/00756/FUL) have now been assessed and will be included in the updated ES produced towards the end of the DCO examination. The results of this assessment are summarised below.</p> <p>All developments progressed to full assessment as part of the short-list (Table 3 of Appendix 19.1 of the 2022 ES [APP-172]). Developments 18/00756/FUL, 18/04894/FUL, 18/04671/WAS and 21/04024/FUL would result in mostly Negligible, but some Minor Adverse, Inter-Project Effects primarily in the construction stage. Development 21/03392/HAZ, a significant development with an ES anticipating significant adverse residual</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
				effects, has already been assessed in the Inter-Project Effects Assessment (Appendix 19.1 of the 2022 ES [APP-172]) as development 1ei. Therefore, no changes to the significant effects of the assessment are anticipated as a result of the inclusion of these developments.
Q1.1.9	ES Cumulative Effects IPs, including CWCC and FCC	<p>The ExA draws the Applicant's/ IPs' attention to the content of Planning Inspectorate Advice Note 9: Rochdale Envelope. This advice note affirms the established principle that: "The ES should not be a series of separate unrelated topic reports. The interrelationship between aspects of the proposed development should be assessed and careful consideration should be given by the developer to explain how interrelationships have been assessed in order to address the environmental impacts of the proposal as a whole. It need not necessarily follow that the maximum adverse impact in terms of any one topic impact would automatically result in the maximum potential impact when a number of topic impacts are considered collectively. In addition, individual impacts may not be significant but could become significant when their interrelationship is assessed. It will be for the developer to demonstrate that the likely significant impacts of the project have been properly assessed."</p> <p>Do IPs including Relevant Planning Authorities agree that the likely significant impacts of the DCO Proposed Development have been adequately assessed by the ES? If not, please state why not.</p> <p>You may wish to combine the answer to this question with the answer to question Q1.1.6.</p>	CWCC agrees that the likely significant environmental impacts of the DCO have been adequately addressed in the Environmental Statement.	The Applicant acknowledges the response and has no further comments.
2. Assessment of Alternatives				
Q1.2.2	General IPs, including CWCC and FCC	Having regard to the submitted ES - Chapter 4.1 - Guiding Principles Factors and Criteria for Options Rev A [APP-079]. Do IPs agree with, or have any further comments on, the guiding principles stated as a starting point for the development of the scheme details?	CWCC are in general agreement with the guiding principles identified in Appendix 4.1 of the ES and have no further comments to make at this time.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
3. Air Quality and Emissions				
Q1.3.1	Mitigation Applicant and IPs, including FCC and CWCC	<p>Submitted application document Appendix 6.2 Impurities Venting [APP-082] provides evidence that the CO2 within the pipeline, may also contain impurities including Hydrogen Sulphide.</p> <p>Hydrogen Sulphide is assessed by the ES as being odorous and potentially dangerous to human health, subject to a particular quantum being exceeded.</p> <p>Paragraph 3.1.4 of [APP-082] sets out the results of the modelling indicate that there is no risk of exceedance of the threshold set for the protection of human health (150µg/m3). However, the results show that there is a risk of odours (concentrations above 7µg/m3) during the following activities: Manifold venting at Ince, Stanlow and Flint AGIs; and “Pig launching” at Stanlow AGI. (For the avoidance of doubt. A Pig launcher is a device which uses a pressurized container to shoot a cleaning device (or “pig”) through the pipeline to perform a variety of functions including cleaning, monitoring, and maintaining of the pipe).</p> <p>The largest odour zone of 100m to 160m is located at Ince AGI. There are no sensitive receptors within any odour zone except a residential caravan park located 130m south of the Stanlow AGI. These receptors may be impacted immediately after the gas is released during manifold venting, which is planned to occur once every five years. Do IPs have any comments on the receptors identified where odour could result in amenity issues?</p> <p>The assessment also highlights that the risk of odours is removed with a stack height of at least 6m. Do IPs have any comment on the mitigation envisaged or its likely effectiveness?</p> <p>Applicant</p> <p>A further issue arises from the expected stack heights impact to the visual appearance of the wider area. Can the Applicant explain/ signpost how the impact of the stack heights have been factored as a likely significant</p>	<p>CWCC considers that the impacts on air quality including odour, as a result of emergency venting, has been adequately addressed.</p> <p>All receptors appear to have been correctly identified.</p> <p>The use of temporary stacks is proposed for venting activities. These ensure good dispersal of emissions and minimise any detrimental impact of H2S on residential amenity. Given the infrequency of such events and the distance to the relevant receptors, the use of such stacks is likely to be highly effective.</p>	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>effect on the character of the locality? Also are the stacks detailed on the submitted plans?</p> <p>In addition to the above, please explain the mechanisms associated to the stacks present in the DCO, as the height mentioned above would appear to exceed the limitations set out in Schedule 2, Part 1, Requirement 4 (Scheme design) of the draft DCO [APP-024].</p>		
Q1.3.2	Mitigation/ Consultation IPs, including FCC and CWCC	<p>Are IPs satisfied with the monitoring/ mitigation measures proposed by the DCO that deal with air pollution/ emissions and potential odour issues?</p> <p>Is any further consultation provision considered to be necessary and secured within the DCO?</p>	CWCC is satisfied with the monitoring / mitigation measures proposed by the DCO that deal with air pollution/ emissions and potential odour issues.	The Applicant acknowledges the response and has no further comments.
4. Biodiversity Ecology and Natural Environment				
Q1.4.2	Monitoring Applicant and IPs, including Relevant Planning Authorities (CWCC and FCC) and NRW, EA and NE.	<p>IPs</p> <p>Confirm whether you are satisfied with the monitoring measures during construction and post construction described within Section 9.13 of ES - Chapter 9 - Biodiversity [APP-061].</p> <p>In particular, your comments are invited on the monitoring requirements anticipated during construction detailed within Table 9.13 and within Appendices 9.1 - 9.10 (Volume III), in relation to protected species licencing and the Outline Landscape Ecology Management Plan [APP-229]. As well as the post-construction monitoring proposed to be undertaken in accordance with a Landscape Ecology Management Plan (LEMP) [APP-230] developed at Detailed Design. The LEMP is proposed to be included within the Operations and Maintenance Environment Management Plan (OMEMP), provided postconstruction.</p> <p>The ExA acknowledges that this may be covered by a SoCG. If the answer to these questions are being covered by a SoCG please indicate that accordingly.</p> <p>Applicant</p> <p>The ExA notes the LEMP is to be developed at what is described as 'Detailed Design', yet a LEMP has been</p>	<p>Monitoring requirements for protected species licencing are determined by the statutory body (Natural England within the CWCC area). In terms of general habitat monitoring, the updated ES submitted by the Applicant states that tree and hedgerow planting will occur for 10 years after planting, however the Applicant is seeking 30 year agreements with Landowners to deliver BNG. CWCC would expect that all habitat planting is subject to 30 years monitoring and maintenance from the time of planting.</p> <p>Table 9.13 doesn't appear to refer to monitoring</p>	<p>Mitigation planting and BNG are separate and distinct concepts with different requirements, and it is inappropriate to conflate these. Habitat planting for mitigation will be maintained for the establishment period to ensure the function is met then land management will return to the landowner.</p> <p>The mitigation planting is not being used to evidence any gains associated with the BNG assessment [APP-231 to 236]. This is not proposed to count towards the requirement of lowland mixed deciduous woodland compensation which is instead being delivered off-site where a minimum 30-year management can be ensured and delivered by a suitably experienced body. The Applicant is engaging with CWCC with respect to lowland mixed deciduous woodland (as well as other priority habitats), which is documented in the CWCC SoCG [REP1-021] and BNG Strategy Update Document (document reference: D.7.23) submitted at Deadline 2.</p> <p>Item reference D-BD-068 is missing from Table 9.13 in error. This will be rectified by the Applicant within a future version of Chapter 9 – Biodiversity of the ES. This item can be considered to apply to all elements included within Table 9.13.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>provided [APP-230]. At what design stage is the document currently? Can the Applicant clarify its inclusion? For example, is its present inclusion to allow consultee responses to feed into the detailed design version?</p> <p>Paragraph 9.13.4 of [APP-061] refers to a 'HEMP' being developed from the detailed Construction Environmental Management Plan (CEMP) and the LEMP. Confirm what is the HEMP and its role.</p> <p>Sensitive land uses are identified within, or within 250m, of Sections 4, 5 and 6 include; Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and designated ancient woodland. In the event of a pipeline leakage or groundwater impacts arising from the Proposed DCO Development how would watercourses/ groundwater/ ecology be safeguarded in the monitoring controls available? Can potential pollution or acidification of inland water be adequately avoided/ safeguarded? If so, how?</p>		
Q1.4.3	BNG/ Biodiversity Enhancement Applicant and IPs, including FCC, CWCC, NRW and NE	<p>Paragraph's 9.2.33-36 of ES Chapter 9 states that Biodiversity Net Gain (BNG) will be a statutory requirement for most planning applications, as per the new Environment Act (previously Environment Bill), which achieved Royal Assent through Parliament on 9 November 2021. Whilst there is currently a transition period before mandatory requirements come into force (expected to be winter 2023), it will require development to deliver a 10% net gain in biodiversity units (area habitat, hedge and river units where applicable), as determined through the use of a biodiversity metric.</p> <p>Moreover, it is anticipated by the Applicant that the BNG requirement will apply across all terrestrial infrastructure projects, or terrestrial components of projects, accepted for examination by the Planning Inspectorate through the NSIP regime by November 2025 (subject to the provisions of the applicable National Policy Statements or Biodiversity Gain Statement). Projects accepted for examination before the specified commencement date</p>	<p>Currently, 10% BNG is not a mandatory legislative requirement and will not be for Nationally Significant Infrastructure Projects until 2025, as confirmed most recently by the DEFRA Consultation Response to BNG (4.3 Nationally Significant Infrastructure Projects (NSIPs) https://www.gov.uk/government/consultations/consultation-on-biodiversity-net-gain-regulations-and-implementation/outcome/government-response-and-summary-of-responses)</p> <p>However, even though it is not a statutory requirement currently, BNG is seen as a best practice tool and is a requirement in CWCC's Local Development Plan Policy DM44 and the National Planning Policy Framework. Therefore, the Applicant's adapted approach of carrying out a BNG assessment, but only considering Priority habitats within this assessment, as opposed to all habitat types requiring consideration when the requirement becomes mandatory in 2025, as well as achieving "no net loss" which is what the local current</p>	<p>The Applicant acknowledges that the approach taken to BNG is seen as reasonable and can confirm that a suitable legal agreement is being pursued.</p> <p>Details of the off-site habitat interventions to achieve the stated BNG target, and confirmation of long-term management and its securing mechanism will be provided in the BNG Strategy Update Document (document reference: D.7.23, issued at Deadline 2) and further detailed within an updated BNG assessment report [APP-231 to 236] prior to determination to be provided at Deadline 5.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>would not be required to deliver mandatory BNG under the terms of the Environment Act.</p> <p>Applicant</p> <p>(i) Nevertheless, biodiversity interests and the wider policy/ statutory context those interests sit within, both in England and Wales, remain important and relevant considerations whereby significant enhancement could still potentially be secured irrespective of the BNG statutory provision anticipated. Does the Applicant agree? If not say why.</p> <p>(ii) Can the Applicant clarify and set out/ signpost how it intends to secure BNG significantly above the 1% currently detailed in the examination documentation? Confirm the level of BNG the Applicant is committed to providing as the overall aim. Outside of BNG measurement, can the Applicant set out how it could further boost and achieve meaningful overall biodiversity enhancements?</p> <p>(iii) Does the Applicant agree that s106 agreement use involving a commuted sum mechanism to facilitate biodiversity enhancements may be a feasible/ suitable option available?</p> <p>(iv) To what extent has peatland, wetland or salt marsh creation/ restoration (or similar) been considered as an enhancement that links to shared interests of climate change risk resilience from flooding and enabling nature based forms of carbon capture. If not, why has it not been considered?</p> <p>IPs</p> <p>(v) Submit your views on seeking biodiversity enhancement/ facilitating BNG, inclusive of any future proofing.</p>	<p>general BNG policies require, is seen as reasonable. A legal agreement/ s106 Agreement is a typical means of securing off-site BNG provision and long-term monitoring commitments.</p>	
Q1.4.4	BNG/ Biodiversity	<p>The ExA notes the submission of BNG Assessment – Part's 1- 6 [APP-231] to [APP-236], consecutively.</p> <p>(i) The level of BNG overall enhancement outlined as</p>	<p>As outlined in CWCC's response to Q1.4.2, achieving 1% BNG is deemed a reasonable approach due to the</p>	<p>The Applicant acknowledges the response and has no further comments.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
	Enhancement/ Habitats Applicant and IPs, including FCC, CWCC, NRW and NE	<p>being able to be secured is very low. Can the Applicant further justify the rationale for an overall 1% BNG increase aims rather than seeking the higher thresholds of 5% or 10% (stated in the application submissions) in the first instance which are deemed possible?</p> <p>(ii) Paragraph 1.4.2 of [APP-231] highlights that BNG up to 10% across area and river habitats is a feasible opportunity. Outline the progress made with landowners in securing such river habitat or other aquatic habitat improvements, as well as the next steps to be taken along with a likely timeframe to inform the Examination.</p> <p>(iii) The ExA acknowledges that the BNG Assessment undertaken is focused on priority habitats. This is believed to be based on the spatial dataset in the Priority Habitats Inventory (England) compiled by NE last updated 13 December 2022 which does not cover Wales. Is that the case? Confirm the data sets which have been utilised for both England and Wales and their age.</p> <p>(iv) Further to the above question there is the national list of priority habitats and species in England ('Section 41 habitats and species') for public bodies, landowners and funders to use for biodiversity conservation. The UK BAP priority species and habitats were created between 1995 and 1999, and were subsequently updated in 2007, following a 2-year review of UK BAP processes and priorities, which included a review of the UK priority species and habitats lists. The 'UK Post2010 Biodiversity Framework', published in July 2012, succeeded the UK BAP. Albeit the UK BAP remains a useful reference point for both 'species' and 'habitats'. For the avoidance of any doubt can you confirm the priority habitat list the Applicant is referring to in its assessment for habitat protections and for BNG/ biodiversity interest purposes?</p> <p>(v) Explain what scope remains for the scheme to</p>	<p>statutory requirement not being in place until 2025, however, achieving 10% is welcomed.</p>	

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>further complement existing ecological and biodiversity initiatives within the local areas the scheme passes through. If relevant local/ regional or national initiatives have not been fully considered to date, provide an update on how potential integration could be achieved.</p> <p>(vi) The EA [RR-024] comment that a waterbody 'near Stanlow Refinery' will be permanently lost. Can the Applicant confirm to the Examination the details of adequate compensatory habitat as a result of this loss?</p> <p>(vii) The EA [RR-024] also note that in addition to the creation of wood habitat piles and the installation of bat and bird boxes, the completion of nearby Water Framework Directive (WFD) mitigation measures, which enhance riverine habitats for biodiversity, must also be included. This would contribute to BNG and the legal objective of 'good ecological potential' for these waterbodies. Does the Applicant acknowledge these responses? If so, explain/ signpost what provision is to be made.</p>		
Q1.4.5	BNG/ Biodiversity Enhancement Applicant and IPs, including FCC, CWCC and NRW	<p>Section 6 under Part 1 of the Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (the S6 duty) for public authorities in the exercise of functions in relation to Wales. It requires that public authorities must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems. Section 7 of the Act entails biodiversity lists and duty to take steps to maintain and enhance biodiversity. It is noted by the ExA that the Welsh Ministers must also take all reasonable steps to maintain and enhance the living organisms and types of habitat(s) included in any list published under Section 42, and encourage others to take such steps.</p> <p>Applicant</p> <p>(i) Signpost in the examination documentation how the above duty would be complied with?</p>	CWCC has no comments to make regarding this question at the current time.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>(ii) The BNG Assessment submitted indicates compliance with the above statutory provision is being pursued during the Examination, in part, through engagement using the off-site compensation scenarios. However, if such an approach is to be utilised how will this be delivered to ensure both legal compliance and robust long - term management?</p> <p>(iii) Has the Applicant scoped cross -cutting options available to boost BNG/ biodiversity enhancement with respect to its own scheme in combination with the strategic ecological challenges facing statutory consultees in both England and Wales?</p> <p>(iv) The ExA considers that off -site BNG proposals should be more thoroughly explored and encourages early endeavours to achieve off -site BNG and a significantly greater overall value. The ExA requests the Applicant's 24 views of realistically achieving meaningful off -site BNG (for a minimum of 30 years and formally registered) and the net level anticipated after development.</p> <p>(v) The Applicant is advised to take a flexible approach to BNG/ meaningful biodiversity enhancement delivery options. This extends to delivery of net gain on both publicly and privately owned land covering green or blue infrastructure features (including new: woodland, wetland creation, seagrass meadow establishment/ restoration, and saltmarsh establishment/ restoration).</p> <p>(vi) The ExA invites such options to be further explored with relevant consultees and landowners as a means to boost overall BNG levels. In that regard the ExA seeks a timetable to be submitted setting out the discussions taking place with relevant landowners/ strategic bodies having regard to local ecological initiatives (either in place or which could be developed) in the vicinity which may be able to be boosted.</p>		

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>(vii) It is noted by the ExA that the Joint Nature Conservation Committee (JNCC) is the public body that advises the UK Government and devolved administrations on UK - wide and international nature conservation. It includes members from the nature conservation bodies for England, Scotland, Wales and Northern Ireland and independent members appointed by the Secretary of State (SoS) for the Environment, Food and Rural Affairs. JNCC provide a shared scientific nature conservation service for the UK - the mechanism for the UK Government and devolved administrations to pool their resources to obtain evidence and advice on nature conservation and natural capital. Has the advice of JNCC been considered? If not, state why and indicate 25 whether the Applicant is able to procure such advice during the Examination. IPs</p> <p>(viii) Any comments, responding to questions i) to vii) above are welcome.</p>		
Q1.4.7	<p>Habitats/ Biodiversity enhancement</p> <p>Applicant and IPs, including FCC, CWCC, NRW and NE</p>	<p>Applicant</p> <p>The ExA requests the Applicant to acknowledge that river (or other water), hedgerow and area habitats are considered independently, and are not interchangeable. It must be clearly understood that a loss of one type cannot be addressed by providing another of a different type.</p> <p>Applicant / IPs</p> <p>Signpost the particular local nature strategies (including those entailing nature recovery or related ecologically based methods for carbon sequestration) covered in the geographical area subject to the DCO, or those nearby, that could be used for the delivery of additional ecological enhancement.</p> <p>Suggest the strategies which could be used to secure enhancement and the precise mechanisms to implement the desired improvement.</p>	<p>CWCC currently utilises the Ecological Network as described in Local Development Plan Policy ENc4 in which to target off-site habitat compensation for development. CWCC is in the process of building on this, via its Local Nature Recovery Strategy, to find further targeted areas for habitat compensation in the Borough. This could be utilised by this Project in a similar way, when in place.</p>	<p>Discussions between CWCC and the Applicant are ongoing with consideration of the Ecological Network and emerging Local Nature Recovery Strategy raised and included within those discussions. The Applicant is continuing discussions with CWCC with a view to securing appropriate offset locations, full details of which will be provided within an updated BNG assessment report [APP-231 to 236] to be submitted at Deadline 5. However, the Applicant has provided a BNG Strategy Update document for progression of the BNG discussions at Deadline 2 (document reference: D.7.23).</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
Q1.4.8	Great Crested Newts Applicant and IPs, including CWCC and FCC	<p>The ExA notes the content of Appendix 9.2 Great Crested Newt Survey Report – Part's 1-4 [APP-094]; [APP-095]; [APP-096]; and [APP-097].</p> <p>Applicant</p> <ul style="list-style-type: none"> (i) Clarify and detail whether you believe there is adequate baseline survey information to confirm or discount the potential presence of Great Crested Newts (GCN) as a relevant consideration in all parts of the pipeline route. (ii) Confirm/ signpost the details of migration where the GCN would be traveling to/ from? (iii) Can the Applicant provide further details as to what mitigation measures would be included if GCNs not already anticipated by relevant survey are subsequently found? (iv) Can the Applicant also clarify if there is a need for a separate GCN mitigation plan? <p>IPs: Are there any comments/ concerns you wish to raise with respect to the above matters?</p>	The Applicant is using the Natural England District Level Licencing approach, for the majority of the route, which does not necessarily require survey data. There is one area where DLL is not permissible, where adequate survey data has been gathered by the Applicant. CWCC therefore has no concerns.	The Applicant acknowledges the response and has no further comments.
Q1.4.10	Bats Applicant and IPs, including CWCC and FCC	<p>The ExA notes the Applicant's submitted Bat Activity Survey Report work detailed in: [APP-098]; [APP-099]; [APP-100]; and [APP-101] as well as Appendix 9.4 Bats and Hedgerows Assessment Parts 1-4 [APP-102]; [APP-103]; [APP-104] and [APP-105].</p> <p>Appendix 9.3 Bat Activity Survey Report Part 1 [APP-098], Paragraph 2.7.3 states that Surveys across the Newbuild Infrastructure Boundary are ongoing within 2022. As such, this report has been prepared on the basis of survey results accrued up to 30 June 2022, and further information will be submitted as Supplementary Information following the DCO Application.</p> <p>Moreover Appendix 9.4 Bats and Hedgerows Assessment Part 1 [APP-102] Paragraph 2.7.9 states that "Automated static detector assessments are scheduled to be completed by end of October 2022. Conclusions are based on the available data. Once surveys have been completed, the additional data will be</p>	The majority of additional bat activity surveys results and analysis have now been submitted and clarification is being sought from the Applicant on various points, including the numbers of hedgerows surveyed. It is noted that "open habitat" bat species have also now been included into the assessment and existing hedgerow values for Bats have undergone further analysis, which is welcomed. It has also further been clarified that removed sections of hedgerow will be replanted with whips and shrubs across top of pipeline to reinstate hedgerow lines across the landscape, which is welcomed.	<p>The Applicant acknowledges CWCC's comments regarding the inclusions of open habitat bat species and proposed reinstatement of hedgerows.</p> <p>The Applicant will engage with CWCC to provide the clarifications being sought and will capture relevant items within the SoCG with CWCC [REP1-021]. The SoCG will be updated and submitted during the Examination.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>collated to confirm the findings. Further data will be published in an updated version of this report and provided as part of the Supplementary Information of the DCO Application”.</p> <p>Applicant</p> <p>Can the Applicant confirm when the Supplementary Information will be submitted to the Examination? Are any known impediments arising to obtaining any license necessary?</p> <p>Can the Applicant explain in the absence of full survey results, why should the ExA be confident that the suite of ecological mitigation measures is sufficiently robust to deal with the effects of the Proposed Development?</p> <p>Taking account of NE's and NRW's RRs [RR-065 and RR-066], can the Applicant confirm whether the proposed “novel” methodology for assessing potential impacts on bats arising from the temporary loss of commuting and foraging habitat due to hedgerow severance during construction of the Proposed Development was agreed with NE and/ or NRW prior to the DCO application submission.</p> <p>IPs</p> <p>Comments relevant to the survey work or others deemed necessary are invited.</p>		
Q1.4.14	Birds IPs, including CWCC and FCC	<p>Section 4.10 of the Applicant's Appendix 9.8 Bird Survey Report [APP-112] notes that large numbers of Redshank (are recorded in Transect 2) using the banks of the River Dee, near Sealand, through the winter months. The other seven transects, including Transect 5 and Transect 7 which are near the River Mersey and Transect 1, near the River Dee did not regularly record Special Protection Area (SPA) qualifying species. Although the River Dee at the crossing point is not within the Dee Estuary SPA, it is directly linked to the SPA further north-west. The population of Redshank using the land along Transect 2 will be part of the population</p>	<p>As stated in CWCC's Relevant Representations, clarification is sought by CWCC on logic for bird transect survey locations, due to the potential for the surveys to miss functionally linked land.</p>	<p>The Applicant has provided a response to CWCC's query regarding the selection of bird transect locations within row 2.12.8 of the Applicant's Responses to Relevant Representations [REP1-042] submitted at Deadline 1. Broadly, transect and survey locations were designed to ensure results encompassed representative bird communities across the range of habitats both within and out with the Order Limits, which included functionally linked land.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		that occurs within the SPA and should be considered as being functionally linked. Do IPs have any further comments to make on the survey findings or functionally linked land matters?		
Q1.4.16	Aquatic Ecology IPs, including Relevant Planning Authorities, NRW, EA and NE	The ExA acknowledges the content of Appendix 9.9 Aquatic Ecology (Watercourses) Survey Report and Appendix 9.10 Aquatic Ecology (Ponds) Survey Report [APP-113] [APP-114] . Are IPs/ Statutory Consultees satisfied with the scope and content of the aquatic surveys provided? If not state why not.	CWCC is seeking clarification from the Applicant on the updated surveys information as follows: <ul style="list-style-type: none"> Discrepancies in number of watercourses surveys (the Applicant's response to CWCC's Relevant Representation states 70 watercourses were surveyed, whereas the updated PEA Chapter 9 states 61 watercourses have been surveyed); The presence of protected species has been assumed in some watercourses, but the justification for this is not clear; and It is stated that access was restricted for second surveys visits, so worst-case scenario of presence has been assumed, but it is not clear why access was restricted, on what basis presence was assumed and this is not listed as a limitation in the earlier sections of the report. 	The Applicant has provided a response to CWCC's points within row 2.12.8 of the Applicant's Responses to Relevant Representations [REP1-042] submitted at Deadline 1 and can confirm that 70 watercourses were subject to aquatic ecology survey assessment (as per paragraphs 9.6.16 and 9.6.17 of Chapter 9 – Biodiversity [AS-025]). The Applicant can only see reference to 61 watercourses in respect of riparian mammal survey/assessment (as per Table 9.8 Summary of Species Survey Results [AS-025]). This aligns with paragraph 2.3.5 of Appendix 9.6 – Riparian Mammal Survey Report [AS-039] (subsequently superseded by [CR1-072]). The Applicant therefore seeks clarification from CWCC as to whether its comments relate to Appendix 9.9 (Watercourses) Survey Report [APP-113] (subsequently superseded by [CR1-080]) and 9.10 (Ponds) Survey Report [APP-114] (subsequently superseded by [CR1-056]) or Appendix 9.6 – Riparian Mammal Survey Report [AS-039] (superseded by [CR1-072]).
Q1.4.17	Wildlife Corridors Applicant and IPs, including CWCC, FCC, NRW and NE	Applicant At the ExA's Unaccompanied Site Inspections [EV-003] and [EV-004] the probable existence of 'informal' wildlife corridors within nearby surrounding areas was observed which could be potentially used by a wide variety of species. (i) Clarify how the effect of the proposed development on potential informal wildlife corridors has been considered. (ii) Explain the extent of integration of any ecological enhancements/ mitigation with existing informal wildlife corridors and how those elements are to be secured through the DCO.	Due to the uncertainty over the definition of "informal wildlife corridors", there is no specific comment to make. However, generally, the Applicant has stated that severances made in the green infrastructure network, such as hedgerow removal will be restored at the earliest opportunity and in the same location. Where it is not possible to restore in the same location (e.g., trees within 12m of the pipeline or at AGI's), they will restore habitats in the closest locality and provision of a final mitigation and planting plan is supported by CWCC, to secure this.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>(iii) Explain what scope is available within the overall engineering and new landscaping works proposed by the DCO to enable ecological corridors the earliest chance of re-establishment prior to completion of all works. Also explain how such potential provision could be secured formally. Have novel and innovative nature based approaches been sufficiently explored?</p> <p>(iv) What mitigation is proposed to ensure protected species and other species are protected from noise and vibration?</p> <p>IPs</p> <p>(v) Are there any comments/ concerns you wish to raise with respect to the above matters?</p>		
Q1.4.18	Trees Applicant, CWCC and FCC	<p>In terms of any expected tree loss arising from the scheme as a whole:</p> <p>(i) Acknowledging the submitted Arboricultural Impact Assessment [APP-115] [APP-116] the Applicant is asked to clarify how many trees would be removed, or are likely to be removed or damaged as a result of the scheme overall?</p> <p>(ii) IPs- If there are any discrepancies with the Applicant's assessment highlight what those are. Highlight any areas of disagreement.</p> <p>(iii) Clarify the position of all trees that are likely to be lost or damaged. Provide a plan/ signpost the plan showing the location of the trees that would be affected.</p> <p>(iv) Are the trees that would be lost, damaged or likely to be damaged protected? and if so, how? Are any of the trees noble or veteran trees? If so, what is the number?</p> <p>(v) Can the loss of trees be adequately mitigated or further mitigated and if so, how?</p> <p>(vi) Has any engagement with NE, NRW or the Forestry Commission taken place with respect to potential tree removal or other impacts which may</p>	<p>CWCC has concerns regarding the loss of any veteran trees as they should be treated as irreplaceable, and that appropriate mitigation cannot therefore be provided.</p> <p>CWCC notes that up-to six veteran trees are to be removed.</p> <p>CWCC has raised concerns regarding loss of trees and hedgerows in terms of lack of information meaning that impacts on protected species cannot be assessed. The Applicant has responded that full losses will not be known until the detailed design stage, but worst-case scenario for tree/hedge loss has been assumed. Separate clarifications are sought from the Applicant on discrepancies on numbers of trees surveyed for bat roosts.</p>	<p>Further design refinements as set out in ES Addendum Change Request 1 [CR1-124] have reduced the number of veteran trees at risk of being removed. Three trees are now assessed as being 'at risk of removal but 'aiming to retain', as their root protection areas are potentially encroached. However, mitigation measures will be implemented during construction to allow their protection, and as such, the ES Addendum Change Request 1 [CR1-124] states that the DCO Proposed Development will seek to protect and retain all veteran trees during construction. Mitigation will be detailed within a site-specific Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) to be prepared at the detailed design stage by the construction contractor, as required within item D-LV-030 of the Outline Construction Environmental Management Plan [REP1-017 and CR1-119] under Requirement 5 of the dDCO [CR1-017], [REP1-004].</p> <p>The Applicant will request further information regarding CWCC's comment surrounding "<i>discrepancies on numbers of trees surveyed for bat roosts</i>". The Applicant submitted updated versions of Appendix 9.3 – Bat Activity Survey Report Part 1 [AS-057] which was submitted and accepted by the ExA on 20 March 2023. The revised documents include further survey results and assessment</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>entail ancient woodland? Similarly, have any discussions taken place regarding bolstering tree/ woodland overage within the administrative areas impacted? If not, can a clear commitment be given for such engagement.</p> <p>(vii) Can the Applicant further explain the approach to avoiding any potential ancient woodland loss/ veteran tree and other relevant tree loss impacts as a whole.</p> <p>(viii) Accounting for any possible changes that may have arisen since publication of the ES, are there any trees that would be affected protected by either a Tree Preservation Order (TPO) or by virtue of being located in a Conservation Area? If they are, provide details of where these trees are located and extracts from the relevant TPO citations. If the information has already been provided, please signpost that.</p>		<p>and include details of those trees and buildings subject to Preliminary Bat Roost Assessment and those taken forward for further bat surveys and/or tree climbing where necessary.</p>
Q1.4.19	<p>Trees</p> <p>Applicant and IPs, including CWCC and FCC</p>	<p>Applicant</p> <p>(i) There appears scope for further additional new tree planting (on or off site), above any replacement planting. How would any additional potential tree planting/ related landscaping currently unreferenced in the draft DCO and application documents be secured?</p> <p>(ii) Has additional tree planting (or other related landscaping) been considered to further complement local informal nature corridors on the ground? If not, why not?</p> <p>(iii) Explain if, and how, the planting/ landscaping schemes envisaged can be coordinated in a way to ensure they establish and provide positive links with existing wildlife corridors whilst construction activity takes place.</p> <p>(iv) Can larger standards for any replacement tree planting (where it is appropriate) for a more immediate impact be applied? If not, why?</p>	<p>CWCC notes that mitigation measures are still to be approved.</p> <p>In terms of biodiversity, as with BNG, it is understood that any off-site provision could be secured by means of legal agreement/ s106 Agreement.</p> <p>In terms of biodiversity, please refer to the biodiversity response in Q1.4.7. In addition, the Applicant has been informally discussing off-site habitat provision with the CWCC Green Infrastructure team.</p> <p>CWCC would welcome larger standards for tree replacement where possible.</p>	<p>The Applicant refers to the response provided within Q1.4.3 and Q1.4.7 above. The Applicant also refers to the BNG Strategy Update document submitted at Deadline 2 (document reference: D.7.23).</p> <p>With regards securing of offset sites, the Applicant refers to its response provided within Q1.4.3 above.</p> <p>Planting larger standard tree stock will be considered as part of the overall planting specification, and planting details will be refined at the detailed design stage following discussions and agreement with relevant Interested Parties through Requirement 11 (Landscape and Ecology Management Plan) of the dDCO [CR1-017], [REP1-004]. However, larger stock will not be appropriate in all situations and the aim will be to specify plant materials appropriate to the site context and intended function. In many situations planting smaller stock (transplants/whips) will ultimately establish more successfully and be more effective in terms of landscape integration.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		(v) Relevant Planning Authorities/ IPs: Do you have any further comments on tree planting or landscaping provision?		
5. Climate Change				
Q1.5.2	Methodology Applicant and IPs, including CWCC and FCC	<p>The ExA notes that the assessment of Greenhouse Gas (GHG) has been scoped out of the ES. The Applicant has stated that the impact of GHG emissions (Chapter 10 - GHGs, Volume II), in terms of their contribution to climate change, is global and cumulative in nature, with every tonne contributing to impacts on natural and human systems. As such it is the cumulative effect of all GHG-emitting human activities that cause climate change, and therefore the assessment of the GHGs due to the Project implicitly assesses the cumulative effect of GHG emissions.</p> <p>In addition, the Project as a whole would capture and store CO2 emissions and contribute to the UK's net zero carbon agenda. Therefore, the cumulative benefits of the DCO Proposed Development combined with the other elements of the Project are argued by the Applicant to lead to a cumulative beneficial effect overall.</p> <p>IPs are invited to make whatever comments they deem to be appropriate.</p>	CWCC reserves the right to comment on this matter at a later deadline.	The Applicant acknowledges the response and has no further comments.
Q1.5.3	Mitigation Applicant and IPs, including CWCC, FCC, NRW and NE	<p>Having regard to ES Chapter 7 – Climate Resilience [APP-059] the ExA notes the content of Table 7.13 titled Embedded mitigation in the DCO Proposed Development's Preliminary Design dealing with climate risk during any future operation.</p> <p>What further embedded design mitigation is available to ensure ecological and landscape provision linked to the scheme remains sufficiently resilient to deal with the climatic changes anticipated in future years?</p> <p>Further explain/ substantiate how embedded design mitigation or other additional mitigation/ enhancement possible to achieve would be successful against the climate risks evidenced. For example, any new wetland</p>	It is noted this has not been addressed by the Applicant and CWCC would welcome the response.	The Applicant refers CWCC to its response to Q1.5.3 within Table 2-5 (pages 48 & 49) provided in the Applicants Response to ExA's ExQ1 [REP1-044] submitted at Deadline 1, where this question is addressed.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>creation possible may result in several cross-cutting benefits such as those associated to additional ecologically based carbon storage, ecological enhancement and dealing with local flood risk. Similarly, support for offsite seagrass meadow planting, kelp growth initiatives or saltmarsh restoration could have wider cross cutting beneficial impacts.</p> <p>IPs are invited to make whatever comments they deem to be appropriate. In particular comments are sought by the ExA on whether a range of nature based mitigation/enhancements available and achievable has been properly considered?</p>		
Q1.5.4	Monitoring Applicant and IPs, including CWCC and FCC	<p>Chapter 7 – Climate Resilience [APP-059] section 7.14 details that the DCO Proposed Development will have an OMEMP (as included as a Requirement of the Draft DCO to be followed for routine maintenance and inspection visits of the CO2 Pipeline and the AGIs and BVSS to ensure their protection against potential climate impacts identified in the REAC. Plus, monitoring and management of the surface water drainage features post planning will be undertaken to obtain long term ground water data, in accordance with the Outline Surface Water Drainage Strategy Report.</p> <p>How will landscaping and ecological provision (including enhancement) be monitored in a way that secures adequate climate resilience including at post decommissioning stage?</p>	<p>Information to be included within the LEMP for approval.</p> <p>CWCC reserves the right to comment on further resilience matters at a later deadline</p>	<p>The Applicant acknowledges the response and has no further comments.</p>
Q1.5.5	Mitigation Applicant and IPs, including CWCC and FCC	<p>The Applicant is asked to further justify how adverse climatic issues are adequately addressed having regard to native tree, shrub planting; species rich grassland and their subsequent future years resilience.</p> <p>How can/ could further resilience be designed/ built into the scheme and secured by the DCO?</p>	<p>Information to be included within the LEMP for approval.</p> <p>CWCC reserves the right to comment on further resilience matters at a later deadline</p>	<p>The Applicant acknowledges the response and has no further comments.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
Q1.5.6	Mitigation Applicant and IPs, including CWCC, FCC and NE	<p>In terms of peatland disturbance and the Outline Construction Environmental Management Plan - Appendix 2 -Outline Peat Management Plan [APP-228]. Other than minimisation techniques to reduce peat excavation Paragraph 5.1.4 of the document states "...in the event that there is an excess of excavated material, application of additional options at the Detailed Design and Construction Stages would be required. If no site use is available, off-site re-use options should be explored, with appropriate disposal as waste considered only as the final option, in line with the management hierarchy set out by SEPA."</p> <p>Can any peatland excavation be undertaken in a way that prevents carbon release? For excavated peat unable to be put back on site, is it possible for its transferred to another nearby peatland in a manner without it drying out and emitting CO2? If so, how can that mitigation be secured in the DCO?</p> <p>Have novel or innovative approaches been considered/ ruled out for example such as basalt dusting to capture any CO2 loss during trenching and replenishing soil fertility further afield beyond peatland areas?</p>	CWCC has no comments at this stage in terms of Biodiversity and would defer to the statutory body, Natural England. CWCC reserve the right to comment on climate change matters at a later deadline.	The Applicant acknowledges the response and has no further comments.
6. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations				
Q1.6.8	Affected Persons and IPs	<p>Are any 'Affected Persons' and/ or 'IPs' aware of:</p> <p>(i) any reasonable alternatives to any CA or Temporary Possession (TP) sought by the Applicant; or</p> <p>(ii) any areas of land or rights that the Applicant is seeking the powers to acquire that they consider are not needed?</p>	CWCC's affected land is being assessed and a response will be provided within a later deadline as soon as further information becomes available.	<p>The Applicant acknowledges the response and has no further comments.</p> <p>The Applicant has sought land discussions with CWCC's real estate team and is keen to engage further.</p>
9. Environmental Impact Assessment / Environmental Statement				
Q1.9.1	Applicant and IPs, including CWCC and FCC	The ExA recognises that some of the baseline survey information included within the ES is of some age. There are also circumstances which have arisen (including from the COVID-19 pandemic) which may or may not	Some clarifications on updated baseline data in respect of biodiversity are sought from the Applicant. The Applicant states they will update survey information at the detailed design stage. Currently, survey information	The Applicant submitted Appendix A - Schedule of Additional Baseline Data [REP1-045] as part of the Applicant's Response to ExA's ExQ1 [REP1-044] , Q1.9.1, submitted at Deadline 1. Appendix A [REP1-045]

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>had an effect to using the baseline data and any conclusions/ assumptions to be drawn from that.</p> <p>(i) The Applicant is requested to set out in a single schedule (with reference to the relevant chapters) any additional baseline data gathering that has taken place or is ongoing, or otherwise set out the reasons why that existing baseline data remains fit for purpose.</p> <p>(ii) Can the Applicant also set out their response to any potential impact on any baseline position and their views as to the overall reliability of submitted information taking into account that particular change of circumstance, and any other material change of circumstances anticipated.</p> <p>(iii) With respect to cumulative effects related information. Confirm any updates to that.</p> <p>IPs are you satisfied with the baseline surveys which inform cumulative impact in the ES? If not say why not.</p>	<p>is thought to be valid, but is expected to be updated within the realms of usual standards for survey data validity, according to the habitat and species concerned.</p> <p>In terms of Flood Risk, CWCC requests the right to comment on these matters at a later deadline as this is still being reviewed.</p>	<p>contains a schedule of additional baseline data gathered for each of the technical chapters, and shows the following:</p> <ul style="list-style-type: none"> Type of baseline data collected for the 2022 ES and which documents it was presented in. Whether additional baseline data / surveys have been gathered since submission of the 2022 ES and which documents it was presented in. Whether there are currently any ongoing surveys or data collection. Why baseline data is considered to be valid and fit for purpose where it has not been updated and if there are any limitations. <p>The Applicant notes the CWCC comment in relation to Flood Risk.</p>
10. Flood Risk, Hydrology, Water Resources and Contamination				
Q1.10.2	<p>Flood Risk</p> <p>Applicant and IPs, including NRW; FCC as Lead Local Flood Authority (LLFA) and Sustainable Drainage Systems Approval Body (SDSAB); Welsh Water (WW); United Utilities; and CWCC</p>	<p>Applicant</p> <p>Paragraph 2.5.4 of [APP-168] identifies that Flint AGI has an open watercourse (Lead Brook) approximately north east of the site boundary. The watercourse flows north where it is culverted beneath Chester Road (A548). Thus, it is suggested that Flint AGI needs to ensure no surface run off water will cause flooding elsewhere given the watercourse it is close to. Paragraph 5.5.5 refers to an overland flow path discharging into a watercourse 50 metres to the east (which is unnamed).</p> <p>Is that the same watercourse as mentioned in paragraph 2.5.4 or a different watercourse? Clarify.</p> <p>Applicant/ IPs</p> <p>Are indicative local watercourse flow rates available before and after development? Would options to slow local surface water flow/ formation rates in the DCO</p>	<p>This all appears to be in FCC's area (Flint AGI), therefore on this basis CWCC have no comment.</p> <p>The LLFA support the inclusion of watercourse flow modelling both pre and post development, to ensure no exacerbation of any localised flood risk.</p>	<p>The Applicant confirms that the watercourse adjacent to the Flint AGI is in FCC's area. The Applicant acknowledges the response and has no further comments.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		area, or nearby, with the formation of new ponds/ wetland advantageous to wider sustainability goals be feasible/ possible? If so, could that provision be accommodated?		
Q1.10.3	Flood Risk Applicant and IPs, including NRW; FCC as LLFA and SDSAB; WW; United Utilities; and CWCC	<p>NRW are evidenced to hold one record of a past flood event along the Newbuild CO2 Pipeline (Pipe Reach 4b). The incident occurred along the B5129 Chester Road which is located adjacent to Broughton Brook. FCC's Strategic Flood Consequence Assessment (2018) also indicates that the B5129 Chester Road has had an incidence of historic fluvial flooding although the full details are not known.</p> <p>Applicant and IPs</p> <p>(i) Have any local views come forward/ available giving more details as to the cause or date of this historic flooding event? Is this in the area of Chester Road Brook?</p> <p>(ii) The "DG5" flooding register is also referred to in Paragraph 3.3.4 of [APP-168]. Explain the origin, nature and status that register holds for the administrative area.</p> <p>IPs</p> <p>(iii) Please make whatever comments you deem applicable on assessing flood risk or any associated survey, mitigation or avoidance matter triggered. Including measures linked to achieving future climate change resilience through potential wetland creation.</p>	This all appears to be in FCC's area, therefore on this basis CWCC have no specific comments to make	The Applicant agrees with the response and has no further comments.
Q1.10.4	Flood Risk The Applicant and IPs, including: NRW; FCC as LLFA and SDSAB; WW; CWCC; and	<p>Applicant:</p> <p>(i) There is limited information on the groundwater levels at each of the proposed BVS and AGI sites. What groundwater survey information/ monitoring is proposed to understand any potential risk of groundwater flooding to inform the detailed drainage design?</p> <p>(ii) The statutory consultation phase highlighted Chester Road, Pentre and Leaches Lane Mancot</p>	CWCC have no specific comments to make, however any dewatering operations will need to be secured within the DCO.	The Applicant confirms that requirement 5(2)(l) of the dDCO [CR1-017] , [REP1-004] secures the commitment to produce a Dewatering Management Plan. An Outline Dewatering Management Plan will be submitted to inform the Examination.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
	United Utilities.	<p>where both internal and external sewer flood risks due to hydraulic incapacity.</p> <p>In addition, the postcode area CH5 3HJ (Blackbrook Avenue, Hawarden) is an identified risk of external flooding. How have those specific risks been factored/ mitigated by the scheme?</p> <p>(iii) Can the Applicant confirm if a Dewatering Management Plan and a Groundwater Management and Monitoring Plan is able to be submitted to inform the Examination? Applicant and IPs (iv) Significant dewatering is expected adjacent to the River Gowy and the West Central Drain. These are in the Gowy and Ince Marshes WFD surface water bodies. Do IPs have any comments to make on that aspect or any other aspect of the proposal? Can any related ecological benefits be secured in tandem with dealing with flood risk management issues arising?</p> <p>Applicant and IPs</p> <p>(iv) Significant dewatering is expected adjacent to the River Gowy and the West Central Drain. These are in the Gowy and Ince Marshes WFD surface water bodies. Do IPs have any comments to make on that aspect or any other aspect of the proposal? Can any related ecological benefits be secured in tandem with dealing with flood risk management issues arising?</p>		
Q1.10.10	Water environment IPs, including NRW, WW, United Utilities, CWCC and FCC Applicant	<p>The submitted WFD Assessment [APP-165] and Outline Construction Environmental Management Plan [APP-225] indicate that all new permanent structures would be set-back from watercourses, including outfalls, to avoid modifications to watercourses themselves.</p> <p>IPs</p> <p>Accounting for any locally known watercourses, outfalls, or hydrogeological anomalies which may be apparent; do IPs agree the Applicant's approach detailed in [APP-165] and [APP225] would be possible?</p>	The LLFA recognises that riparian enhancements are proposed and this would be supported and actively encouraged. If possible, we would request the development engages with the CWAC LLFA to discuss further schemes. Areas such as Parkgate Road, Hermitage Road, would benefit from wider watercourse enhancement and attenuation.	<p>The Applicant acknowledges that the LLFA supports and encourages riparian enhancements. The Applicant would welcome more information on the proposed schemes on Parkgate Road and Hermitage Road and would be happy to discuss further.</p> <p>The Applicant is already engaging with CWCC and has provided a BNG Strategy Update (document reference: D.7.23) for progression of the BNG discussions at Deadline 2 and is open for the aquatic priority habitat provision to be included.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>Paragraph 7.1.7 of the WFD Assessment [APP -165] states that the DCO Proposed Development has been assessed and concluded to have no impact on the Wirral and West Cheshire Permo -Triassic Sandstone Aquifers, the Dee Permo -Triassic Sandstone, the Dee Carboniferous Coal Measures and the Clwyd Carboniferous Limestone Groundwater WFD water bodies. Do IPs agree with that conclusion? If not, please state your reasons.</p> <p>The Applicant states the objectives of the DCO Proposed Development is to reinstate habitats where practicable. Where watercourses and riparian vegetation would be impacted, they would be reinstated post - construction and most watercourses would recover within two years. The exception would be where mature tree cover in the riparian zone is removed. Therefore, riparian enhancements are proposed to mitigate those impacts. Riparian enhancements are proposed at: East Central Drain; Finchetts Gutter Tributary; Backford Brook; Friars Park Ditch; and Alltami Brook. Should any further areas be considered? if so, state why.</p> <p>Applicant</p> <p>Paragraph 7.14 of the WFD Assessment [APP-165] states that the riparian enhancements may result in improvement in the River Condition Score for those watercourses once the tree cover is established. In addition, gravel augmentation is proposed on the Alltami Brook to off-set the potential reduction in spawning habitat and introduction of artificial bed material.</p> <p>Can the Applicant further explain what is meant by gravel augmentation and its implications to the management of watercourse silt? And how much artificial bed material is anticipated? Indicate the volume and the length of the brook impacted as well as the materials anticipated to be used.</p> <p>Has the inclusion of additional natural carbon sinks or water oxygen regeneration zones (or similar) to boost flora and fauna been considered at positions along watercourses? If not, state why not.</p>		

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		The EA [RR-024] support the production of a Dewatering Management Plan and a Groundwater Management and Monitoring Plan. They wish to be a consultee on the approval of these plans. Can the Applicant confirm the provision within the DCO where the EAs request has been secured.		
Q1.10.12	Licenses Applicant and IPs, including NRW EA, CWCC and FCC	<p>The ExA notes that:</p> <ul style="list-style-type: none"> a) A transfer licence or impoundment licence may be necessary if a temporary or permanent structure is required that restricts the flow of a waterway/ watercourse. b) An Environmental Permit may be required for the importation and treatment of waste material falling outside the scope or limits detailed in the ES. c) With respect to any 'Waste Materials' generated, the consenting authority for certain mobile plant permits (such as concrete crushers) is the relevant local authority, and therefore they should be listed along with the relevant national public body within the draft DCO if such provision is anticipated. <p>Applicant: Please provide clarification and an update on these matters, where applicable.</p> <p>IPs: Comments in regard to the above are invited.</p>	CWCC has no comments to make at this time	The Applicant acknowledges the response and has no further comments.
Q1.10.14	Outstanding matters IPs, including CWCC, FCC, NRW, EA, WW and United Utilities	Provide your comments on any outstanding land contamination or pollution control matters arising if you have not already done so.	CWCC advise that if following the additional site investigation (as stated within OCEMP [AS-055]) contamination is identified that requires remediation, then validation/verification reporting of the works undertaken would be necessary. The need for validation/verification reporting would also apply to any works carried out to address unidentified contamination under Requirement 9 of the draft DCO.	<p>Environment Agency 'Land Contamination Risk Management', LCRM (2021) guidance requires that a remediation strategy includes details of how the remediation will be verified through a verification report (part of the remediation strategy).</p> <p>The Applicant proposes to add reference to the inclusion of a verification report within the remediation strategy requirement in REAC [REP1-015] and [CR1-109] commitment D-LS-021.</p> <p>The Applicant notes that the wording for dDCO Requirement 9(5) (Contaminated land and groundwater) [CR1-017], [REP1-004] submitted at Deadline 1 includes</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
				reference to the submission of a verification report following completion of the works.
Q1.10.17	Unexploded Ordnance Applicant and Relevant Local Authorities (CWCC and FCC).	Chapter 11 (Land and Soils) of the ES [APP-063] indicates that 'no significant source of unexploded ordnance' was identified (Paragraph 11.6.25), but recommends formal unexploded ordnance awareness briefings be provided to all personnel involved in excavations. It also identifies an updated unexploded ordnance assessment will be produced prior to the commencement of construction. The ExA would ask: i) how these measures should be secured; and ii) whether such assessments should be submitted to and approved in writing by an appropriate body.	CWCC has no comment to make at this time.	The Applicant acknowledges the response from CWCC and has no further comments.
Q1.10.21	High volatile organic carbons CWCC	Paragraph 11.6.112 of ES Chapter 11 (Land and Soils) [APP063] identifies a high volatile organic carbon result within the Stanlow manufacturing complex and notes further assessment will be required. It is also noted further ground investigation works will take place prior to construction. The ExA would ask whether prior to construction for the further ground investigation works to take place is appropriate and, if not, when should such further ground investigation works take place.	CWCC advise that ground investigations should be completed, and any mitigation approved prior to the commencement of any development in that phase / works.	The Applicant is currently engaging with the site owner, Essar Oil UK, regarding the handover conditions and responsibilities for any necessary remediation of any contaminated land prior to construction. The Applicant will revert to CWCC once these agreements are in place, prior to any ground investigation work commencement.
11. Habitat Regulations Assessment				
Q1.11.4	Methodology Applicant and IPs, including: CWCC; FCC; NE and NRW	HRA – Information to inform an appropriate assessment [APP226] indicates that there are 9 European sites within 10km of the DCO proposed development area: (i) River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid SAC. (ii) Deeside and Buckley Newt Sites SAC (immediately adjacent to the DCO proposed development area). (iii) Halkyn Mountain/ Mynydd Helygain SAC (400m north at its closest point). (iv) (iv) Mersey Estuary SPA (approx. 1.05km to the north). (v) Mersey Estuary Ramsar (approx. 1.05km to the	CWCC concurs with the list of designated sites for consideration and notes the ExA is the competent authority when considering the Habitats Regulation Assessment for these sites.	The Applicant acknowledges the response from CWCC and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>north).</p> <p>(vi) Dee Estuary/ Aber Dyfrdwy SAC (approx. 1.2km to the north).</p> <p>(vii) The Dee Estuary SPA (approximately 1.2km to the north).</p> <p>(viii) The Dee Estuary Ramsar (approximately 1.2km to the north).</p> <p>(ix) Alyn Valley Woods/ Coedwigoedd Dyffryn Alun SAC (approximately 6km to the southwest).</p> <p>IPs</p> <p>Do IPs concur with the list and agree that there are no omissions for the purposes of formal assessment?</p> <p>Have the defining features of all European sites been properly addressed by the Applicant?</p> <p>Applicant</p> <p>The River Dee flow channel appears to run out towards, around and behind Hilbre Island. Where does the SPA/ Ramsar boundary for the Dee Estuary formally run to?</p> <p>Can a plan be provided/ signposted of the SPA boundaries relative to the pipeline route.</p>		
Q1.11.5	Mitigation Applicant and IPs, including CWCC and FCC	<p>The ExA acknowledges that the Applicant's proposal is that the REAC [APP-222] would be secured & implemented within the CEMP (an Outline CEMP [APP-226] is provided). Overall mitigation referred to includes best practice to control dust arising from construction processes.</p> <p>What 'best practice' is covered and what would it entail?</p> <p>Is any locally applied best practice applicable/ relevant in the respective administrative areas?</p>	CWCC has no comment to make at this time.	The Applicant acknowledges the response from CWCC and has no further comments.
Q1.11.6	Mitigation Applicant and IPs, including CWCC and FCC	<p>Measures are referred to in the ES that aim to avoid entrapment of otters in pipes. How will these measures be made compatible with the mitigations suggested for general safety and drainage technical details?</p>	It is expected that this detail will become apparent at the detailed design stage, however, the Applicant's response is welcomed on this matter.	The Applicant refers CWCC to its response to Q1.11.6 within Table 2-1 (page 92) provided in the Applicant's Response to ExA's ExQ1 [REP1-044] submitted at Deadline 1, where this question is addressed.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		Additionally, are there any further technical constraints anticipated in light of this added provision?		
Q1.11.7	Mitigation Enhancement Applicant and Ips, including CWCC and FCC	The ExA notes that Biodiversity Enhancements Planning Policy Wales 10 sets out that “planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. This policy and subsequent policies in Chapter 6 of Planning Policy Wales 10 respond to the Section 6 Duty of the Environment (Wales) Act 2016. In line with that what options are available to provide ecological enhancements in offsite locations for Priority Habitats or other habitats including both terrestrial and aquatic environments?	CWCC has no comment to make at this time.	The Applicant acknowledges the response from CWCC and has no further comments.
Q1.11.8	Mitigation Enhancement Applicant and Ips, including CWCC and FCC, NRW and NE	Point out within the ES documentation (or elsewhere) where there are local strategic nature improvement or recovery strategies in the geographical area subject to the DCO that could potentially be used for the delivery of further ecological enhancement.	Please see response to Q1.4.7	The Applicant refers CWCC to the response provided in Q1.4.7 above.
12. Landscape and Visual				
Q1.12.1	Update Applicant and IPs, including CWCC and FCC	Have there been any changes to the built environment in the vicinity of the land subject to scheme improvement currently submitted? If so, please identify where, and consider if the plans and statements would need to be updated/ amended.	CWCC is not aware of any changes to the built environment in the vicinity of the land subject to the scheme.	The Applicant acknowledges the response from CWCC and has no further comments.
Q1.12.2	Update Applicant and IPs, including CWCC	Within Chapter 12 – Landscape and Visual Table 12.1 – Summary of Consultation Undertaken highlights Areas of concern for CWCC along the Newbuild CO2 Pipeline route are those where open cut trench method would impact upon vegetation and in particular mature trees. The ExA shares those concerns.	CWCC has no comments to make at this time.	The Applicant acknowledges the response from CWCC and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>Whilst it is stated by the Applicant this is to be avoided where possible via micro-siting the route and/ or using tunnelling methods. Can the Applicant further explain with signposting to other elements of the ES how the visual impact would be mitigated?</p> <p>Can a plan be submitted showing this detail to give more certainty?</p>		
Q1.12.3	Update Applicant and IPs, including CWCC and FCC	<p>Applicant and IPs</p> <p>(i) Please confirm if a local 'Design Review' (or any Conservation/ Heritage Working Party decision or similar) process anticipated to be undertaken for any aspect of the DCO scheme proposed?</p> <p>Applicant</p> <p>(ii) Explain how any working change or modification to the scheme as a result of local design considerations/ representations could be accommodated if necessary.</p>	CWCC understands that it is not anticipated that a local design review will be undertaken for any part of the DCO scheme.	The Applicant acknowledges the response from CWCC and refers CWCC to pages 94 and 95 of the Applicant's Response to ExA's ExQ1 [REP1-044] submitted at Deadline 1.
Q1.12.5	Methodology IPs	<p>ES Chapter 12 – Landscape and Visual indicates that for all stages of construction, operation and decommissioning, the following elements have been scoped into the assessment:</p> <p>a) Landscape character and visual amenity of residents and recreational users within the 2km Study Area of the Newbuild Infrastructure Boundary;</p> <p>b) Landscape character and visual amenity of residents and recreational users within the 500m Study Area of the three BVSs along the Flint Connection to PoA Terminal Pipeline.</p> <p>Do IPs agree with the suitability of those thresholds? If not state your reasons.</p>	CWCC agrees with the suitability of the thresholds where it relates to land in the Borough.	The Applicant acknowledges the response from CWCC and has no further comments.
13. Mineral Resources				
Q1.13.1	General	Having regard to the Applicant's assessments contained within Appendix 11.3 Minerals Resource Assessment –	CWCC are not aware of any MSAs which are impacted upon by the proposed DCO in a way not already	The Applicant considers that commitment D-MW-006 of the REAC [CR1-109 and REP1-015] , as secured by the

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
	IPs, including FCC and CWCC	<p>Part's 1& 2 [APP-131] and [APP-132], are there any MSAs which are impacted upon by the proposed DCO in a way not already considered by the ES?</p> <p>If so, how is the impact different to the conclusions reached in [APP-131] and [APP-132]. What are the implications?</p> <p>If relevant highlight how any further sterilisation of mineral extraction areas not accounted for (formally safeguarded or otherwise) would specifically occur.</p> <p>Suggest any avoidance/ alteration/ mitigation that is needed.</p> <p>Are any new MSAs expected/ proposed by way of plan update or any other means?</p> <p>Highlight the details and status of any restoration plans for minerals areas relevant to the DCO area.</p>	<p>considered by the ES. There may be smaller areas containing sand and gravel that are not identified within the Local Plan as MSAs as they have not been picked up on BGS maps. If these are identified during site investigations or other excavations, the sand and gravel should be extracted and used as part of the project or elsewhere if possible, in order to ensure that important minerals are not sterilised.</p> <p>CWCC has started work on an update to the Local Development Plan and this may include new MSAs, but no work has been undertaken to date to identify or consult on potential new MSAs.</p> <p>CWCC is not aware of any restoration plans for mineral areas relevant to the DCO area.</p>	<p>CEMP in Requirement 5 of the dDCO [CR1-017], [REP1-004], in relation to following guidance within the Materials Management Plan (MMP), would include the re-use of suitable mineral resources such as sand and gravel incidentally extracted during construction.</p>
Q1.13.3	Mining Risks Applicant and IPs, including FCC, CWCC and the Coal Authority	<p>Hawarden Community Council [RR-038] comment that Flintshire is a heavily mined area (historically) with numerous mine shafts (coal, iron, lead) and, the country rock below the drift geology is extensively faulted.</p> <p>The ExA also acknowledges that historic mining is shown to be present across the western section for the pipeline route. There is potential for historic shallow workings along Colliery Lane, Deeside along the road and edges of the road itself. This includes areas to the west of Gladstone Way where a previous opencast was present.</p> <p>The area of Alltami Brook is also evidenced as having significant historical mining for which records have been obtained. It is recommended in the Applicant's assessments that pipeline routing be performed to avoid these historic workings albeit there is always the potential encounter unknown workings across this area. There are other coal shafts evidenced as recorded from the Coal Authority along the route, yet none have been observed during site walkovers and so it is not known how these have been capped and backfilled.</p>	<p>CWCC has no comment in relation to coal mining risks at this time.</p>	<p>The Applicant acknowledges the response from CWCC and has no further comments.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>With the above in mind, how would human safety be protected during construction given those potential hazards?</p> <p>In addition to the above, the ExA notes the Applicant's Coal Mining Risk Assessment, Part 1 [APP-121], which states that the risk of potential shallow workings around Colliery Lane and Gladstone Way should be considered in any construction plan and that site investigation will be performed. When would the details of the construction plan and site investigation become available?</p> <p>Furthermore, the ExA asks how would/ should unexpected ground conditions be dealt with if the DCO is granted consent?</p> <p>Are adequate consultation measures, in regard to this matter, included within the DCO?</p>		
Q1.13.4	<p>Post Development Infrastructure Risks</p> <p>Applicant and IPs, including FCC and CWCC</p>	<p>Applicant</p> <p>The ExA notes that the ES states that mineral extraction would not be permitted within the pipeline easements. Can the Applicant explain the specific DCO mechanism(s) dealing with that restriction and the extent/ size of the easements involved?</p> <p>The ExA understands that above ground access over the pipeline route would be unrestricted by the DCO having regard to current and any future mineral extraction in the local areas involved. What specific elements of the DCO allow such potential future access provision? Or is the provision achieved through omission of such restrictions only?</p> <p>Please clarify.</p> <p>IPs</p> <p>Would permanent acquisition of the subsurface inhibit minerals extraction elsewhere?</p>	<p>CWCC's position is that permanent acquisition of the subsurface would inhibit minerals extraction in that area (unless prior extraction was undertaken as part of the pipeline works).</p> <p>If permanent acquisition of the subsurface prevented mineral extraction in the area acquired this may also inhibit minerals extraction in MSAs either side of the DCO area as the area remaining may be too small to be commercially viable.</p> <p>The DCO may not prevent access, but it is not clear whether the pipeline works would prevent access over the pipeline route for heavy vehicles associated with minerals extraction or whether there would be any restrictions on development of conveyors etc. If so, this could result in restrictions in extraction of minerals.</p> <p>The ES states that reinforced access crossings for plant would not be unreasonably refused, so this may resolve the issue.</p>	<p>The Applicant acknowledges the response and reiterates the statement within Appendix 11.3 – Minerals Resource Assessment [APP-131] that reinforced access crossings would not be unreasonably refused, and considers that this would resolve the issue.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
14. Noise and Vibration				
Q1.14.1	Monitoring Applicant and IPs, including FCC and CWCC	<p>Applicant</p> <ul style="list-style-type: none"> (i) Outline how monitoring thresholds would be identified and implemented, and indicate whether the DCO should include a commitment to secure remedial measures should monitoring identify higher than predicted noise and vibration levels? (ii) Can the Applicant explain if monitoring (and appropriate trigger levels) would be required to determine whether measures need to be implemented to further reduce noise? If so, how would these and any requisite remedial measures be secured? (iii) How can noise/ vibration mitigation for ecology be relied upon as being suitable based on the information presently known? Or is further information expected? (iv) Prove an update where necessary. <p>Relevant Planning Authorities/ IPs:</p> <ul style="list-style-type: none"> (v) Comment on the need for monitoring of construction/ operational phase noise and mitigation. 	CWCC will provide further comment on this matter within its LIR to be submitted at deadline 1A. CWCC notes that noise and vibration monitoring should be covered in the approved CEMP.	The Applicant acknowledges the response from CWCC and has no further comments.
Q1.14.4	Applicant and Relevant Local Authorities (CWCC and FCC)	<p>The ExA notes the Applicants decision not to submit an Operational Vibration Assessment and that no discussions, in regard to this matter, were held with the relevant Local Authorities (CWCC and FCC). However, the ExA would ask:</p> <ul style="list-style-type: none"> (i) the Applicant for a fuller explanation as to why it considered such an assessment was not required; and (ii) whether the Relevant Local Authorities (CWCC and FCC) agree with the Applicant's decision that such an assessment was not required and, if not, why they do not agree. 	CWCC agree with the Applicant's decision not to submit an Operational Vibration Assessment.	The Applicant acknowledges the response from CWCC and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
Q1.14.6	Relevant Local Authorities (CWCC and FCC)	Having reviewed the methodology and calculations set out in ES Chapter 15 (Noise and Vibration) [APP-067] , it would appear that very noisy equipment will be in use at certain locations for approximately 80% of the time. Indeed Paragraph 15.9.4 notes "...some receptors in all sections are likely to experience either a medium or a high adverse noise impact at some point during the construction phase." It also records the magnitude of impact as being considered to be a "significant effect (significant)". Bearing this in mind the ExA would ask the Relevant Local Authorities (CWCC and FCC) whether they: i) consider there to be a potential for complaint resulting from the use of such equipment and/ or the duration of such use of equipment; and ii) have any concerns in regard to Article 9 (Defence to Proceedings in respect of statutory nuisance) as set out in the draft DCO [APP-024] .	<p>I) Yes - CWCC would consider there to be potential for complaint resulting from very noisy equipment.</p> <p>II) CWCC does not raise any concerns in regard to Article 9 (Defence to Proceedings in respect of statutory nuisance).</p>	The Applicant acknowledges that noise complaints from individual receptors are possible when construction works are in proximity. However, due to the linear nature of the construction works, any impacts would be of relatively short duration. Under D-NV-003 of the REAC [REP1-015 and CR1-109] , and as secured in the CEMP in Requirement 5 of the dDCO [CR1-017] , [REP1-004] , the Contractor is obliged to nominate a community liaison representative, who would be responsible for managing and responding to complaints in accordance with the Noise and Vibration Management Plan, which will be approved by the Local Authority in the CEMP as committed in D-NV-002 of the REAC [REP1-015 and CR1-109] . Temporary re-housing will also be considered through consultation with the Local Authority, if necessary, in accordance with D-NV-010 of the REAC [REP1-015 and CR1-109] .
15. Planning Policy				
Q1.15.1	Applicant and IPs	<p>The Levelling-up and Regeneration Bill: reforms to national planning policy open consultation which opened in December 2022 is currently running to 2 March 2023, run by the Department for Levelling Up, Housing and Communities. A raft of reforms is being considered.</p> <p>The Applicant is requested to acknowledge that changes to national planning policy during the examination period would fall within the definition of important and relevant considerations in regard to the consideration of the DCO application made. Secondly, the Applicant is asked to address any of the policy changes currently anticipated, as they would be relevant to this DCO Application.</p> <p>IPs comments in regard to the above mentioned potential changes to national planning policy are invited.</p>	CWCC has no comment to make at this time.	The Applicant acknowledges the response from CWCC and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
Q1.15.2	Applicant and IPs, including FCC and CWCC	Have direct/ indirect impacts related to planning policy for traveller sites/ communities been adequately addressed?	CWCC does not have specific local development plan policy allocations for traveller sites. All applications are considered on a case-by-case basis therefore direct or indirect effects of the project on future sites cannot be made.	The Applicant continues to engage with regard to any potential applications which fall within proximity to the Order Limits. The Applicant has considered the potential direct / indirect impacts related to planning policy for traveller sites within updates to Appendix B of the Planning Statement [REP-013] .
16. Socio-economic Effects, Including Population and Human Health				
Q1.16.2	General IPs, including FCC and CWCC	Having regard to the list of Stakeholders the Applicant has engaged with listed in Appendix A Meetings with Stakeholders [APP-032] . Do IPs have any points they would wish to raise about potential construction, engineering and manufacturing skills, which could have the potential to provide economic benefits or local opportunity? For example are there any local employment or cross linked educational initiatives to make the Applicant aware of which they may be able to take into account in gauging the overall social-economic opportunities available?	CWCC reserves the right to comment on this matter at a later deadline.	The Applicant acknowledges the response from CWCC and has no further comments.
17. Transportation and Traffic				
Q1.17.1	Traffic Management IPs, including the Relevant Highway Authorities (Welsh Government, National Highways, CWCC, Etc.)	Having regard to the Outline Construction Traffic Management Plan (OCTMP) [APP-224] submitted. The measures are indicative and there are several traffic management concerns being raised by IPs through relevant representations. Considering those concerns as well as the characteristics of the local road network the ExA requests that traffic management issues are resolved during the examination as far as possible. Relevant Highway Authorities What are your views in relation to the scope and content of the Outline Traffic Management Plan? Please explain your reasoning in relation to preferred options and any suggested inclusions or amendments. IPs Comment on the content of the OCTMP are invited.	CWCC is in general agreement with the scope of the OCTMP [APP-224] . Full comments will be provided within the CWCC's Local Impact Report to be submitted at Deadline 1A.	The Applicant refers CWCC to the Applicants Response to Local Impact Reports (document reference: D.7.18) submitted at Deadline 2.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
Q1.17.2	Parking/ Access Applicant and IPs, including the Relevant Highway Authorities	<p>Applicant</p> <p>Construction operatives are assumed to be parking at the main compound(s) during construction. However, the ExA would ask you to confirm whether the above assumption is correct and, if not to provide details of construction operative parking. The ExA would also request full details of the location and design parameters of the parking provision for construction operative's vehicles to demonstrate that parking areas would include sufficient capacity to avoid "fly parking" on nearby local roads or other parking facilities in the vicinity. Clarify how would "fly parking" be prevented.</p> <p>Relevant Highway Authorities/ IPs</p> <p>The ExA notes the content of ES - Figure 17.5 [APP-215] which provides proposed Access Locations envisaged; ES- Figure 17.4 Construction Traffic Routes [APP-214]; ES- Figure 17.7 Road Diversions [APP-217]; and the submitted OCTMP [APP224]. However, the ExA would ask:</p> <p>(i) Are there any further comments on the access locations or road diversions expected which would have a bearing on the content of the OCTMP at this stage?</p> <p>(ii) Do parties agree the OCTMP is suitable? If not, state why not.</p> <p>(iii) Other comments on the content of the above mentioned documents are invited.</p>	<p>(i) CWCC has no further comments to make regarding access arrangements.</p> <p>(ii) CWCC agree that the OCTMP is suitable.</p> <p>(iii) Full comments will be provided within CWCC's Local Impact Report to be submitted at Deadline 1A.</p>	The Applicant acknowledges the response from CWCC and has no further comments.
Q1.17.3	Access Applicant and Relevant Highway Authorities and CWCC	<p>Peel NRE in its Relevant Representation [RR-078] states that the proposed access road from Grinsome Road roundabout to the Pipeline/ AGI conflicts with the delivery of the approved Protos Plastics Park (CWCC Planning application ref. 21/04076/FUL) and that this could constrain the delivery of the development. Therefore, at this stage, Peel NRE objects to the proposed access to the Ince AGI and the Pipeline.</p> <p>The ExA notes Peel NRE's claim that it is the stated owner of land required for the Pipeline for the Ince AGI,</p>	<p>CWCC note that the proposed access (Work no. 3) for Ince AGI, off Grinsome Road roundabout would have an impact upon the delivery of the development outlined at Ince Park ('Protos') and specifically plot 11 of the recently approved 'Plastics Park' development (21/04076/FUL) which would be intersected by the access.</p> <p>The Protos (Ince Park) development is highlighted as a safeguarded site under CWCC's Local Development Plan as noted here and including Policy ECON1 which</p>	The Applicant has identified and assessed two routes for use which will mitigate the impact of the construction of the DCO Proposed Development and will not compromise the delivery of the approved Protos Plastics Park (CWCC Planning application ref. 21/04076/FUL). The Applicant refers CWCC to page 117 of the Applicants Response to ExA's ExQ1 [REP1-044] submitted at Deadline 1 and also the Applicant's Response to Local Impact Reports (document reference: D.7.18), for further details.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>and the associated proposed access, pipeline corridor, and construction compound (as shown on Works Plan ref. EN070007-D.2.4-WPSheet 1) ('Affected Land'). The Affected Land includes land at Ince Park, known as Protos – a 130ha development site comprising a major energy and resource recovery hub and ecological management areas which is a major employer near to Ince, Cheshire. Protos has extant planning permissions in place and the delivery of development is already well advanced. Protos benefits from outline planning permission (ref. 14/02277/S73) for a resource recovery park, and additionally, separate planning consents have been secured across individual plots for developments that are aligned to the ethos of Protos, including an Energy from Waste Facility (ref. 18/01543/S73), a biomass facility (ref.14/02278/S73), a timber recycling plant (ref. 14/02271/S73), a plastic to hydrogen facility (ref. 19/03489/FUL), and a plastics park (ref. 21/04076/FUL).</p> <p>It is also noted by the ExA that Protos is stated as allocated in the Cheshire West and Chester Local Plan (Local Plan Part One Policies STRAT 4 and ENV 8; and Local Plan Part Two Policy EP6) and is safeguarded for a multi-modal resource recovery park and energy from waste facility for use in connection with the recycling, recovery and reprocessing of waste materials.</p> <p>Applicant</p> <p>(i) Has an alternative means of access been identified to avoid conflicting with planned development at Protos?</p> <p>(ii) Would it be able to utilise simpler crossings over existing and proposed railway tracks and ditches? If so, how could that be undertaken?</p> <p>(iii) The Consultation Report (document ref. D.5.1, Revision A, September 2022, reference S1-09), states the Applicant is open to changing the access route provided continued access is made available to the AGI. Can confirmation be given of</p>	<p>states that Protos is a key employment location identified in the Local Plan which is safeguarded as essential to meeting the future economic growth. CWCC would have concerns if the identified access provision would limit the deliverability of the approved plastics/Protos scheme. More detail on this matter is to be provided within the CWCC's Local Impact Report to be submitted at DL1A.</p> <p>CWCC is not in a position to be able to offer any solutions to securing this access, and as this relates to a private road CWCC in its capacity as local highway authority has no comment to make.</p>	<p>The points highlighted, are being discussed with Peel NRE and are under discussion in the SoCG [REP1-027]. An updated version of the Peel NRE SoCG [REP1-027] is submitted at Deadline 2.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>any progress with those discussions and any next steps intended?</p> <p>CWCC</p> <p>(iv) Do you have any additional points to raise regarding the access provision issue outlined or comments towards securing any potential solutions?</p>		
Q1.17.4	<p>Existing Highway Infrastructure/ Road maintenance</p> <p>Applicant and IPs, including the Relevant Highway Authorities (ie Welsh Government, National Highways, Etc.)</p>	<p>Applicant</p> <p>Relevant Representation [RR-015] highlights concerns regarding the condition of existing highway infrastructure (including the A494 Dee Bridge) which could be potentially worsened by the DCO Proposed Development.</p> <p>Indeed, this issue may have already been anticipated in the formulation of the OCTMP.</p> <p>(i) Can the Applicant further clarify how road maintenance issues associated with the condition of existing highway infrastructure is to be managed/ and or mitigated?</p> <p>(ii) What specific provisions in the DCO deal with road maintenance matters and how do they relate to the acknowledgement of any existing highway structure affected?</p> <p>(iii) How would compensatory measures be dealt with for any unintended damage caused to the public highway or highway related infrastructure inclusive of any local bridges.</p> <p>IPs</p> <p>(iv) Submit whatever comments you deem necessary.</p> <p>(v) Are there any existing recognised surveys which have been conducted which provide a basis for detailing the condition of any existing highway infrastructure potentially impacted upon. If so, please provide that information to the Examination.</p>	CWCC has no comment to make on this matter at this time.	The Applicant acknowledges the response from CWCC and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
Q1.17.5	Highway Infrastructure Applicant and IPs, including the Relevant Highway Authorities (ie Welsh Government, National Highways, Etc.)	The Welsh Government has announced (February) the cancellation of a series of road building projects. Does the announcement or the suggested alternative improvements envisaged to the A494 at Aston Hill have any implications for the proposed DCO development? If so, please explain what those implications are and what are they likely to involve?	CWCC has no comment to make on this matter at this time.	The Applicant acknowledges the response from CWCC and has no further comments.
19. Draft Development Consent Order				
Q1.19.13	DCO Articles Relevant Local Authority	Article 2 (Interpretation) – Definition of ‘Commence’ – Are the Relevant Local Authorities satisfied as to the list of exceptions within the definition of commencement?	CWCC note that the definition includes, within the list of exemptions, works which are operational development and details for these works will be governed by the requirements. As such CWCC would expect the following to be excluded from the definition of Commence “erection of fencing to site boundaries or marking out of site boundaries, installation of amphibian and reptile fencing, the diversion or laying of services and environmental mitigation measures”.	The Applicant understands that CWCC is seeking the deletion of the quoted wording from the exceptions. The Applicant does not agree and refers to the answer given in the Applicant's Responses to the ExA's ExQ1, in 1.19.9 on page 121 [REP1-044] submitted at Deadline 1. The Applicant considers that the activities listed have very limited potential to have an impact which do not require detailed controls to be in place.
Q1.19.14	DCO Articles Applicant and the Relevant Highway Authorities (ie Welsh Government, National Highways, Etc.)	Article 2 (Interpretation) – Definition of ‘Highway authority’ – This definition is noted, but the ExA would ask whether or not NHs and/ or The Welsh Government should be included in this definition.	CWCC has no comment to make on this matter at this time.	This was amended at Deadline 1 to include strategic highway authorities within the definition; please see dDCO (Tracked) [REP1-005] which shows the deletion of ‘local’ in this definition.
Q1.19.23	DCO Articles Relevant Local Authorities/	Article 10 (Street works) Article 10(5) refers to the consequences of a failure to notify the undertaker	Where a deemed approval process is included, CWCC requires a minimum of 70 days for the time limit to decide the application/request. There also needs to be consistency as to trigger for when the specified time	The Applicant notes that the article follows standard, well precedented drafting, including the use of ‘made’ and on the time limit. The Secretary of State has repeatedly determined the wording used to be suitable and

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
	Statutory Undertaker	<p>(Applicant/ developer) of a decision within a fixed period of time. In this instance it is 42 days, but there are some incidents of 28 days (see Articles 19(9) and 21(7)) . The need to provide a decision within a fixed period, and the consequence of the failure to do so, occurs throughout the draft DCO generally (eg Articles 11(5), 14(7), 18(7), Etc.). The ExA would ask whether the Relevant Local Authorities/ Statutory Undertakers are satisfied in regard to the time limits specified and if not what alternative would be considered acceptable?</p> <p>In addition to the above, in regard to all Articles that express a consequence for failure to notify, the ExA would ask whether such articles should also specify the procedure to follow in the event of the Relevant Local Authority/ Statutory Undertaker making a negative decision which is received by the undertaker within the relevant period? Should there be some form of cross reference to Article 47 (Requirements, Appeals, etc.) and Schedule 2, Part 2, Etc. of the draft DCO for example? If not please explain your reasoning in full.</p>	<p>period commences. In some instances, the DCO refers to time running “beginning with the date on which the application was made” but “made” is not defined (e.g. Article 10(5)). CWCC’s preference would be to use triggers akin to that used in Article 14(7) where it requires a “decision within [42] days of receiving an application”.</p> <p>CWCC do not believe it is necessary to set out a procedure to follow in the event an application is refused. If refused, a further application will be required. Where Articles require consent (e.g. Article 10) there is already requirements that the consent shall not be unreasonably withheld or delayed (e.g. Article 10(4). There is no need to cross refer to Article 47 or Schedule 2, Part 2 as there are already requirements for “reasonableness” in the decision making and any dispute would be governed by Article 48 (Arbitration).</p>	<p>sufficiently clear, including in the very recently made A47 Wansford to Sutton DCO (February 2023), which includes in article 14(4) <i>“If a street authority which receives an application for consent under paragraph (3) fails to notify the undertaker of its decision before the end of the period of 28 days <u>beginning with the date on which the application was made</u>, it is deemed to have granted consent”</i> (emphasis added).</p> <p>The Applicant is willing to consider changing the wording to start the period from receipt of an application but would need to discuss that with FCC before proposing it.</p> <p>Article 10(3) only applies where a need to undertake works on a street outside the Order Limits arises, i.e. something is required which the Applicant cannot reasonably foresee at this time and has not included in the Order Limits. The most likely circumstances would therefore be works being required in connection with works within the Order Limits, but which need to extend beyond the red line. It is not reasonable in such circumstances for consent applications to take 70 days to be determined, especially where that would delay the completion of other works. The Applicant would strongly object to the period being changed to 70 days as being inappropriately long, and much longer than the period in other recently granted DCOs. The UK Government has set an ambitious target for the delivery of track 1 decarbonisation projects, including this application. The Applicant considers that taking over 2 months to consider an application for street works in the context of the DCO project and the Government delivery targets is not reasonable.</p>
Q1.19.32	DCO Articles Applicant/ Relevant Local Authority	<p>Article 23 (Removal of human remains)</p> <p>(i) In terms of Article 23(2)(a), bearing in mind the prospective length/ width, which includes the limits of deviation, of the Proposed Development, the ExA would ask whether it would be appropriate to include the Work Number(s) where such human remains were found to be included within any such advertisement. If not please explain the reasons</p>	CWCC has no comment to make at this time	The Applicant acknowledges the response from CWCC and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>why.</p> <p>(ii) In terms of Article 23(2)(b), should this require the display of the notice in a conspicuous place on or near the Order land which is close to the location where the human remains were found?</p> <p>(iii) Article 23(3) – How long is 'reasonably practicable'? Please clarify and amend, if required.</p>		
20. Other				
Q1.20.1	Lighting IPs	<p>The ExA notes that changes to light levels in the immediate area through artificial lighting during construction periods or subsequent operation has the potential to alter amenity conditions for existing nearby properties and/ or have potential impacts to wildlife and the wider local environment. Considering the scheme as a whole: -</p> <p>Do any IPs have any concerns regarding lighting during proposed construction phases, or arising from any other element of the scheme?</p>	<p>With respect to amenity, CWCC has potential concerns with lighting and require that this be adequately covered in the CEMP to be approved.</p> <p>CWCC has no biodiversity concerns at this stage, however, there may be lighting issues to consider at the detailed design stage, when lighting proposals are provided.</p>	<p>The detailed CEMP, secured by Requirement 5 of the dDCO [CR1-017], [REP1-004], will include the details of lighting during construction, including working methods and mitigation measures to ensure the reduction of potential adverse impacts as a result of construction lighting. REAC [REP1-015] and CR1-109] commitments D-PD-013, D-PD-014, D-BD-015, D-BD-040, and D-LV-021 provide mitigation measures to reduce potential adverse impacts arising from lighting during construction.</p>
Q1.20.2	Safety Applicant/ Health and Safety Executive/ Relevant Local Authorities (CWCC and FCC)	<p>Relevant Representation [RR-081] indicates that the new pipeline and the AGI terminal at Ince is within very close proximity to land which is the subject of a Control of Major Accident Hazards (COMAH) impact zone.</p> <p>Applicant</p> <p>Please advise what consultation has taken place with the Health and Safety Executive (HSE) and whether the HSE have provided any site plans showing the HSE Zones.</p> <p>(Note: The ExA is aware that such plans may have been issued on a confidential basis and is not seeking the submission of such plans at this time. However, during the course of the examination it may seek the submission of such plans. If such plans are requested they would be likely to be sought through the submission of a public version that is redacted, along with an unredacted confidential version for the ExAs consideration).</p>	<p>(I) CWCC have no particular concerns in regards to proximity to COMAH sites but would defer final comments to HSE on such matters</p> <p>(II) No comments have been received from HSE at this stage</p>	<p>The Applicant acknowledges the response from CWCC and has no further comments.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>Please provide a copy of any correspondence received from the HSE in regard to this</p> <p>Proposed Development, excluding any plans that may have been issued by the HSE confidentially, or signpost the ExA to where within the submitted application documentation such correspondence can be located.</p> <p>Also please confirm what provision would be made during the construction and operational phases to safeguard the public health of those involved in construction and operation of the facility? How would such provision be secured by the DCO?</p> <p>Health and Safety Executive/ Relevant Local Authorities</p> <p>Please confirm whether:</p> <p>(i) the Proposed Development lies within the proximity of any designated Control of Major Accident Hazzard site(s), and if so please advise the ExA of any concerns you may have in regard to the Proposed Development and its proximity to those sites.</p> <p>(ii) the HSE has issued any comment and/ or issued any advice in relation to the Development which is the subject of this DCO Application. (ie has the HSE issued any letters in relation to the development proposed by this DCO Application that states they 'Do Not Advise Against' or 'Advise Against'). If so, please submit a copy of that advice letter in to the Examination.</p>		

Table 2.5 – Comments on the Response to the ExA’s WQ’s from Environment Agency

ExQ1	Question to	Question	Interested Party Comment	Applicant’s Response to Interested Party Comment
1. General and Cross-Topic Questions				
Q1.1.3	All Relevant Planning Authorities, including FCC and CWCC and IPs	<ul style="list-style-type: none"> As additional context to inform the Examination the following information is requested: <ul style="list-style-type: none"> i) Advise if there is a Community Infrastructure Levy Charging Schedule (CILCS) in place for the administrative area the Development Consent Order (DCO) scheme falls within, or within any neighbouring administrative boundaries. ii) Confirm if there any planned improvements to the local area which are separate to the scheme under consideration but potentially complimentary to it, directly arising from the CILCS? iii) Notwithstanding any CILCS mechanism in place, advise if there are any other planned or known separate publicly led local capital investments, projects, or other planned initiatives in the vicinity of the area proposed for improvement or nearby which could potentially compliment the scheme. For the avoidance of any doubt the planned improvements queried/ referred to may cover any aspect of the local environment and could be wide ranging in their purpose. iv) Explain how any existing separate local capital investments, projects or other initiatives would complement the scheme, if there are any being advanced. 	<p>The EA are aware of environmental projects (i.e. Chester Zoo Nature Recovery Corridor; the River Goww Water Vole Recovery Project; and the Cheshire Wetlands Project) within the vicinity of the pipeline route and would advise further details are sought from the Cheshire Wildlife Trust and Cheshire West and Chester Council (CWCC) on this matter.</p> <p>With regards to EA led projects, we have a capital programme which includes a list of potential Flood Risk Management schemes in the local area. It is a live programme that is altered continuously and subject to change. It would be advisable for the applicant to approach us to understand any specific schemes in more detail that may be able to complement the Hynet Carbon Dioxide pipeline project. The list of schemes has been included under Annex 1 of this letter.</p> <p>We advise engagement with CWCC where they have been identified as the lead Risk Management Authority on the delivery of a scheme. We advise the applicant ensures the scheme does not adversely affect operations and activities associated with the future delivery of such schemes.</p>	<p>The Applicant has engaged with CWCC in regard to habitat enhancement programmes please refer to the BNG Strategy Update Document (document reference: D.7.23) issued at Deadline 2 which provides more context and details on this point.</p> <p>The Applicant welcomes the list of schemes provided by the EA under Annex 1. The Applicant will review this list and take this under consideration.</p> <p>The Applicant notes the request from the EA and will undertake further engagement with the EA and CWCC to understand any potential overlap with future delivery of their schemes.</p>
Q1.1.9	IPs, including CWCC and FCC	The ExA draws the Applicant’s/ IPs’ attention to the content of Planning Inspectorate Advice Note 9: Rochdale Envelope. This advice note affirms the established principle that: “The ES should not be a series of separate unrelated topic reports. The interrelationship between aspects of the proposed development should be assessed and careful consideration should be given by the developer to	Overall, we are satisfied with the scope of the assessment that has been undertaken for the ES with regards to the interrelationship between aspects of the proposed development at this time. We are satisfied that the Environmental Chapters do have sufficient overlap and interaction as to not be stand-alone. Whilst each	The Applicant has reviewed and responded, where necessary, to the Environment Agency’s responses to the ExQ1 below, and to the Written Representations (as reported in the Applicant’s Response to the Written Representations (document reference: D.7.19) submitted at Deadline 2.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>explain how interrelationships have been assessed in order to address the environmental impacts of the proposal as a whole. It need not necessarily follow that the maximum adverse impact in terms of any one topic impact would automatically result in the maximum potential impact when a number of topic impacts are considered collectively. In addition, individual impacts may not be significant but could become significant when their interrelationship is assessed. It will be for the developer to demonstrate that the likely significant impacts of the project have been properly assessed.”</p> <p>Do IPs including Relevant Planning Authorities agree that the likely significant impacts of the DCO Proposed Development have been adequately assessed by the ES? If not, please state why not.</p> <p>You may wish to combine the answer to this question with the answer to question Q1.1.6</p>	<p>Chapter does have an individual reference, there is enough interaction to make the document holistic.</p> <p>However, further work on the ES and associated supporting reports is required in line with our response to the ExQ1 and our Written Representation under ‘Section 2’ of this letter. We advise that this may impact the proposed mitigation measures to manage the impacts of the scheme on the environment as established under the Register of Environmental Actions and Commitments (REAC) [APP-222].</p> <p>Once resolved, we will be in a position to determine whether the likely significant impacts of the proposed development has been adequately assessed.</p>	
4. Biodiversity, Ecology and Natural Environment				
Q1.4.1	IPs, including Relevant Planning Authorities, Natural Resources Wales (NRW), Environment Agency (EA), Natural England (NE)	<ul style="list-style-type: none"> IPs <ul style="list-style-type: none"> i) Confirm whether you are satisfied with the range of ecology surveys associated with ES - Chapter 9 - Biodiversity [APP-061]; ii) Do you consider the baseline information presented to be a reasonable reflection of the current situation? iii) In respect of i) and ii) if not, why not and what would resolve any residual concerns? <p>The ExA acknowledges that this may be covered by a SoCG. If the answer to these questions is be covered by a SoCG please indicate that accordingly.</p>	<p>We can confirm that the range of aquatic based ecology surveys undertaken (i.e. Appendix 9.9 Aquatic Ecology (Watercourses) Survey Report [APP-113]) are acceptable and the baseline is a reasonable reflection of existing conditions.</p>	<p>The Applicant acknowledges the response and has no further comments.</p>
Q1.4.2	Applicant and IPs, including Relevant Planning Authorities, NRW, EA, NE	<p>Confirm whether you are satisfied with the monitoring measures during construction and post construction described within Section 9.13 of ES - Chapter 9 - Biodiversity [APP-061].</p> <p>In particular, your comments are invited on the monitoring requirements anticipated during construction</p>	<p>We request the applicant specifies where hydromorphology has been considered as a receptor and therefore, associated mitigation to ensure impacts are minimised.</p> <p>We note the following the following actions / measures as in Table 9.12 of Chapter 9 Biodiversity [APP-061]</p>	<p>The Applicant has considered hydromorphology as a receptor at all proposed watercourse crossings within the New Build Infrastructure Boundary. The Applicant has undertaken hydromorphology walkover surveys and River Condition Assessments (MoRPh5) at all watercourses within the New Build Infrastructure Boundary in order to</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>detailed within Table 9.13 and within Appendices 9.1 - 9.10 (Volume III), in relation to protected species licencing and the Outline Landscape Ecology Management Plan [APP-229]. As well as the post-construction monitoring proposed to be undertaken in accordance with a Landscape Ecology Management Plan (LEMP) [APP-230] developed at Detailed Design. The LEMP is proposed to be included within the Operations and Maintenance Environment Management Plan (OMEMP), provided post-construction.</p> <p>The ExA acknowledges that this may be covered by a SoCG. If the answer to these questions are being covered by a SoCG please indicate that accordingly.</p>	<p>(and REAC [APP-222]) have not been included within Table 9.13 which are considered relevant. These include the following with additional commentary where improvement / clarification is required:</p> <ul style="list-style-type: none"> D-BD-046: the EA welcome the proposal to avoid undertaking works in high flows. However, regardless of timing, sediment controls will be required and should be detailed. D-BD-047: requires turbidity monitoring for all open-cut crossings. D-BD-048 and D-BD-049: ensure appropriate reinstatement of watercourse features. The EA welcome these measures, however, where not practicable, mitigation must be sought elsewhere within the scheme boundary. <p>We advise the applicant also includes a requirement for ongoing monitoring and maintenance of in-channel and riparian habitat created from the proposed scheme.</p>	<p>assess potential impacts to physical habitat (hydromorphology).</p> <p>With regards to measures presented within Table 9.12 of Chapter 9 – Biodiversity [AS-025], the Applicant can confirm that item D-BD-046 is listed within the Mitigation and Enhancement Measures column of Table 9.13 [AS-025]. The Applicant acknowledges that items D-BD-047, D-BD-048 and D-BD-049 are absent from this Table and will rectify this within a future version of the chapter to be included within the Aquatic habitat – Watercourses category, prior to the end of Examination.</p> <ul style="list-style-type: none"> In respect of the EA's recommendations the Applicant proposes the following: D-BD-046 – removal of “<i>Where this is not possible...</i>”. The revised mitigation would therefore state: “<i>The ECoW will assess the need for mitigation and/or permits to facilitate construction...</i>”. D-BD-047 – No change to wording. There are a number of open-cut crossings proposed for ditches and smaller watercourses that periodically dry up and/or have stagnant pools of water. The Applicant believes the current wording of the mitigation item is appropriate to ensure that turbidity monitoring is considered on an individual crossing basis and utilised where it is appropriate to do so. D-BD-048 and D-BD-049 – The Applicant currently considers that it will be possible to reinstate water and riparian habitats/features post construction in the location of the impact. <p>As detailed within Chapter 9 – Biodiversity [AS-025], paragraph 9.13.3, monitoring of reinstated habitats will be undertaken post construction with details provided within the LEMP to be developed at detailed design as secured by Requirement 11 of the dDCO [CR1-017], [REP1-004].</p> <p>Monitoring by an appropriate body will form part of the BNG strategy. The Applicant welcomes further discussion relating to this matter through the SoCG [REP1-024].</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
Q1.4.3	Applicant and IPs, including FCC, CWCC, NRW and NE	<p>Paragraph's 9.2.33-36 of ES Chapter 9 states that Biodiversity Net Gain (BNG) will be a statutory requirement for most planning applications, as per the new Environment Act (previously Environment Bill), which achieved Royal Assent through Parliament on 9 November 2021. Whilst there is currently a transition period before mandatory requirements come into force (expected to be winter 2023), it will require development to deliver a 10% net gain in biodiversity units (area habitat, hedge and river units where applicable), as determined through the use of a biodiversity metric.</p> <p>Moreover, it is anticipated by the Applicant that the BNG requirement will apply across all terrestrial infrastructure projects, or terrestrial components of projects, accepted for examination by the Planning Inspectorate through the NSIP regime by November 2025 (subject to the provisions of the applicable National Policy Statements or Biodiversity Gain Statement). Projects accepted for examination before the specified commencement date would not be required to deliver mandatory BNG under the terms of the Environment Act.</p> <ul style="list-style-type: none"> • Applicant <ol style="list-style-type: none"> Nevertheless, biodiversity interests and the wider policy/ statutory context those interests sit within, both in England and Wales, remain important and relevant considerations whereby significant enhancement could still potentially be secured irrespective of the BNG statutory provision anticipated. Does the Applicant agree? If not say why. Can the Applicant clarify and set out/ signpost how it intends to secure BNG significantly above the 1% currently detailed in the examination documentation? Confirm the level of BNG the Applicant is committed to providing as the overall aim. Outside of BNG measurement, can the Applicant set out how it could further boost and achieve meaningful overall biodiversity enhancements? 	<p>We agree and support the ExA's observations on BNG where further biodiversity enhancement could potentially be secured through the scheme. Whilst we would advise comments from Natural England (NE) on BNG are considered in the first instance, the EA hold an interest in the delivery of BNG on the aquatic /riparian environment impacted by the proposed development.</p> <p>We have highlighted to the applicant that this could be achieved through the completion of Water Framework Directive (WFD) mitigation measures (i.e. river restoration and habitat creation) assigned to the River Gowy and Stanney Mill Brook, both within and in close proximity to the proposed development.</p> <p>The measures, as briefly described above, are required for both waterbodies to achieve the statutory objective of 'Good Ecological Potential'. Whilst these are recognised briefly within Appendix 18.3 WFD Assessment [APP-165] (Table 5.14 and 5.15), the details of such measures has not been specifically reported within the document.</p> <p>We previously provided the applicant with the specific Heavily Modified Water Body (HMWB) WFD mitigation measures for the Gowy (Milton Brook to Mersey) (GB1120608060250) and Stanney Mill Brook (GB112068060260) on 2nd March 2022. We note that the specific details of these measures have not been fully considered / included within the WFD Assessment (Appendix 18.3 of the ES [APP-165]). For information, a list of the WFD mitigation measures can be found in Annex 2 of this letter.</p> <p>We would advise Regulation 33 of the Water Framework Directive Regulations 2017 (WFD) places a duty on the Secretary of State and public bodies to have regard to River Basin Management Plans (RBMPs) when exercising their functions. This means they must ensure they do not authorise a project which may jeopardise:</p> <ul style="list-style-type: none"> • The current status of a WFD element or cause its deterioration 	<p>The Applicant acknowledges that the Environment Agency holds an interest in the delivery of BNG for the aquatic/riparian environment impacted by the DCO Proposed Development.</p> <p>The Applicant has undertaken a review of WFD mitigation measures as part of the Water Framework Directive assessment [APP-165]. The Applicant used WFD compliance to inform the design solution for the River Gowy crossing, ensuring a trenchless option was selected so as to avoid impacting upon the baseline hydromorphology of the river. In addition, D-WR-055 of the REAC [REP1-015 and CR1-109] ensures that the future renaturalisation of the River Gowy is taken into account in the depth and width across the floodplain required to enable the future renaturalisation of the river. Given that the Applicant is not proposing to disturb the River Gowy, or prevent the achievement of the WFD mitigation measure set for the river, the Applicant does not propose to undertake the renaturalisation works.</p> <p>The details of the REAC commitments to ensure that the DCO Proposed Development does not prevent the future achievement of the WFD mitigation measures for the River Gowy and Stanney Mill Brook will be developed further at detailed design. The Applicant will continue to engage further with the Environment Agency on this matter.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>iii) Does the Applicant agree that s106 agreement use involving a commuted sum mechanism to facilitate biodiversity enhancements may be a feasible/ suitable option available?</p> <p>iv) To what extent has peatland, wetland or salt marsh creation/ restoration (or similar) been considered as an enhancement that links to shared interests of climate change risk resilience from flooding and enabling nature based forms of carbon capture. If not, why has it not been considered?</p> <ul style="list-style-type: none"> • IPs <p>v) Submit your views on seeking biodiversity enhancement/ facilitating BNG, inclusive of any future proofing.</p>	<ul style="list-style-type: none"> • The attainment of good status • Pollution reduction measures • Standards and objectives for protected areas <p>We also recognise that Planning Inspectorate Advice Note Eighteen advocates that the applicant should describe any positive contributions the project could provide with respect to the objectives of relevant RBMPs.</p> <p>We would welcome further discussions with the applicant on this matter to determine actions / measures that could be undertaken to contribute to the overarching objectives of the WFD and associated North West RBMP where such provisions could provide additional BNG as part of the scheme.</p> <p>Further to the above, as an organisation, the EA are currently aspiring to deliver BNG as part of the Flood Risk Management schemes under our capital programme (Annex 1). This will either be achieved as part of the delivery of the scheme or offsetting where this is found to be unfeasible. There is a potential opportunity of additional habitat credits to support the delivery of BNG to be sought through these schemes and would advise the applicant to undertake discussions with us to establish whether this could be achieved / delivered through this route if required.</p>	
Q1.4.4	Applicant and IPs, including FCC, CWCC, NRW and NE	<p>The ExA notes the submission of BNG Assessment – Part's 1-6 [APP-231] to [APP-236], consecutively.</p> <p>i) The level of BNG overall enhancement outlined as being able to be secured is very low. Can the Applicant further justify the rationale for an overall 1% BNG increase aims rather than seeking the higher thresholds of 5% or 10% (stated in the application submissions) in the first instance which are deemed possible?</p> <p>ii) Paragraph 1.4.2 of [APP-231] highlights that BNG up to 10% across area and river habitats is a feasible opportunity. Outline the progress made</p>	<p>In addition to the comments provided under Q1.4.3, we note the majority of proposed pipeline route is through agricultural land and the impacted watercourses have been historically modified for agriculture and land drainage purposes. Therefore, we suggest there is significant scope (space and opportunity) to make inchannel and riparian improvements within the existing site boundary.</p> <p>We note the current proposal is to provide overall 1% BNG increase for Priority Habitats only, where we consider this as a missed opportunity to enhance riparian environments. The existing site walkovers undertaken in October and November 2021 (to inform</p>	<p>The Applicant agreed with the Environment Agency (2 March 2022) that where open cut crossings would be reinstated within two years, there would be no net loss of habitat, in accordance with the BNG guidance (refer to the draft SoCG with the Environment Agency [REP1-024]).</p> <p>Whilst the site walkovers undertaken in October and November 2021 have been used to inform the WFD assessment [APP-165], the assessment of MoRPh5 data for River Condition Assessment for BNG has been specifically used in the assessment of BNG for rivers, streams, canals and ditches.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>with landowners in securing such river habitat or other aquatic habitat improvements, as well as the next steps to be taken along with a likely timeframe to inform the Examination.</p> <p>iii) The ExA acknowledges that the BNG Assessment undertaken is focused on priority habitats. This is believed to be based on the spatial dataset in the Priority Habitats Inventory (England) compiled by NE last updated 13 December 2022 which does not cover Wales. Is that the case? Confirm the data sets which have been utilised for both England and Wales and their age.</p> <p>iv) Further to the above question there is the national list of priority habitats and species in England ('Section 41 habitats and species') for public bodies, landowners and funders to use for biodiversity conservation. The UK BAP priority species and habitats were created between 1995 and 1999, and were subsequently updated in 2007, following a 2 - year review of UK BAP processes and priorities, which included a review of the UK priority species and habitats lists. The 'UK Post -2010 Biodiversity Framework', published in July 2012, succeeded the UK BAP. Albeit the UK BAP remains a useful reference point for both 'species' and 'habitats'. For the avoidance of any doubt can you confirm the priority habitat list the Applicant is referring to in its assessment for habitat protections and for BNG/ biodiversity interest purposes?</p> <p>v) Explain what scope remains for the scheme to further complement existing ecological and biodiversity initiatives within the local areas the scheme passes through. If relevant local/ regional or national initiatives have not been fully considered to date, provide an update on how potential integration could be achieved.</p> <p>vi) The EA [RR -024] comment that a waterbody 'near Stanlow Refinery' will be permanently lost. Can the Applicant confirm to the Examination the details of</p>	<p>the WFD Assessment [APP-165]) could be used to determine opportunities and support such proposals for wider environmental enhancement with respect to both BNG and the WFD.</p> <p>It is currently unclear from the BNG Assessment ([APP -231] to [APP -236]) what enhancements have been included. We advise future BNG and WFD Assessment s should include further details on:</p> <ul style="list-style-type: none"> • High level riparian enhancements proposed within the current WFD Assessment [APP -165] to mitigate the loss of mature riparian trees at: East Central Drain; Finchetts Gutter Tributary; Backford Brook; Friars Park Ditch; and Alltami Brook. • Whether the scheme could deliver specific HWMB WFD mitigation measures (see further comments under Q1.4.3). The renaturalisation of the River Gowy is recognised within the WFD Assessment [APP -165] when considering the impacts of the scheme on hydromorphology for this river (i.e. Table 5.2). We suggest that there is a potential for the scheme to contribute to the delivery of WFD mitigation measures MMA We1076 (Improve floodplain connectivity) and MMA Wo1495 (Gowy meadows: Improve floodplain connectivity) where this has not been currently explored. We recommend future reporting considers whether any of the HWMB WFD mitigation measures, as listed in Annex 2, could be delivered as part of the scheme and / or investigate whether there are opportunities to contribute to these measures. • Wider opportunities for environmental enhancement within the study area. <p>We would advise since the production of the BNG Assessment ([APP-231] to [APP-236]) that the Biodiversity Metric has since been updated to 4.0. Therefore, we would advocate that the latest Biodiversity Metric is utilised to inform the proposals. However, we recommend advice from NE is sought on this matter in the first instance.</p>	<p>Riparian enhancements proposed at East Centra Drain are provided in the BVS and AGI Landscape Layout Plans [CR1-008] and D-WR-062 of the REAC [REP1-015] and CR1-109]. These enhancements are for WFD offsetting given that they are not on Priority Habitats. Further information will be available at detailed design once the exact location of the pipe is determined.</p> <p>The Applicant proposes a trenchless crossing on the River Gowy so as to avoid impacts to the hydromorphology of this river. In addition, D-WR-055 of the REAC [REP1-015] and CR1-109] commits the Applicant to ensuring that the depth of the pipeline beneath the floodplain is sufficient so as not to prevent the reconnection of this river to its floodplain.</p> <p>The Applicant acknowledges the release of Biodiversity Metric 4.0. However, in line with current Natural England guidance (see 'Previous Versions of the Metric' section of The Biodiversity Metric 4.0 webpage), the Applicant will continue to utilise Biodiversity Metric 3.0/3.1 given this was the metric available at time of the start of the assessment and in cognisance of the advanced nature of the assessment already completed.</p> <p>As detailed in row 2.24.12 (page 47) of Applicant's Response to the Relevant Representations [REP1-042] submitted at Deadline 1, the Applicant is applying a District Level Licensing approach to Great Crested Newt. The loss of the single waterbody near Stanlow Refinery will be taken into account as part of the calculation by Natural England to determine the value of a compensatory sum. This money will be used by Natural England (and its delivery partners) to secure creation of new waterbodies in strategic locations for the benefit of GCN and biodiversity in general. This item and discussions have also been captured within the draft SoCG with the Environment Agency [REP1-024] with an 'Agreed' status.</p> <p>The Applicant can confirm that additional creation of waterbodies is also being explored through discussions with CWCC for BNG offsets.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>adequate compensatory habitat as a result of this loss?</p> <p>vii) The EA [RR-024] also note that in addition to the creation of wood habitat piles and the installation of bat and bird boxes, the completion of nearby Water Framework Directive (WFD) mitigation measures, which enhance riverine habitats for biodiversity, must also be included. This would contribute to BNG and the legal objective of 'good ecological potential' for these waterbodies. Does the Applicant acknowledge these responses? If so, explain/ signpost what provision is to be made.</p>	<p>With regards to point 'vi)', we can confirm that the pond that will be permanently lost near Stanlow Refinery has been assessed as having limited ecological value. Therefore, we have no in principle concerns with the permanent loss of this water feature. We would welcome any proposals on the incorporation of enhancements to the aquatic environment as part of the proposed scheme to compensate for this loss.</p>	
Q1.4.7	Applicant and IPs, including FCC, CWCC, NRW and NE	<ul style="list-style-type: none"> Applicant <p>The ExA requests the Applicant to acknowledge that river (or other water), hedgerow and area habitats are considered independently, and are not interchangeable. It must be clearly understood that a loss of one type cannot be addressed by providing another of a different type.</p> <ul style="list-style-type: none"> Applicant / IPs <p>Signpost the particular local nature strategies (including those entailing nature recovery or related ecologically based methods for carbon sequestration) covered in the geographical area subject to the DCO, or those nearby, that could be used for the delivery of additional ecological enhancement. Suggest the strategies which could be used to secure enhancement and the precise mechanisms to implement the desired improvement.</p>	<p>In addition to our comments under Q1.1.3, we wish to highlight that the Cheshire Local Nature Recovery Strategy (LNRS) is due to commence initial stakeholder engagement and meetings during Spring / Summer 2023. CWCC, along with Cheshire East Council, will lead and co-ordinate the strategy with assistance from NE.</p> <p>LNRS are a new mandatory system of spatial strategies for nature established by the Environment Act 2021. They are designed as tools to encourage more coordinated practical and focused action and investment in nature. They will also be critical evidence for Local Plans and targeting for BNG delivery.</p> <p>We recommend advice is sought from the above organisations for the England section of the scheme with regards to the forthcoming LNRS.</p>	<p>The Applicant is aware of the forthcoming Local Nature Recovery Strategy (LNRS) through its ongoing discussions with CWCC regarding securing offset locations for BNG compensation. The Applicant will continue to engage with CWCC through the Examination.</p>
Q1.4.16	IPs, including Relevant Planning Authorities, NRW, EA and NE	<p>The ExA acknowledges the content of Appendix 9.9 Aquatic Ecology (Watercourses) Survey Report and Appendix 9.10 Aquatic Ecology (Ponds) Survey Report [APP-113] [APP-114].</p> <p>Are IPs/ Statutory Consultees satisfied with the scope and content of the aquatic surveys provided? If not state why not.</p>	<p>We are satisfied with the scope and content of the aquatic surveys from an EA perspective.</p> <p>With regards to Appendix 9.9 Aquatic Ecology (Watercourses) [APP-113], the preferred survey methods used match the standard WFD survey methods. Where they deviate, for example for health and safety reasons, the alternative methods, such as eDNA, are perfectly acceptable. It is noted that DNA can produce false positives associated with upstream</p>	<p>The Applicant welcomes the EA's comments and acknowledges the general shortcomings of eDNA.</p> <p>The Applicant has only used this methodology where WFD standard methodology was constrained by reasons such as health and safety.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
			sources like canals and still waters but overall, the Fisheries baseline assessments are generally representative of the assessed waterbodies.	
5. Climate Change				
Q1.5.3	Applicant and IPs, including CWCC, FCC, NRW and NE	Having regard to ES Chapter 7 – Climate Resilience [APP059] the ExA notes the content of Table 7.13 titled Embedded mitigation in the DCO Proposed Development's Preliminary Design dealing with climate risk during any future operation. What further embedded design mitigation is available to ensure ecological and landscape provision linked to the scheme remains sufficiently resilient to deal with the climatic changes anticipated in future years? Further explain/ substantiate how embedded design mitigation or other additional mitigation/ enhancement possible to achieve would be successful against the climate risks evidenced. For example, any new wetland creation possible may result in several cross-cutting benefits such as those associated to additional ecologically based carbon storage, ecological enhancement and dealing with local flood risk. Similarly, support for offsite seagrass meadow planting, kelp growth initiatives or saltmarsh restoration could have wider cross cutting beneficial impacts. IPs are invited to make whatever comments they deem to be appropriate. In particular comments are sought by the ExA on whether a range of nature based mitigation/enhancements available and achievable has been properly considered?	<p>We have highlighted that a range of nature-based enhancements could be achieved through the delivery and / or contribution to relevant WFD mitigation measures (see our responses under Q1.4.3 and Q1.4.4) where this could also improve local resilience to climate change impacts.</p> <p>Table 7.13 of the ES Chapter 7 – Climate Resilience [APP-059] currently includes no mention of specific biodiversity related mitigation (i.e. habitat reinstatement as part of the scheme) or additional enhancement measures. Mitigation and enhancement areas should be included as a potential receptor to climate change and associated embedded mitigation outlined within this table.</p>	<p>Chapter 7 Climate Resilience of the ES [APP-059] and [CR1-124] did not include vegetation or landscape as a sensitive receptor of the DCO Proposed Development. The Applicant notes that enhanced biodiversity and habitat would have a benefit and help maintain good ground and soil condition; e.g. indirectly acting as a defence against flooding. The Biodiversity Net Gain Plan highlights information on the benefit of increasing biodiversity and landscape area. The Applicant has included consideration of climate change in respect of landscaping and mitigation management. As referenced within paragraph 1.5.3 of the Outline Landscape and Ecological Management Plan [APP-229] management prescriptions may need to be adapted in response to variables including climate change (see also paragraph 6.1.2 of Section 6 Maintenance and Management Schedules).</p> <p>The Applicant has concluded in the WFD assessment [APP-165] that the DCO Proposed Development does not prevent the implementation of WFD mitigation measures.</p>
Q1.5.4	Applicant and IPs, including CWCC and FCC	Chapter 7 – Climate Resilience [APP-059] section 7.14 details that the DCO Proposed Development will have an OMEMP (as included as a Requirement of the Draft DCO to be followed for routine maintenance and inspection visits of the CO2 Pipeline and the AGIs and BVSs to ensure their protection against potential climate impacts identified in the REAC. Plus, monitoring and management of the surface water drainage features post planning will be undertaken to obtain long term ground water data, in accordance with the Outline Surface Water Drainage Strategy Report. How will	As highlighted in our response to Q1.4.2, monitoring and maintenance of all areas of habitat reinstatement and enhancement proposed should be a requirement of the scheme.	As detailed within the Applicant's response to Q1.4.2 (page 23) of the Applicant's Response to ExA's ExQ1 [REP1-044] submitted at Deadline 1, the detailed LEMP, to be prepared at detailed design, will set "...out the preparation, management and monitoring practices for the period prior to construction; during construction and throughout the initial establishment period."

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		landscaping and ecological provision (including enhancement) be monitored in a way that secures adequate climate resilience including at post decommissioning stage?		
6. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations				
Q1.6.3	Affected Persons/ IPs	Are any Affected Persons or IPs aware of any inaccuracies in the BoR [APP-030] , Statement of Reasons [APP-027] or Land Plans [APP-008] ?	<p>It has been identified that the EA own a section of the Gowy watercourse (not including the banks) within the area of works / development for the proposed scheme. When cross referencing the Land Plans [APP-008] and BoR [APP-030] it is recognised that plots '6-02', '6-03', '6-10', '6-11' and '6.12' are within EA ownership. We can confirm that this is correct.</p> <p>We request clarification as to why the EA have been identified as an 'occupier or reputed occupier' in the BoR [APP-030] for plots 1- 04; 1-06; 1-07; 1-21; 1-25; 2-01; 3-14; 3-15; 3-17; 4-07; 4-10; 4-13; 5-14; 5-16; 5-24; 5-25; 5-26; 6-07; 6-14; 6-17; 6-19; 6-23; 9-16; 9- 17; and 12-10.</p>	<p>In addition to plots 6-02, 6-03, 6-10 and 6-11, which the EA owns, the EA has also been identified on a precautionary basis as an 'occupier or reputed occupier' in respect of a potential interest in the main river falling within the following plots listed in the Book of Reference [CR1-022]:</p> <ul style="list-style-type: none"> • 1-01a – Western Boundary Drain • 1-07 – East Central Drain • 1-04, 1-06, 1-21, 1-25 – West Central Drain • 1-06, 2-01 – Hapsford Brook • 3-14, 3-15, 3-17, 4-07, 4-10, 4-13 – Gale Brook • 5-14, 5-16 – Thornton Uplands • 5-24, 5-25, 5-26 – Thornton Main Drain • 6-07, 6-14, 6-17 – Stanney Main Drain • 6-07, 6-19, 6-23 – Stanney Mill Brook • 9-14a, 9-16, 9-16a, 9-16b, 9-17 – Backford Brook • 12-10 – Seahill Drain <p>Plot 6-12 has been removed from the Book of Reference [CR1-022] following the change request</p>
Q1.6.8	Affected Persons and IPs	<ul style="list-style-type: none"> • Are any 'Affected Persons' and/ or 'IPs' aware of: <ul style="list-style-type: none"> i) any reasonable alternatives to any CA or Temporary Possession (TP) sought by the Applicant; or ii) any areas of land or rights that the Applicant is seeking the powers to acquire that they consider are not needed? 	With regards to the land identified within EA ownership, we have no in principle issues with the CA / TP sought by the applicant at this time. However, we request clarification, as highlighted in our response to Q1.6.3, with regards to plots where the EA have been identified as an 'Occupier or Reputed Occupier'.	Please refer to the response to WQ 1.6.3 (page 51) of the Applicant's Response to ExA's ExQ1 [REP1-044] submitted at Deadline 1.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
Q1.6.23	Applicant, Affected Persons and IPs	Do you consider all potential impediments to the development have been properly identified and addressed? Additionally, are there concerns that any matters, either within or outside the scope of the draft DCO, that would prevent the development becoming operational may not be satisfactorily resolved? This includes matters related to acquisitions, consents, resources or other agreements?	With regards to the land identified within EA ownership, we have no in principle issues with the CA / TP sought by the applicant at this time. However, we request clarification, as highlighted in our response to Q1.6.3, with regards to plots where the EA have been identified as an 'Occupier or Reputed Occupier'.	Please refer to the response to WQ 1.6.3 (page 51) of the Applicant's Response to ExA's ExQ1 [REP1-044] submitted at Deadline 1.
9. Environmental Impact Assessment / Environmental Statement				
Q1.9.1	Applicant and IPs	<p>The ExA recognises that some of the baseline survey information included within the ES is of some age. There are also circumstances which have arisen (including from the COVID-19 pandemic) which may or may not had an effect to using the baseline data and any conclusions/ assumptions to be drawn from that.</p> <p>i) The Applicant is requested to set out in a single schedule (with reference to the relevant chapters) any additional baseline data gathering that has taken place or is ongoing, or otherwise set out the reasons why that existing baseline data remains fit for purpose.</p> <p>ii) Can the Applicant also set out their response to any potential impact on any baseline position and their views as to the overall reliability of submitted information taking into account that particular change of circumstance, and any other material change of circumstances anticipated.</p> <p>iii) With respect to cumulative effects related information. Confirm any updates to that.</p> <p>IPs are you satisfied with the baseline surveys which inform cumulative impact in the ES? If not say why not.</p>	<p>Overall, we are satisfied with the baseline surveys that have been undertaken to inform the cumulative impact in the ES with the exception of ground conditions within ES Chapter 11 Land and Soils [APP-063] (including supporting baseline reporting ES Appendix 11.1 Phase 1 Land and Soils (Contaminated Land) Baseline Report [APP-117 to APP-120] and ES Appendix 11.6 Ground Investigation Report [APP-135 to APP-137]) and where this relates to elements in ES Chapter 18 Water Resources and Flood Risk [APP-070].</p> <p>From a ground conditions perspective, the information that has been presented to date to support the submission of the ES presents an outline view of existing conditions along the pipeline corridor. It is currently insufficient in detail / assessment to inform decisions on depths below ground for the pipeline and possible additional work that may be required to ensure the proposed development mitigates potential impacts on 'controlled waters' (i.e. remedial requirements).</p> <p>We understand that where the pipeline passes through areas which have been identified as having largely rural or non-industrial historical land use there is less importance to add greater investigation and assessment, however, where there is historic or ongoing industrial land uses, then further information on land conditions is imperative as the assessment of this possible adverse impact needs to be realised at this time and where necessary, identify where further work may need to be undertaken.</p>	<p>The Applicant can confirm that additional ground investigation and risk assessment will be undertaken by the Applicant's Construction Contractor with the detailed design to further determine any additional remedial works that are required, at locations of particular concern. The Applicant will engage further with the EA on this point in SoCG [REP1-024] discussions to understand their concerns in more detail and to scope a forward plan.</p> <p>The Applicant is currently engaging with the site owner, Essar Oil UK regarding the handover conditions and responsibilities for any necessary remediation of any contaminated land on the Stanlow Manufacturing Complex site prior to construction. During these discussions the Applicant will discuss the handling of Per and Polyfluoroalkyl Substances (PFAS) with the site owner. The Parties (the Applicant and/or Essar Oil UK) will revert to the EA once these agreements are in place prior to any ground investigation work commencement.</p> <p>In relation to Chapter 14 – Material Assets and Waste of the 2022 ES [APP-066] and of the Environmental Statement Addendum Change Request [CR1-124], paragraph 14.5.19 of Chapter 14 – Material Assets and Waste [APP-066] discusses the assumption made in relation to excavated earthworks. The paragraph identifies that <i>"In the event that excavated materials are unsuitable for reuse, such as contaminated soils or hazardous materials (not soils i.e. anthropogenic material), the Construction Contractor will follow appropriate legislative requirements and best practice. In</i></p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
			<p>We note ES Appendix 11.6 Ground Investigation Report [APP-135 to APP-137] indicates where further targeted investigation and monitoring is required to further inform existing ground conditions. We request clarity on when this additional work is intended to be undertaken.</p> <p>As highlighted in paragraph 15.2.1, it has been identified that Per and polyfluorinated alkyl substances (PFAS) may have potentially contaminated the groundwater. PFAS are emerging contaminants of concern which may, in certain circumstance, require specialist treatment / additional permitting requirements. Therefore, we strongly advise where PFAS contaminants are included in future laboratory suites to inform existing ground conditions that these are undertaken to inform the Examination process and / or provision is made to establish how this will be managed in the event it is found to be present.</p> <p>Such considerations will also be integral to informing ES Chapter 14 – Material Assets and Waste [APP-066], with regards to assessing the impacts of the management of waste during construction and the Outline Construction Environmental Management Plan (OCEMP) [APP-225] at this time.</p>	<p><i>the event that there is a requirement for these unsuitable materials to be disposed of off-site, the material will be appropriately classified prior to transport to a suitably licenced landfill /treatment centre."</i> REAC [REP1-015 and CR1-109] commitments D-LS-006, D-MW-006 and D-GG-005 refer to the implementation of a Materials and Management Plan, which would include these measures, as secured by the CEMP within Requirement 5 of the DCO [CR1-017], [REP1-004]. As such, the Applicant considers that the Materials and Waste assessment has considered the potential for hazardous materials, albeit unquantifiable for inclusion in the quantitative assessment.</p>
10. Flood Risk, Hydrology, Water Resources and Contamination				
Q1.10.4	The Applicant and IPs, including: NRW; FCC as LLFA and SDSAB; WW; CWCC; and United Utilities.	<ul style="list-style-type: none"> Applicant <ul style="list-style-type: none"> i) There is limited information on the groundwater levels at each of the proposed BVS and AGI sites. What groundwater survey information/ monitoring is proposed to understand any potential risk of groundwater flooding to inform the detailed drainage design? ii) The statutory consultation phase highlighted Chester Road, Pentre and Leaches Lane Mancot where both internal and external sewer flood risks due to hydraulic incapacity. In addition, the postcode area CH5 3HJ (Blackbrook Avenue, Hawarden) is an identified risk of external flooding. How have those 	<p>The impacts of the proposed dewatering activities on the Gowy and Ince Marshes area will need to be determined as part of a Hydrogeological Impact Assessment (HIA) required to support the abstraction licence application(s) or as part of the overall Dewatering Management Plan. It is noted that a Dewatering Management Plan is intended to be included as an Annex to the Construction Environmental Management Plan (CEMP).</p> <p>In relation to securing ecological benefits which could be potentially provided in tandem with dealing with flood risk management issues, we would refer to our comments under Q1.4.3 and Q1.4.4 for the applicant to explore whether such multi-benefits could be achieved.</p>	<p>The Applicant can confirm that where dewatering activities are proposed, a hydrogeological impact assessment (HIA) will be undertaken. Commitment D-WR-035 in the REAC [REP1-015 and CR1-109], as secured by the CEMP in Requirement 5 of the dDCO [CR1-017], [REP1-004], has been updated to confirm that the Dewatering Management Plan will also act as a vehicle for more specific and detailed assessment (as necessary).</p> <p>The Dewatering Management Plan and Groundwater Management and Monitoring Plan will be the primary mechanisms to implement the assessment and mitigation of such effects, as secured within Requirement 5 of the dDCO [CR1-017], [REP1-004]. An Outline Dewatering</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>specific risks been factored/ mitigated by the scheme?</p> <p>iii) Can the Applicant confirm if a Dewatering Management Plan and a Groundwater Management and Monitoring Plan is able to be submitted to inform the Examination?</p> <p>• Applicant and IPs</p> <p>iv) Significant dewatering is expected adjacent to the River Gowy and the West Central Drain. These are in the Gowy and Ince Marshes WFD surface water bodies. Do IPs have any comments to make on that aspect or any other aspect of the proposal? Can any related ecological benefits be secured in tandem with dealing with flood risk management issues arising?</p>		<p>Management Plan and an Outline Groundwater Management and Monitoring Plan will be submitted to inform the Examination.</p> <p>The Applicant will be cognisant of potential opportunities for combined ecological benefits and flood risk management issues where these arise through the development of the detailed design.</p>
Q1.10.7	Applicant and IPs, including NRW, NE and EA	<p>• Applicant</p> <p>i) Is the principle of achieving significant ecological enhancement or greater BNG using the broader offshore marine environment a feasible option to the Applicant? (i.e., Delivered through the Marine Protected Areas established UK wide which in combination are intended to form an 'ecologically coherent and well-managed network').</p> <p>ii) Has this approach been explored with JNCC and other statutory consultees? (i.e., for England – NE; and for Wales – NRW but both of those consultees for Marine Protected Areas in territorial waters?)</p> <p>iii) It is noted that NRW have three river basin districts in Wales and each has its own river basin management plan: - Western Wales District – entirely in Wales; - Dee District – cross-border with England; and - Severn District - cross-border with England (led by the EA). Does the Applicant acknowledge and agree there may be scope available to support river</p>	<p>We advise under the Environmental Permitting (England and Wales) Regulations 2016, a Flood Risk Activity Permit (FRAP) or registered exemption may be required. Certain activities are also potentially excluded from the requirement to obtain a FRAP or registered exemption.</p> <p>Dewatering activities may require an abstraction licence and Environmental Permit for the discharge activity, or registered exemption where applicable. Please see further comments of additional technical considerations for dewatering activities under our response to Q1.10.4. For the England section of the scheme, such licences and consents are required to be obtained from the EA. We request this is reflected in the Other Consents and Licences document [APP-046].</p> <p>Further to the above, a licence will likely be required from NE for vegetation clearance affecting legally-protected species, such as, water voles, great crested newts, bats and badgers.</p>	<p>The Applicant acknowledges the relevant permits that would be required and commits to obtaining these in D-BD-002, D-BD-054, D-BD-061 and D-WR-035 of the REAC [REP1-015 and CR1-109].</p> <p>As set out in the Other Consents and Licences document [REP1-011], the Applicant will submit an appropriate application after the DCO is made.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>basin management plans through potential enhancement? Has further dialogue been undertaken with NRW or the EA to support river basin management interests?</p> <p>iv) The Appendix 18.3 WFD Assessment states that Riparian vegetation clearance would be limited as far as practicable to the immediate areas of construction to permit the execution of works. Vegetation would be reinstated post-construction as far as practicable. Confirm the DCO mechanism which would ensure that.</p> <ul style="list-style-type: none"> • Applicant and IPs <p>v) Vegetation clearance is expected to occur within the Mersey, Ince Marshes, Gowy, Stanney Mill Brook, Finchetts Gutter, Garden City Drain, Sandycroft Drain, Wepre Brook, Dee (North Wales), and North Wales WFD surface water bodies. In addition, significant dewatering is expected adjacent to the River Gowy and the West Central Drain. These are in the Gowy and Ince Marshes WFD surface water bodies. Please confirm the licensing provision required for the particular works listed above.</p>		
Q1.10.9	Applicant and IPs, including WW, United Utilities and EA	<ul style="list-style-type: none"> • Applicant <p>With respect to groundwater resources and quality explain what mechanisms are/ would be in place to ensure that no private water supply can be derogated because of the works or operation of the scheme, even temporarily, without the prior written consent of the owner and the provision of mitigation measures?</p> <p>Regarding potential impacts during construction and any proposed HDD activity. Clarify what investigations, assessments, mechanisms, and consultation requirements are to be secured to ensure HDD works will not pose a risk to groundwater resources</p>	<p>Following on from our response under Q1.10.4, we advise the applicant will need to consider the potential impact of dewatering operations on water features by undertaking a HIA as required to support any abstraction licence applications. The HIA will need to include an assessment of any necessary mitigation measures that will be required should an impact be identified.</p> <p>With respect to private water supply abstractions, the impact on these sources will need to be assessed as part of any abstraction licence application, or where a licence is not required due to an applicable exemption the impacts will need to be assessed as part of the Dewatering Management Plan and Groundwater Monitoring and Management Plan.</p>	<p>The Applicant can confirm that where dewatering activities are proposed, a hydrogeological impact assessment (HIA) will be undertaken that considers the potential effects on private water supplies (and other sensitive groundwater receptors), as updated in commitment D-WR-035 in the REAC [REP1-015 and CR1-109], as secured by the CEMP in Requirement 5 of the dDCO [CR1-017], [REP1-004].</p> <p>The Dewatering Management Plan and Groundwater Management and Monitoring Plan will be the primary mechanisms to implement the assessment and mitigation of such effects, as secured within Requirement 5 of the dDCO [CR1-017], [REP1-004]. An Outline Dewatering Management Plan and an Outline Groundwater</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<ul style="list-style-type: none"> IPs <p>Your comments in regard to the above are invited.</p>	<p>If there is a potential for derogation, then this could impact granting an abstraction licence unless a derogation agreement from the licence holder is provided (Section 39 of the Water Resources Act 1991). This enables an applicant to try to secure the consent of a protected right holder to enable a licence to be granted. It will be up to the applicant to ensure this has been agreed and would advise this is sought at the earliest opportunity.</p> <p>Whilst private water supplies do not have the same protected rights on the quantity of water that licenced abstractions do, they are still considered a lawful use of water and we would expect those supplies to be protected. This protection could, for example, be provided by designing the dewatering programme in such a manner to limit the impacts, or if this is not feasible, the applicant could make an agreement with the owner of the private supply to allow a derogation in a similar manner to that described above, or agree to provide an alternative water supply during the period over which the dewatering takes place should an impact occur. Each situation would be site-specific and would require a detailed HIA to be carried out.</p> <p>Integral to this process and to off-set derogation of water supply operations, it is important to fully characterise / understand the contamination risks to controlled waters (groundwaters) from the project activities where we understand additional ground investigation and assessment will be undertaken (see our response to Q1.9.1). Through this knowledge, the possible risks associated with the project activities from land contamination, and material reuse if soil transfers take place along the length of the pipeline (i.e., transferring soils from one section of the pipeline protect to another), can therefore, be fully understood. This information should be used to inform the Dewatering Management Plan.</p> <p>It is not clear from the OCEMP [APP-225], particularly OCEMP Appendix 1 – Outline Soil Management Plan [APP-226], whether this process is fully known or</p>	<p>Management and Monitoring Plan will be submitted to inform the Examination.</p> <p>A hydrological impact assessment will also consider the potential risks to controlled waters (groundwater) from dewatering activities at locations where contamination of soils/groundwater is known to exist. It is noted that in accordance with the Outline Soil Management Plan [APP-227], where excavated materials are unsuitable for re-use e.g. contaminated soils or hazardous materials, then these will be disposed off-site and in accordance with legislative requirements.</p> <p>The Applicant confirms that a water supply will be required for hydrotest purposes. Various options are under consideration and the final proposals will be confirmed by the Construction Contractor. Where abstraction is proposed the necessary licences will be sought. The Applicant notes this point from the EA and will add this to Other Consents and Licences document [REP1-011] in a future revision.</p> <p>In relation to the IP's last point in relation to Q1.10.9 relating to the OCEMP and OSMP, we seek clarification on what 'process' the IP is referring to. We believe that the concern in relation to considering contamination when assessing impacts from dewatering activities is explained in our response above.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
			understood. We appreciate that this might be as a result of insufficient detailed information at this stage, however, we advocate that this is understood at the earliest opportunity to ensure requirements from both a DCO and wider consenting perspectives are realised.	
Q1.10.10	IPs, including NRW, WW, United Utilities, CWCC and FCC Applicant	<p>The submitted WFD Assessment [APP-165] and Outline Construction Environmental Management Plan [APP225] indicate that all new permanent structures would be set-back from watercourses, including outfalls, to avoid modifications to watercourses themselves.</p> <ul style="list-style-type: none"> Interested Parties Accounting for any locally known watercourses, outfalls, or hydrogeological anomalies which may be apparent; do IPs agree the Applicant's approach detailed in [APP165] and [APP-225] would be possible? Paragraph 7.1.7 of the WFD Assessment [APP-165] states that the DCO Proposed Development has been assessed and concluded to have no impact on the Wirral and West Cheshire Permo-Triassic Sandstone Aquifers, the Dee Permo-Triassic Sandstone, the Dee Carboniferous Coal Measures and the Clwyd Carboniferous Limestone Groundwater WFD water bodies. Do IPs agree with that conclusion? If not, please state your reasons. The Applicant states the objectives of the DCO Proposed Development is to reinstate habitats where practicable. Where watercourses and riparian vegetation would be impacted, they would be reinstated postconstruction and most watercourses would recover within two years. The exception would be where mature tree cover in the riparian zone is removed. Therefore, riparian enhancements are proposed to mitigate those impacts. Riparian enhancements are proposed at: East Central Drain; Finchetts Gutter Tributary; Backford Brook; Friars Park Ditch; and Alltami Brook. Should any further areas be considered? if so, state why. Applicant Paragraph 7.14 of the WFD Assessment [APP-165] 	<p>We advise under the Environmental Permitting (England and Wales) Regulations 2016, a Flood Risk Activity Permit (FRAP) or registered exemption may be required, particularly with regards to the proposed outfalls. Certain activities are also potentially excluded from the requirement to obtain a FRAP or registered exemption.</p> <p>Where outfalls are set back from the watercourse, additional maintenance requirements may be necessary to prevent blockages and should be considered as part of a long-term management strategy for the operation of the proposed development.</p> <p>With regards to Paragraph 7.1.7 of the WFD Assessment [APP165], for the England section only, we agree with the conclusion that the development is unlikely to have a significant impact on the Wirral and West Cheshire Permo-Triassic Sandstone aquifer WFD groundwater body and its overall status. We would advise, as under our response to Q1.9.1, where further investigations are required to understand existing conditions that these are undertaken at the earliest opportunity to support this assessment.</p> <p>Riparian enhancements could be secured at the Stanney Mill Brook and the River Gowy, achieved through the completion of WFD mitigation measures (see responses under Q1.4.3 and Q1.4.4 which are applicable with regards to further areas for consideration).</p>	<p>The Applicant acknowledges the requirement for a FRAP application for any new structures on, in or near watercourses, including outfalls, their associated discharge and any maintenance requirements.</p> <p>The Applicant acknowledges the relevant permits that would be required and commits to obtaining these in D-PD-010 of the REAC [REP1-015 and CR1-109].</p> <p>As set out in the Other Consents and Licences document [REP1-011], the Applicant will submit an appropriate application after the DCO is made.</p> <p>The Applicant acknowledges that further ground investigations will be required and will be undertaken as part of the detailed design stage by the Construction Contractor.</p> <p>The Applicant acknowledges that maintenance requirements may be necessary to prevent blockages and that the requirement should be considered as part of a long-term management strategy for the DCO Proposed Development, as part of the detailed design stage. The Applicant refers to its response to Q1.4.3 in respect of riparian enhancements and considerations of WFD mitigation measures.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		states that the riparian enhancements may result in improvement in the River Condition Score for those watercourses once the tree cover is established. In addition, gravel augmentation is proposed on the Alltami Brook to off-set the potential reduction in spawning habitat and introduction of artificial bed material. Can the Applicant further explain what is meant by gravel augmentation and its implications to the management of watercourse silt? And how much artificial bed material is anticipated? Indicate the volume and the length of the brook impacted as well as the materials anticipated to be used. Has the inclusion of additional natural carbon sinks or water oxygen regeneration zones (or similar) to boost flora and fauna been considered at positions along watercourses? If not, state why not. The EA [RR-024] support the production of a Dewatering Management Plan and a Groundwater Management and Monitoring Plan. They wish to be a consultee on the approval of these plans. Can the Applicant confirm the provision within the DCO where the EAs request has been secured.		
Q1.10.11	Applicant, NRW and EA	It is noted that Section 6 of the Newbuild Infrastructure Boundary proposed by the DCO is not within a groundwater protection zone. Please confirm which sections of the pipeline would be located within ground water protection zones.	<p>There are no bespoke groundwater Source Protection Zones (SPZ) within the Newbuild Infrastructure Boundary in England. It should be noted that the Environment Agency have only produced bespoke SPZ's for large potable water supply abstractions.</p> <p>All other groundwater sources used for drinking water supplies or in the production / manufacture of food intended for human consumption, we advise a default SPZ 1 of 50m radius from the point of abstraction, and in some cases a default SPZ 2 of 250m radius. We advise the applicant to review position statements B2 & B3 of 'The Environment Agency's approach to groundwater protection'.</p>	The Applicant acknowledges the response and has no further comments.
Q1.10.12	Applicant and IPs, including NRW EA,	<ul style="list-style-type: none"> The ExA notes that: - A transfer licence or impoundment licence may be necessary if a temporary or permanent structure is required that restricts the flow of a waterway/ watercourse. - An 	We advise some mobile plants are permitted by the EA and, therefore, we require notification of deployment and will potentially plan an inspection.	The appointed Construction Contractor will be required to ensure all current regulations are adhered to during the construction works. Where hazardous waste producer registration or an Environmental Permit is required for

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
	CWCC and FCC	<p>Environmental Permit may be required for the importation and treatment of waste material falling outside the scope or limits detailed in the ES. - With respect to any 'Waste Materials' generated, the consenting authority for certain mobile plant permits (such as concrete crushers) is the relevant local authority, and therefore they should be listed along with the relevant national public body within the draft DCO if such provision is anticipated.</p> <ul style="list-style-type: none"> • Applicant Please provide clarification and an update on these matters, where applicable; • IPs: Comments in regard to the above are invited 	<p>Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation. If the total quantity of hazardous waste material produced or taken off-site is 500kg or greater in any 12 month period, the developer will need to register with the EA as a hazardous waste producer for the England section of the scheme. We advise this is recognised within the Other Consents and Licences [APP-046] document.</p> <p>If the applicant intends to abstract more than 20 cubic metres of water per day from a surface water source e.g. a stream or from underground strata (via borehole or well) for any particular purpose (i.e. dewatering activities) then an abstraction licence will need to be obtained from the EA for the England section of the scheme. We welcome the recognition that abstraction and discharges related to dewatering activities may require consent from the EA in the Other Consents and Licences [APP-046] document.</p> <p>In addition to the above, we advise under the Environmental Permitting (England and Wales) Regulations 2016, a FRAP or registered exemption is required for any activities which will take place:</p> <ul style="list-style-type: none"> • on or within 8 metres of a main river (16 metres if tidal) • on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal) • on or within 16 metres of a sea defence • involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert • in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) <p>Certain activities are also potentially excluded from the requirement to obtain a FRAP or registered exemption.</p>	<p>waste related activities, the appointed Construction Contractor will be responsible for ensuring permits are obtained (where necessary) prior to the commencement of the relevant works.</p> <p>The Applicant can confirm that in Table 2.1 of the Other Consents and Licences document [REP1-011] refers to the potential requirement for the Applicant to register as a hazardous waste producer.</p> <p>The Applicant acknowledges that the relevant consents under the Environmental Permitting (England and Wales) Regulations 2016, a FRAP or registered exemption is required for any activities which will take place as set out in the Other Consents and Licences document [REP1-011].</p> <p>The Applicant acknowledges that Environmental Permit is required for discharges to surface water and / or groundwater if it is considered contaminated / includes polluting substances. Table 2.1 (No. 19) of the Other Consents and Licences [REP1-011] document will be updated before the end of examination.</p> <p>The Applicant acknowledges the advice to engage with the EA's National Permitting Service Team to establish permitting / consenting requirements for the proposed scheme at the earliest opportunity. The Applicant will discuss this with the Environment Agency during the examination process.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
			<p>An Environmental Permit is required for discharges to surface water and / or groundwater if it is considered contaminated / includes polluting substances. We advise this is clarified and separated from the requirements for FRAPs within Table 2.1 (No. 15) of the Other Consents and Licences [APP-046] document.</p> <p>We recommend the applicant undertakes pre-application advice with the EA's National Permitting Service Team to establish permitting / consenting requirements for the proposed scheme at the earliest opportunity.</p>	
Q1.10.14	IPs, including CWCC, FCC, NRW, EA, WW and United Utilities	Provide your comments on any outstanding land contamination or pollution control matters arising if you have not already done so.	<p>Further to our responses under Q1.10.4 and Q1.10.9, where any abstraction or dewatering takes place on land affected by contamination or where groundwater may be contaminated, it will need to be ensured that this contaminated water is disposed of in an appropriate manner or treated to such an extent that its discharge back to the environment will not have a negative impact on the receptor. An Environmental Permit may be required for such discharges.</p> <p>As highlighted under our responses to Q1.9.1, Q1.10.4, Q1.10.9 and Q1.10.10, additional ground investigation and assessment is required to aid in establishing the impacts of the proposed scheme and associated mitigation measures required.</p> <p>We would like to take this opportunity to identify that in parts of the pipeline corridor, where there is currently significantly industrial land use (Section 1 in ES Figure 18.2 Superficial and Bedrock Geology [APP-219]) there is a likelihood of not only standard (or expected) types of contamination to be present but also new and emerging type of contamination which are known to bioaccumulative and persistent in the environment (i.e. comments on contaminants in our response to Q1.9.1).</p> <p>As a result, if such contaminants are present in abstracted and / or dewatered liquid, it may not be suitable to discharge to the natural environment as it contains hazardous substances. We will be in a position to determine whether this is a significant consideration</p>	<p>The Applicant acknowledges the EA's comments and that an Environmental Permit may be required, as set out in the Other Consents and Licences document [REP1-011].</p> <p>The Applicant can confirm that additional ground investigation and risk assessment will be undertaken by the Applicant's Construction Contractor with the detailed design, to further determine any additional remedial works that are required. Any further ground investigation will be undertaken in line with REAC commitments D-LS-020 and D-LS-021, as secured by the CEMP within Requirement 5 of the dDCO [CR1-017], [REP1-004].</p> <p>The Applicant acknowledges the IP's concerns in relation to discharging liquids that may be contaminated with conventional or emerging contaminants (e.g. PFAS). The Applicant confirms that a groundwater risk assessment will be undertaken as part of any application for an Environmental Permit to determine if a potential discharge would be acceptable. Where required, reasonable measures will be taken to prevent the discharge of hazardous substances and to limit the discharge of non-hazardous pollutants to groundwater in order to prevent pollution (e.g. treatment prior to discharge). The Applicant would expect further discussion with the IP on a site-specific basis at the detailed design stage.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
			for the scheme once the proposed additional ground investigation and assessment has been undertaken.	
Q1.10.21	CWCC	Paragraph 11.6.112 of ES Chapter 11 (Land and Soils) [APP-063] identifies a high volatile organic carbon result within the Stanlow manufacturing complex and notes further assessment will be required. It is also noted further ground investigation works will take place prior to construction. The ExA would ask whether prior to construction for the further ground investigation works to take place is appropriate and, if not, when should such further ground investigation works take place.	<p>Whilst we recognise this question has been directed to CWCC, considering our responses to Q1.9.1, Q1.10.4, Q1.10.9 and Q1.10.10 we request the ExA takes our comments on this matter into consideration from a 'controlled waters' perspective.</p> <p>The EA is aware of the ground conditions in and around the Stanlow Manufacturing complex through its ongoing regulation of this site under the relevant Environmental Permitting regime. We would strongly recommend that further ground investigation and assessment should take place at the earliest opportunity to fully understand existing conditions at this site.</p> <p>As highlighted in our response to Q1.9.1 and Q1.10.10, there is a likelihood of not only standard (or expected) types of contamination to be present but also new and emerging type of contamination where there is a possibility that remedial activities (and potentially consents under the Environmental Permitting regime) will be required prior to the commencement of construction. We will be in a position to determine whether any further work will be required once the additional ground investigation and assessment has been undertaken.</p>	The Applicant acknowledges the response from the EA and refers them to the response given to Q1.9.1 and Q1.10.10 in this document above.
11. Habitat Regulations Assessment				
Q1.11.8	Applicant and IPs	Point out within the ES documentation (or elsewhere) where there are local strategic nature improvement or recovery strategies in the geographical area subject to the DCO that could potentially be used for the delivery of further ecological enhancement.	We refer to our responses under Q1.4.3, Q1.4.4 and Q1.4.7.	The Applicant refers the EA to the responses in the Applicant's Responses to the ExA's EXQ1 [REP1-044] submitted at Deadline 1 and in particular the responses to Q1.4.3 (page 24), Q1.4.4 (page 26) and Q1.4.7 (page 32).

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
14. Noise and Vibration				
Q1.14.1	Applicant and IPs, including FCC and CWCC	<ul style="list-style-type: none"> Applicant <ul style="list-style-type: none"> i) Outline how monitoring thresholds would be identified and implemented, and indicate whether the DCO should include a commitment to secure remedial measures should monitoring identify higher than predicted noise and vibration levels? ii) Can the Applicant explain if monitoring (and appropriate trigger levels) would be required to determine whether measures need to be implemented to further reduce noise? If so, how would these and any requisite remedial measures be secured? iii) How can noise/ vibration mitigation for ecology be relied upon as being suitable based on the information presently known? Or is further information expected? iv) Prove an update where necessary. Relevant Planning Authorities/ IPs: <ul style="list-style-type: none"> v) Comment on the need for monitoring of construction/ operational phase noise and mitigation 	<p>Whilst noise and vibration from the construction of the proposed development is recognised as potentially impacting the aquatic environment and / or fish within ES Chapter 9 – Biodiversity [APP061], it is not clear how this has been assessed at this time. We are aware the aquatic environment has not been considered as a receptor within ES Chapter 15 - Noise and Vibration [APP-067]. We advise piling should be undertaken using vibratory methods. Any pile driving in or near water should be avoided, but if necessary then spawning and migratory periods should be avoided and mitigated with 'soft start' procedures and agreed fish relocation plans. We advise that there will be a requirement to monitor and mitigate construction / operation noise and vibration affecting legally-protected species.</p>	<p>In the absence of a detailed design, a reasonable worst-case scenario has been applied to potential impacts arising from noise and vibration upon ecological receptors, including aquatic receptors, with mitigation prescribed to ameliorate/avoid any potential impacts (see Chapter 9 – Biodiversity [AS-025]). The Applicant defers to its response to Q1.14.1 (iii) (page 102) in Applicant's Response to ExA's ExQ1 [REP1-044] submitted at Deadline 1. The Applicant has included provision for the creation of a Noise and Vibration Plan, to be developed at the detailed design stage (D-NV-001 and D-NV-002 of Outline Construction Environmental Management Plan [REP1-017]). The plan will include consideration of appropriate construction techniques/methods to avoid impacts from noise and vibration (for example, pressed or bored driving methods). As detailed within the response to Q1.14.1 [REP1-044], the Applicant has included the need for consideration of <i>"soft starts...press or vibratory pile driving methods, and phased or intermittent work schedules..."</i> alongside consideration of seasonal timings of works in respect of protected species (see D-BD-057 and D-BD-058 respectively of [REP1-017] and CR1-119).</p>
19. Draft Development Consent Order				
Q1.19.20	Relevant Statutory Undertakers	<p>The ExA would ask relevant Statutory Undertakers for their comments in regard to the disapplication of the provisions set out in Article 8(1) of the draft DCO, which related to the powers to make bylaws under the Water Resources Act 1991 and the powers to make bylaws, the prohibition of obstructions, etc. in watercourses and authorisation of drainage works in connection with a ditch under the Land Drainage Act 1991.</p>	<p>The effect of the disapplication provision would disapply the North West Region Land Drainage Byelaws, made 17th November 1977 (and enforced through the Water Resources Act 1991), in so far as the construction of any work or the carrying out of any operation for the purposes of or in connection with, the construction of the authorised development or any maintenance of any part of the authorised development, is concerned.</p> <p>We do not object to the disapplication of these byelaws in principle. However, we request that a short form of protective provisions in favour of the EA are inserted into Schedule 10 of the draft DCO. This would be to ensure</p>	<p>The Applicant awaits the EA's suggested protective provisions for consideration.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
			the maintenance by the Applicant of drainage works within the Order limits, (including Limits of Deviation), except where another person is liable to maintain the drainage works and that other person is not proscribed from doing so by the powers of the DCO. We will aim to provide suggested protective provision wording to the Applicant in advance of Deadline 2.	

Table 2.6 – Comments on the Response to the ExA’s WQ’s from Flintshire County Council (FCC) [REP1-077]

ExQ1	Question to	Question	Interested Party Comment	Applicant’s response to Interested Party Comment
1. General and Cross-topic Questions				
Q1.1.2	Update FCC	<p>The ExA notes that the Applicant has indicated a twin track method in that two separate Planning Applications will be submitted to FCC under the Town and Country Planning Act 1990 (Ref. 2.2): one for the Point of Ayr (PoA) Terminal and Foreshore Works and another for the three Block Valve Stations (BVS). Please provide an update of any planning applications that have been submitted, or consents that have been granted, since the DCO Application was submitted, that could either effect the proposed route or that would be affected by the Proposed Development and whether this would affect the conclusions reached in ES Chapter 19 Combined and Cumulative Effects [APP-071] or any of the associated Appendices - Appendix 19.1 – Inter Project Effects Assessment (Volume III) [APP-172]; Appendix 19.2 - Intra-Project Effects Assessment (Volume III) [APP-173]. Please provide a response alongside question Q1.1.4.</p>	<p>Application reference FUL/000246/23 for the Point of Ayr (PoA) Terminal and Foreshore Works was registered on 14 March 2023, and the consultation period has begun. The full application details, along with consultation responses to date can be found at the link below:</p> <p>[REDACTED]</p> <p>Application FUL/000241/23 for three BVS was also registered on 14 March 2023. The application is considered by the Local Planning Authority as valid, however the Applicant has requested the application be held in abeyance pending the ExA’s decision whether the change request (submitted to the ExA on 27 March 2023) will be accepted. Change request no.3 proposes to relocate Cornist Lane BVS and therefore should the change be accepted, the BVS application site at Cornist Lane as set out in application FUL/000241/23 would change.</p> <p>With agreement of the applicant, this application continues to appear as ‘invalid’ on the Council’s planning portal so that the application documents do not appear on the website as this could be confusing to members of the public and future consultees if the application site is subsequently changed as a result of the change request.</p> <p>Section 4 of FCC’s LIR provides information on relevant planning history and committed developments that are extant or pending determination within the DCO order limit.</p>	<p>The Applicant confirms that this is the agreed position between themselves and FCC, and this will be captured in a future iteration of the SoCG with FCC.</p> <p>The Applicant confirms that the ExA accepted Change Request 1 on 24 April 2023. The Applicant will withdraw application FUL/000241/23 and submit a new application in June / July 2023 to ensure it is consistent with the DCO and the proposed relocation of Cornist Lane BVS to the south east by 120 metres (Applicant’s reference PS01).</p> <p>The Applicant would like to correct FCC’s reference to ‘change request no.3’ for the relocation of Cornist Lane BVS, which should instead be Change 1 (Applicant’s reference PS01).</p>
Q1.1.3	Update FCC	<p>As additional context to inform the Examination the following information is requested:</p> <p>i) Advise if there is a Community Infrastructure Levy Charging Schedule (CILCS) in place for the administrative area the Development</p>	<p>i) There is no Community Infrastructure Levy Charging Schedule in place in Flintshire. Following the adoption of the LDP on 24/01/23 Flintshire County Council will be reviewing the feasibility of introducing a Community Infrastructure Charging system compared</p>	<p>The Applicant acknowledges the response from FCC and has no further comments at this time.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>Consent Order (DCO) scheme falls within, or within any neighbouring administrative boundaries.</p> <p>ii) Confirm if there any planned improvements to the local area which are separate to the scheme under consideration but potentially complimentary to it, directly arising from the CILCS?</p> <p>iii) Notwithstanding any CILCS mechanism in place, advise if there are any other planned or known separate publicly led local capital investments, projects, or other planned initiatives in the vicinity of the area proposed for improvement or nearby which could potentially compliment the scheme. For the avoidance of any doubt the planned improvements queried/ referred to may cover any aspect of the local environment and could be wide ranging in their purpose.</p> <p>iv) Explain how any existing separate local capital investments, projects or other initiatives would complement the scheme, if there are any being advanced.</p>	<p>against the continuation of the present s106 based approach. If a CIL were to prove viable it is unlikely to be implemented within the timescales for determining this present development proposal.</p> <p>ii) N/A</p> <p>iii) There are no known publicly led local capital investments, projects, or other planned initiatives in the area that could compliment the scheme that are in place at present. However, Flintshire County Council are in the process of appraising the applications made to the Council through the UK Government Shared Prosperity Programme.</p> <p>A number of these will, if approved, support the decarbonisation of businesses in the County, and will help to assess the feasibility of collective action by businesses. If approved, the projects would operate from autumn 2023 for 18 months and would therefore there is potential for these projects to complement this proposal.</p> <p>iv) The Parc Adfer Community Benefit Fund could also compliment this project for more information: https://www.flintshire.gov.uk/en/Resident/FundingOpportunities/Parc-Adfer-Community-BenefitFund.aspx</p>	
	Update on development FCC	<p>The ExA has initially observed the locality impacted upon by the proposals during Unaccompanied Site Inspections ([EV-003] and [EV-004]). The application documents suggest some public open space is to be utilised for Compulsory Acquisition (CA). For the avoidance of any doubt can the Applicant and Relevant Planning Authorities confirm whether the location of any other land planned for public open space or other special category land use is to be utilised by the scheme. You may wish to combine the answer to this question with the answer to question Q1.1.2.</p>	<p>FCC LIR Appendices 2.1-2.5 shows the DCO Limit in relation to the LDP allocations which shows the 'Green Spaces'. The route of the DCO pipeline does not intersect or affect any allocated Green Spaces.</p> <p>With regards to special category Land FCC LIR Appendices 1.1-1.6 shows the Common Land in relation to the proposal. FCC LIR Appendix 1.6 shows Common Land, but the proposal does not present any new built development within the Halkyn Common.</p> <p>FCC are not aware that any other land planned for public open space, or other special category land would be utilised by the scheme.</p>	<p>The Applicant acknowledges the response from FCC and has no further comments at this time. The DCO Proposed Development does not include any new built infrastructure within Green Space, Public Space, Common Land or any other special category.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
Q1.1.7	ES Cumulative Effects FCC	<p>The ExA notes the content of ES Chapter 19 Combined and Cumulative Effects [APP-071] as well as Chapter 19.1 – Inter-Project Effects Assessment Rev A [APP-172] and Chapter 19.2 – Intra-Project Effects Assessment Rev A [APP173].</p> <p>• IPs</p> <p>Are there any projects identified as under construction, which are expected to be completed before construction of the DCO Proposed Development, which have been excluded from the Applicant's assessment at Stage 2 (see Table 2 in Appendix 19.1 - InterProject Effects Assessment, Volume III [APP172]).</p> <p>Do the Relevant Planning Authorities/ IPs agree with the scope and content of the list applicable for Stage 2?</p> <p>• Relevant Planning Authorities</p> <p>Refused planning applications that are not subject to appeal have not been considered by the Applicant on the basis that their implementation is not considered to be reasonably foreseeable. Have any new consents (or planning applications) come to light, or which are expected, which would prevent the Applicant's stated position from being accepted?</p> <p>Can the Applicant confirm whether the list of developments to be considered in the cumulative assessment were agreed with relevant consultees.</p>	<p>FCC are not aware of any.</p> <p>Yes, FCC agrees with the scope and content of the list applicable for the Stage 2 assessment with the exception of the points raised below.</p> <p>FCC agree with the Applicant's approach to exclude refused planning applications which have not been subject to an appeal.</p> <p>FCC's LIR provides an up-to-date situation of the planning statuses of applications within the DCO order limit in section 4 of the LIR.</p> <p>The Pending applications as detailed within para 4.1.2 have not been considered within this Assessment within Table 2. Those application that have been determined in the last 5 years (as detailed within the table within FCC's LIR at 4.1.3) have not been considered as part of this assessment.</p> <p>As stated in para 4.1.4 application reference 062820 at 1 Liverpool Road, CH5 3AR; 'Erection of 130no. Dwellings' (ID ref 109) this application has now been refused (26th October 2022). It is uncertain if the applicant will lodge an appeal and we are approaching the end of the period for the applicant to lodge an appeal.</p>	<p>FCC's information on the updated status of ID ref 109 is noted by the Applicant However, the refusal of the application came after the submission of the 2022 ES. Chapter 19: Combined and Cumulative Effects of the 2022 ES [APP-071] and of the Environmental Statement Addendum Change Request [CR1-124], which details the methodology for identifying other developments for potential assessment as part of Appendix 19.1 of the 2022 ES [APP-172]. A continual review of prospective other developments after the submission of the 2022 ES was not proposed as part of this methodology. The Applicant considers that, when reviewing other developments, a line should be drawn at a point in time to enable the assessment of cumulative effects to be completed. This is provided for in Planning Inspectorate Advice Note Seventeen (August 2019), which states in section 3.4.9 that "<i>is understood that applicants are required to stop assessment work at a particular point in time in order to be able to finalise and submit an application.</i>". As a result of this, the updated status of ID ref 109 has no implications on the results of the 2022 ES.</p> <p>The Applicant would also refer FCC to the Applicant's Response to Local Impact Reports (document reference: D.7.18).</p>
Q1.1.8	ES Cumulative Effects FCC	<p>The ExA draws the Applicant's/ IPs' attention to the content of Planning Inspectorate Advice Note 9: Rochdale Envelope. This advice note affirms the established principle that: "The ES should not be a series of separate unrelated topic reports. The interrelationship between aspects of the proposed development should be assessed and careful consideration should be given by the developer to explain how interrelationships have been assessed in order to address the environmental impacts of the</p>	<p>FCC would agree that the likely significant impacts of the DCO proposed development have been adequately assessed by the ES with the exceptions of those points raised in the Councils LIR particularly in relation to the assessment of impact on the green wedge.</p>	<p>The Applicant acknowledges the response and has no further comments.</p> <p>The Applicant would also refer FCC to the Applicants Response to Local Impact Reports (document reference: D.7.18).</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>proposal as a whole. It need not necessarily follow that the maximum adverse impact in terms of any one topic impact would automatically result in the maximum potential impact when a number of topic impacts are considered collectively. In addition, individual impacts may not be significant but could become significant when their interrelationship is assessed. It will be for the developer to demonstrate that the likely significant impacts of the project have been properly assessed." Do IPs including Relevant Planning Authorities agree that the likely significant impacts of the DCO Proposed Development have been adequately assessed by the ES? If not, please state why not.</p> <p>You may wish to combine the answer to this question with the answer to question Q1.1.6.</p>		
Q1.1.11	Update FCC	<p>If you have not already done so:</p> <ul style="list-style-type: none"> i) Provide an update to the Examination on the status of the Flintshire Local Development Plan 2015-2030, and its expected formal adoption date. ii) Provide to the Examination and indicate all new development plan policies which you consider to be important and relevant to the proposed development currently subject to Examination giving the specific reasons for the policy relevance where appropriate. iii) Inform the Examination of your views on whether or not the DCO development complies with any new and relevant policies. iv) In the event of non-compliance with any new policy (or policy expected to be adopted) suggest any change necessary which would be potentially undertaken by the Applicant to secure compliance. 	<ul style="list-style-type: none"> i) The Flintshire LDP was adopted on January 24th 2023 and forms the basis for planning decisions in the County. ii) There is no specific policy in the LDP relating to infrastructure projects such as the proposed pipeline and associated development. Rather, there are a raft of policies which the proposal should be assessed against as set out below. The LDP has not yet been published in its final hard copy format. For the time being, an interim written statement can be provided in hard copy, but proposals maps are only available in an interactive web-based format: <ul style="list-style-type: none"> • [REDACTED] 	<p>The Applicant acknowledges the adoption of the FCC Local Development Plan (LDP) and confirms that this document has been incorporated into the Planning Statement [REP1-013] submitted at Deadline 1.</p> <p>The Applicant can also confirm that this revision of the Planning Statement submitted at Deadline 1 [REP1-013] has been updated to address previous concerns regarding Green Wedges in FCC.</p> <p>In response to FCC's comment regarding the BVS sites being in close proximity to the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB), the Applicant would like to highlight that as set out in Paragraphs 3.4.6 and 3.4.29 of ES Chapter 3 – Description of the DCO Proposed Development [APP-055], at both AGIs and BVSs, lighting will be activated if required for maintenance or in the event of emergency. Lighting will therefore only be on for short, temporary time periods. This includes perimeter lighting columns up to 5m in height.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<p>Relevant LDP policies: -</p> <ul style="list-style-type: none"> • STR2: The Location of Development • STR4: Principles of Sustainable Development, Design and Placemaking (sets out high level principles in seeking to bring about sustainable development) • STR5 Transport and Accessibility (relevant to the traffic impacts associated with the initial construction phase and subsequent operational / maintenance phase) • STR13: Natural and Built Environment, Green Networks and Infrastructure (high level principles seeking to protect open countryside and the environment generally) • STR14: Climate Change and Environmental Protection (sets out high level principles in terms of addressing climate change such as flood risk – the pipeline passes through areas at risk of flooding) • PC1: The Relationship of Development to Settlement Boundaries (specifies the types of development that may be acceptable in open countryside locations) • PC2: General Requirements for Development (sets out standard criteria which are applicable to all new developments) • PC3: Design (seeks to ensure that new development encompasses design and placemaking principles) • PC4: Sustainability and Resilience of New Development (seeks to ensure that new development is sustainable and resilient to the effects of climate change) • PC5: Transport and Accessibility (relevant to the traffic impacts associated with the initial construction phase and subsequent operational / maintenance phase) • <p>HN1.7 New Housing Development Proposals – Holywell Rd / Green Lane, Ewloe (The applicant has</p>	<p>The Applicant is in ongoing discussions with FCC regarding other matters relating to the DCO Proposed Development and these are captured within the SoCG [REP1-020].</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<p>modified the Order Limit to avoid this housing allocation)</p> <ul style="list-style-type: none"> • EN1 Sports, Recreation and Cultural Facilities (seeks to protect existing open space) • EN2 Green Infrastructure (seeks to protect existing open space and to ensure that new development has regard to improving existing local green space and green corridors) • EN3: Undeveloped Coast and Dee Estuary Corridor (the policy seeks to protect the undeveloped coast to the north of the A548) • EN4: Landscape Character (all new development proposals should have regard to the landscape character having regard to its particular characteristics. The policy relies on the information within Landmap) • EN5: Area of Outstanding Natural Beauty (the impact of part of the northern section of the pipeline should be assessed) • EN6: Sites of Biodiversity Importance (the policy seeks to protect features and habitats of biodiversity importance) • EN7 Development Affecting Trees, Woodlands and Hedgerows (the policy seeks to protect existing trees, woodland and hedgerows and to provide mitigation where necessary.) • EN8 Built Historic Environment and Listed Buildings (new development should have regard to built heritage assets) • EN11 Green Wedge (the pipeline passes through green wedges and the Aston Hill BVS is located within the Green Wedge. New development should seek to maintain the openness of such designations) • EN13: Renewable and Low Carbon Energy Development (sets out the criteria to be applied to renewable and low carbon energy development) 	

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<p>proposals. Although applicable to energy generation proposals it provides a broad context for the consideration of associated infrastructure).</p> <ul style="list-style-type: none"> • EN14: Flood Risk (the pipeline passes through areas at risk of flooding and the policy sets out some key principles, to be read alongside TAN15) • EN15 Water Resources (new development should seek to protect existing water courses and bodies) • EN18: Pollution and Nuisance (ensures that the effects of development in terms of noise, vibration, odour, dust, light or other pollution are assessed and where appropriate and necessary, are mitigated) • EN19: Managing Waste Sustainably (seeks to ensure that waste arising from new development is minimised and is in line with the waste hierarchy) • EN23: Minerals Safeguarding (seeks to ensure that new development proposals do not sterilise existing mineral reserves, which have the potential to be worked) <p>Supplementary Planning Guidance (SPG) Notes.</p> <ul style="list-style-type: none"> • SPG3 Landscaping • SPG4 Trees and Development • SPG6 Listed Buildings • SPG8 Nature Conservation & Development • SPG8a Great Crested Newt Mitigation Requirements • SPG28 Archaeology • The green wedge washes over the proposed DCO order Limit this includes part of the pipeline route and also the proposed Aston Hill BVS is located in the green wedge. As part of the site is within the green wedge, the impact of the development on the openness of the area is a very important consideration. • PPW11 in para 3.77 lists other forms of development which include renewable energy and engineering 	

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<p>operations stating that these types of development may be appropriate in the green wedge provided the development preserves the openness of the green wedge and does not conflict with the purposes of including land within it. Even if there was some harm to the green wedge it may still be necessary to apply the 'very exceptional circumstances' test in PPW.</p> <ul style="list-style-type: none"> • PPW also sets out in guidance which is key to the consideration of this proposed development in section 5.7 relating to Energy. Para 5.7.1 states 'The future energy supply mix will depend on a range of established and emerging low carbon technologies, including biomethane and green hydrogen'. Para 5.7.2 states 'In order to ensure future demand can be met, significant investment will be needed in energy generation, transmission and distribution infrastructure. The system will need to integrate renewable generation with storage and other flexibility services, in order to minimise the need for new generation and grid system reinforcement. Collectively we will need to concentrate on reducing emissions from fossil fuel sources, whilst driving further renewable generation which delivers value to Wales'. • The site is located within the Dee Estuary Site of Special Scientific Interest (SSSI), which is also a Special Protection Area (SPA), Ramsar Site and Local Wildlife Site (LWS) so that special consideration will be required in terms of nature conservation. • Flooding is also an important consideration for any new development as the site is mostly within Flood Zone C1 (served by significant infrastructure including flood defences). It will also be necessary to have regard to the new TAN15 and Flood Map for Planning due to come into force in June 2023. • The Babell, Pentre Halkyn and Cornist Block Valve Stations (BVS) are all within open countryside settings and the development will have a detrimental impact on the landscape. The Planning statement addresses these issues. One important consideration will be the 	

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<p>design of fencing around the site to help minimise the impact and additional planting may be required to help screen the sites and reduce their impact on the surrounding landscape.</p> <ul style="list-style-type: none"> • The internationally designated site of Halkyn Mountain SAC is located between the three proposed BVSs (Babell BVS, 700m west, Pentre Halkyn BVS, 651m south and Cornist Lane BVS, 2.15km east of the SAC) this has also been addressed in the information submitted with this application. • The Babell site is within 200m of the Plas Newydd listed building and as such the impact on the setting of that building will need to be carefully considered. • None of the BVS sites are within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) but they are they are close to this designation and the lighting would affect the setting of the AONB. • The Dark Night Skies SPG gives useful advice on how to reduce glare, design appropriate lighting to safeguard wildlife and reduce the impact on the night sky. <div style="background-color: black; width: 100%; height: 40px; margin: 10px 0;"></div> <p>The Planning statement mentions that the height of the lighting has been lowered to reduce the impact on the surrounding area, it may be that further alterations can be made to reduce any impact to a minimum.</p> <p>This submission has included numerous reports, plans and details which demonstrate that all impacts of the development have been considered. The world's climate emergency must also influence the decision on this proposal. Any planning permission will need to ensure that all the appropriate mitigation measures available are put in place.</p>	

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<p>iii) Please refer to the Council's Local Impact Report, particularly in relation to the assessment of the proposal on the openness of the Green Wedge and that the applicant has had no regard for this designation in their application documents. Very exceptional circumstances have not been provided by the applicant for the inappropriate development in the green wedge. This will need to be addressed.</p>	
Q1.1.13	Planning applications and appeals FCC	<p>Mr James Doran [RR-054] has referred to a planning application being relevant determined by FCC (planning reference 061368) and is also mentioned as subject to an appeal alongside references to members of the traveller community.</p> <p>FCC</p> <p>Provide the full details of the planning application documentation inclusive of delegated reports, to inform the Examination.</p> <p>IPs</p> <p>Please make whatever comments you deem necessary if you have not already done so.</p>	<p>Application 061368 was refused on the 31st August 2022, and no appeal has been submitted to date pursuant to Section 78 of the Town and Country Planning Act 1990 and the appeal period has now lapsed.</p> <p>The full application details, along with committee report, the link to the recording of the committee meeting, minutes of the meeting and decision notice can be found at the links below.</p> <p>Full application details and committee report- [REDACTED]</p> <p>Committee report - https://committeemeetings.flintshire.gov.uk/documents/s7 1885/061368%20-%20Change%20Of%20Use%20Of%20Land%20To%20Residential%20Gypsy%20Traveller%20Community.%20The%20Site%20To%20Contain%20One%20S.pdf?LLL=0 </p> <p>Recording of the committee meeting: [REDACTED]</p> <p>Minutes of the Meeting: https://committeemeetings.flintshire.gov.uk/documents/g 5222/Printed%20minutes%2031st-Aug2022%2013.00%20Planning%20Committee.pdf?T=1&LLL =0 </p>	The Applicant acknowledges the response from FCC and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
Q1.1.14	Community consultation Applicant and IPs	<p>Having regard to Appendix D Statement of Community Consultation [APP-035] submitted, as well as the submitted DCO Consultation Report (Volume V) [APP-031].</p> <p>Applicant</p> <p>Confirm the Town and Community Councils which have been consulted and those which are applicable to the DCO area.</p> <p>IPs</p> <p>Clarify the Town and Community Council's that wish to have involvement within the Examination, or if necessary, confirm any formal body representing on their behalf.</p>	Find attached to the Council's submission for Deadline 1 a map of Town and Community Councils affected by the proposed application.	The Applicant acknowledges the response from FCC and has no further comments.
2. Assessment of Alternatives				
Q1.2.2	General FCC	<p>Having regard to the submitted ES - Chapter 4.1 - Guiding Principles Factors and Criteria for Options Rev A [APP-079].</p> <p>Do IPs agree with, or have any further comments on, the guiding principles stated as a starting point for the development of the scheme details?</p>	<p>FCC are in general agreement with the guiding principles stated as a starting point for the development of the scheme details.</p> <p>One omission as raised in the Council's LIR, the applicant has not taken account of, or assessed the impact of the development on the green wedge in Flintshire. However, it is noted that the applicant has assessed the impact on Green Belt.</p>	The Applicant confirms that the most recent revision of the Planning Statement [REP1-013] submitted at Deadline 1 has been updated to consider the Green Wedges policy in Flintshire.
3. Air Quality and Emissions				
Q1.3.1	Mitigation FCC	<p>Submitted application document Appendix 6.2 Impurities Venting [APP-082] provides evidence that the CO2 within the pipeline, may also contain impurities including Hydrogen Sulphide.</p> <p>Hydrogen Sulphide is assessed by the ES as being odorous and potentially dangerous to human health, subject to a particular quantum being exceeded.</p> <p>Paragraph 3.1.4 of [APP-082] sets out the results of the modelling indicate that there is no risk of exceedance of the threshold set for the protection of human health (150µg/m3). However, the results</p>	The Council agrees with the mitigation proposed and the effectiveness.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>show that there is a risk of odours (concentrations above 7µg/m³) during the following activities: Manifold venting at Ince, Stanlow and Flint AGIs; and "Pig launching" at Stanlow AGI. (For the avoidance of doubt. A Pig launcher is a device which uses a pressurized container to shoot a cleaning device (or "pig") through the pipeline to perform a variety of functions including cleaning, monitoring, maintaining of the pipe). The largest odour zone of 100m to 160m is located at Ince AGI. There are no sensitive receptors within any odour zone except a residential caravan park located 130m south of the Stanlow AGI. These receptors may be impacted immediately after the gas is released during manifold venting, which is planned to occur once every five years. Do IPs have any comments on the receptors identified where odour could result in amenity issues? The assessment also highlights that the risk of odours is removed with a stack height of at least 6m. Do IPs have any comment on the mitigation envisaged or its likely effectiveness?</p> <p>Applicant</p> <p>A further issue arises from the expected stack heights impact to the visual appearance of the wider area. Can the Applicant explain/ signpost how the impact of the stack heights have been factored as a likely significant effect on the character of the locality? Also are the stacks detailed on the submitted plans? In addition to the above, please explain the mechanisms associated to the stacks present in the DCO, as the height mentioned above would appear to exceed the limitations set out in Schedule 2, Part 1, Requirement 4 (Scheme design) of the draft DCO [APP-024].</p>		
Q1.3.2	Mitigation/ Consultation FCC	<p>Are IPs satisfied with the monitoring/ mitigation measures proposed by the DCO that deal with air pollution/ emissions and potential odour issues?</p> <p>Is any further consultation provision considered to be necessary and secured within the DCO?</p>	FCC is satisfied with the monitoring/mitigation measures proposed by the DCO and has no adverse comments to make.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
4. Biodiversity, Ecology and Natural Environment				
Q1.4.1	Surveys FCC	<p>IPs</p> <p>i) Confirm whether you are satisfied with the range of ecology surveys associated with ES - Chapter 9 - Biodiversity [APP-061];</p> <p>ii) Do you consider the baseline information presented to be a reasonable reflection of the current situation?</p> <p>iii) In respect of i) and ii) if not, why not and what would resolve any residual concerns?</p> <p>The ExA acknowledges that this may be covered by a SoCG. If the answer to these questions is covered by a SoCG please indicate that accordingly.</p>	FCC is satisfied with the range of ecological surveys that have been undertaken. It is considered that the surveys have been undertaken following best practice guidelines and that the baseline information presented provides a reasonable reflection of the current situation.	The Applicant acknowledges the response and has no further comments.
Q1.4.2	Monitoring FCC	<p>IPs</p> <p>Confirm whether you are satisfied with the monitoring measures during construction and post construction described within Section 9.13 of ES - Chapter 9 - Biodiversity [APP-061].</p> <p>In particular, your comments are invited on the monitoring requirements anticipated during construction detailed within Table 9.13 and within Appendices 9.1 - 9.10 (Volume III), in relation to protected species licencing and the Outline Landscape Ecology Management Plan [APP-229]. As well as the post-construction monitoring proposed to be undertaken in accordance with a Landscape Ecology Management Plan (LEMP) [APP-230] developed at Detailed Design. The LEMP is proposed to be included within the Operations and Maintenance Environment Management Plan (OMEMP), provided post-construction. The ExA acknowledges that this may be covered by a SoCG. If the answer to these questions are being covered by a SoCG please indicate that accordingly.</p> <p>Applicant</p> <p>The ExA notes the LEMP is to be developed at what is described as 'Detailed Design', yet a LEMP has</p>	<p>Construction monitoring measures:</p> <p>Table 9.13 of the ES Chapter 9 - Biodiversity [APP-061] with REAC references and OCEMP-Table 6.6: Construction Management and Mitigation summarises REAC references which comprise:</p> <p>Biodiversity BD-001 references the appointment of a Team of Ecological Clerk of Works to support oversee and monitor the Construction Contractor</p> <p>D-BD-002 relates to Permits and EPS licences - Protected species licensing is likely to include additional monitoring in relation to any required mitigation as well as an external auditor.</p> <p>D -BD-003 the appointment of a third party to undertake Environmental compliance audits and regularly report on all parties.</p> <p>FCC is satisfied with the above monitoring measures proposed during construction.</p> <p>An External Auditor is key to ensuring construction works, mitigation and licences adhere to the agreed plans but are only proposed for the duration of construction, and not in the long term during the maintenance and management period for landscape planting.</p>	<p>Construction Monitoring Measures</p> <p>The Applicant understands FCC's statement to mean that an External Auditor is key during the construction phase, but it is not clear from the comment whether FCC is seeking such provision during the operation and maintenance phase.</p> <p>The Applicant acknowledges the response of FCC in respect of construction monitoring measures.</p> <p>With regards the appointment of an External Auditor during construction, this is captured via item D-BD-003 of the Outline Construction Environmental Management Plan (OCEMP) [REP1-017].</p> <p>LEMP</p> <p>The Applicant refers to its response to Q1.4.2 (page 23) within the Applicant's Response to ExA's ExQ1 [REP1-044] regarding the OLEMP/LEMP and its current and future content. FCC's comments are acknowledged.</p> <p>OLEMP</p> <p>Mitigation planting and BNG are separate and distinct concepts with different requirements, and it is inappropriate to conflate these. Habitat planting for mitigation will be maintained for the</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>been provided [APP-230]. At what design stage is the document currently? Can the Applicant clarify its inclusion? For example, is its present inclusion to allow consultee responses to feed into the detailed design version?</p> <p>Paragraph 9.13.4 of [APP-061] refers to a 'HEMP' being developed from the detailed Construction Environmental Management Plan (CEMP) and the LEMP. Confirm what is the HEMP and its role.</p> <p>Sensitive land uses are identified within, or within 250m, of Sections 4, 5 and 6 include; Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and designated ancient woodland. In the event of a pipeline leakage or groundwater impacts arising from the Proposed DCO Development how would watercourses/ groundwater/ ecology be safeguarded in the monitoring controls available? Can potential pollution or acidification of inland water be adequately avoided/ safeguarded? If so, how?</p>	<p>LEMP: It is considered that the LEMP need to include a description of what success looks like. For example, provide the number of species planted successfully grown to a certain height, or at what point establishment can be signed off.</p> <p>OLEMP: includes 5-year timescales for individual tree and hedgerow establishment and 10 years for native tree and woodland planting. To ensure proper establishment, longer timescales for establishment of woodland planting are needed e.g. 15 years with monitoring after this to ensure it remains in good condition. Timescales should be in line with that proposed for the BNG of circa 30years.</p> <p>What isn't clear within the documentation is if HyNet would retain ownership of the mitigation woodlands. Furthermore, the documentation does not include details with regards to how the long-term management would be monitored.</p> <p>It is considered that there is a need for the external auditor to be retained or a separate organisation (e.g. Woodland Trust, North Wales Wildlife Trust etc) commissioned to ensure the security of the long-term management.</p> <p>There is concern that the LPA will not have time to negotiate a detailed LEMP or the resources to ensure compliance/enforcement. There needs to be liaison between the external auditor and the LPA regarding the compliance with the approved documents and similarly with NRW regarding licences.</p>	<p>establishment period to ensure the function is met then land management will return to the landowner. It is inappropriate for the Applicant to seek to control and restrict a landowner's use of land for 30 years for this form of planting. Paragraph 6.1.2 of the Outline Landscape and Ecological Management Plan [APP-229] notes that, where appropriate, a review will be undertaken of the needs for future maintenance and management of created habitats beyond the establishment/maintenance period.</p> <p>The mitigation planting is not being used to evidence any gains associated with the BNG assessment. Mitigation planting is not proposed to count towards the requirement of Lowland mixed deciduous woodland compensation which is instead being delivered off-site where a minimum 30-year management can be ensured and delivered by a suitably experienced body.</p> <p>The Applicant has been in contact with the Woodlands Trust, the North Wales Wildlife Trust and Groundworks as evidenced in the BNG Strategy Update (document reference: D.7.23) submitted at Deadline 2, to discuss maintenance provision of BNG habitats.</p>
Q1.4.3	BNG/ Biodiversity Enhancement FCC	Paragraph's 9.2.33-36 of ES Chapter 9 states that Biodiversity Net Gain (BNG) will be a statutory requirement for most planning applications, as per the new Environment Act (previously Environment Bill), which achieved Royal Assent through Parliament on 9 November 2021. Whilst there is currently a transition period before mandatory requirements come into force (expected to be winter 2023), it will require development to deliver a 10% net gain in	<p>With regards to the Biodiversity Metric details, FCC respectfully defers the Examining Authority to Cheshire West and Chester Council.</p> <p>With regards to the principles, I understand that the current BNG has been modelled to achieve 1% Net Gain of Priority habitats since 10% is not yet mandatory but if 10% gain is to become mandatory within the construction timescales there is a</p>	<p>The current BNG target for the DCO Proposed Development, set by The Applicant, is a minimum of 1% net gain in priority habitats.</p> <p>The Applicant notes that there is no statutory obligation under the Environment Act 2021 on this Application to provide BNG. Therefore, while delivery of BNG is agreed to be desirable, the 10%</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>biodiversity units (area habitat, hedge and river units where applicable), as determined through the use of a biodiversity metric. Moreover, it is anticipated by the Applicant that the BNG requirement will apply across all terrestrial infrastructure projects, or terrestrial components of projects, accepted for examination by the Planning Inspectorate through the NSIP regime by November 2025 (subject to the provisions of the applicable National Policy Statements or Biodiversity Gain Statement). Projects accepted for examination before the specified commencement date would not be required to deliver mandatory BNG under the terms of the Environment Act.</p> <p>Applicant</p> <p>i) Nevertheless, biodiversity interests and the wider policy/ statutory context those interests sit within, both in England and Wales, remain important and relevant considerations whereby significant enhancement could still potentially be secured irrespective of the BNG statutory provision anticipated. Does the Applicant agree? If not say why.</p> <p>ii) Can the Applicant clarify and set out/ signpost how it intends to secure BNG significantly above the 1% currently detailed in the examination documentation? Confirm the level of BNG the Applicant is committed to providing as the overall aim. Outside of BNG measurement, can the Applicant set out how it could further boost and achieve meaningful overall biodiversity enhancements?</p> <p>iii) Does the Applicant agree that s106 agreement use involving a commuted sum mechanism to facilitate biodiversity enhancements may be a feasible/ suitable option available?</p> <p>iv) To what extent has peatland, wetland or salt marsh creation/ restoration (or similar) been considered as an enhancement that links to shared interests of climate change risk resilience from flooding and enabling nature based forms of carbon capture. If not, why has it not been considered?</p>	<p>moral/best practice obligation to demonstrate more than 1% gain.</p> <p>Further mitigation is likely to be required for to be provided by the applicant as part of the European Protected Species Great Crested Newt licence and Water Framework Directive riverine habitats which could contribute to these enhancements but as yet are unmeasured.</p> <p><u>Facilitating BNG</u></p> <p>Discussions have taken place with Flintshire Countryside Service regarding enhancements that could be undertaken on Flintshire owned land. However, these proposals have not yet been quantified.</p> <p>Whether off-site BGG is undertaken on Public or Privately owned land, it is considered that, in order to secure establishment, appropriate long-term management and monitoring, the applicant should enter into a legal agreement that includes provision for a commuted sum to ensure compliance and to confirm that the BMG was being establish to a good standard.</p> <p>Should consent be granted, future proofing woodlands could be secured to some extent by reference to elements of the United Kingdom Woodland Assurance Scheme (UKWAS) which is a comprehensive certification standard for woodland management. The standard includes chapters covering Natural, Historical and the Cultural Environment, and Management Planning including woodland creation. UKWAS certification would mean that the woodlands are being managed in accordance with the best practice.</p> <p>There is concern that the level of BNG will be dependent on landowners' and stakeholders' willingness to offer land for this purpose. Where land is made available there is concern with regards to how long term BNG (30 years) will be secured. There will be a need to adequately incentivise landowners to take part. This should also be secured by legal</p>	<p>provision threshold does not apply and any positive gain is a benefit and accords with policy.</p> <p>It is the Applicant's understanding, based upon most recent guidance published by DEFRA, that the statutory requirement of 10% net gain will not become an obligation, in any terms, until 2025 for NSIPs, and even then it will only apply to DCO applications submitted after a date to be specified. The potential legal requirement for 10% net gain will be associated with the date of the start of the planning decision-making processes rather than the onset of construction. Therefore, the Applicant considers that the Environment Act legislation in respect of the 10% BNG requirement will not apply, under any circumstances, to the DCO Proposed Development.</p> <p>Facilitating BNG</p> <p>Discussions around facilitating the necessary habitat offsetting to achieve biodiversity net gain (BNG) (evidencing this through the biodiversity metric wherever possible) are on-going with Flintshire Countryside Service. The Applicant considers that specific habitat interventions or schemes to facilitate such interventions will be identified, quantified as far as practicable, and outlined within an updated BNG assessment report to be submitted at Deadline 5, however, an update on progress with offset site identification is provided at Deadline 2. This documents the Applicant's interaction with Flintshire Countryside Service as highlighted by FCC (see BNG Strategy Update (document reference: D.7.23) submitted at Deadline 2).</p> <p>As part of these off-site interventions, BNG Good Practice Principles will be adhered to, and underpinned by legal agreements. This includes the requirement of long-term management by suitably qualified or experienced bodies, adhering to a prescribed habitat management plan which will be drafted and agreed during detailed design.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>IPs</p> <p>v) Submit your views on seeking biodiversity enhancement/ facilitating BNG, inclusive of any future proofing.</p>	<p>agreement in the form of a commuted sum to ensure off-site BNG is provided.</p> <p>The OLEMP [APP-229] (paragraph 3.2.9.) specifies UK seed sourced and grown for native tree/shrub/hedge planting, which is welcomed.</p> <p>The successful reinstatement of removed hedgerows is considered to be a key element in minimising post construction landscape impacts along the sections of underground pipe where AGIs and BVSs are not present.</p> <p>Post construction, as a result of the pipeline construction, if consented, there will be sections of missing hedgerows along the line of the route but no other evidence of the construction as the land would be restored. It is possible that, from certain viewpoints, a number of hedgerows gaps would be visible which would indicate where the line of the pipeline is below ground and it is considered that this will feature as a scar across the countryside. To ensure that this does not take place, once the hedgerows have been replanted and grown there should be no evidence of the pipe at all.</p> <p>Rather than replacing the gap, where the hedgerow is particularly poor, it would be preferable to replace the whole length of the hedge. These longer sections of replanted hedge would make replacing just the gaps less of a repeating pattern in the countryside and mask the pipe's route, reducing visual sensitivity.</p> <p>In addition to hedge planting, the option for Hedgerow translocation especially for established ancient hedgerows and those identified as having good bat activity needs to be explored. This has been successfully achieved on other gas pipeline and road schemes within Wales, particularly in Carmarthenshire in South Wales.</p> <p>The maintenance for replacement hedgerows of the OLEMP [APP-229] (para 4.3.17) requires more detailed consideration as the height of new hedges</p>	<p>Discussions are ongoing around who will manage these habitats in the long-term and suitable payment structures will be agreed to ensure this ongoing dedicated management is fully costed to ensure compliance. The Applicant considers this a vital and fundamental principle associated with evidencing BNG.</p> <p>As detailed within the response at row 2.12.9 in the Applicant's Response to the Relevant Representations [REP1-043], the Applicant will continue to seek to avoid hedgerow loss as much as reasonably practical during the detailed design stage of the DCO Proposed Development. Additionally, measures have been included within the Outline CEMP [REP1-017 and CR1-119], for the planting of any areas of hedgerow removed to facilitate construction. The Applicant considers it disproportionate to remove extended lengths of established hedgerow, including poor hedgerows, as this would increase impacts on established linear habitats unnecessarily and could have implications on their use by protected and/or notable species (for example bats). The Applicant has provisioned micro-siting of the pipeline through existing gaps in hedgerows, as captured within item D-BD-009 of the OCEMP [REP1-017 and CR1-119]. The metric incentivises adherence to the mitigation hierarchy. Only those sections of hedgerow needing to be removed to facilitate construction are being considered, as per the mitigation hierarchy, which aligns with the BNG Good Practice Principles. Removal of additional lengths of hedgerow would also require extending management, monitoring and maintenance, placing additional burden and obstacles upon the Applicant unnecessarily. With regards hedgerow translocation, given the constraints of the Order Limits and the landscape through which the DCO Proposed Development covers, the Applicant considers that it is not proportionate or appropriate to employ translocation</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			should not be cut in the first five years if it is intended lay them. Hedge laying should be undertaken in accordance with the 'Midland Style' which is best suited to newly planted hedgerows. This detail can be agreed with the LPA during the consideration of the detailed LEMP as part of the approval of the requirements as required.	of hedgerows for the small sections of hedgerow that will be removed.
Q1.4.4	BNG/ Biodiversity Enhancement/ Habitats FCC	<p>The ExA notes the submission of BNG Assessment – Part's 1-6 [APP-231] to [APP-236], consecutively.</p> <p>i) The level of BNG overall enhancement outlined as being able to be secured is very low. Can the Applicant further justify the rationale for an overall 1% BNG increase aims rather than seeking the higher thresholds of 5% or 10% (stated in the application submissions) in the first instance which are deemed possible?</p> <p>ii) Paragraph 1.4.2 of [APP-231] highlights that BNG up to 10% across area and river habitats is a feasible opportunity. Outline the progress made with landowners in securing such river habitat or other aquatic habitat improvements, as well as the next steps to be taken along with a likely timeframe to inform the Examination.</p> <p>iii) The ExA acknowledges that the BNG Assessment undertaken is focused on priority habitats. This is believed to be based on the spatial dataset in the Priority Habitats Inventory (England) compiled by NE last updated 13 December 2022 which does not cover Wales. Is that the case? Confirm the data sets which have been utilised for both England and Wales and their age.</p> <p>iv) Further to the above question there is the national list of priority habitats and species in England ('Section 41 habitats and species') for public bodies, landowners and funders to use for biodiversity conservation. The UK BAP priority species and habitats were created between 1995 and 1999, and were subsequently updated in 2007, following a 2-year review of UK BAP processes and</p>	<p>For local and regional initiatives pertinent to Flintshire please refer to FCC response to Q1.4.7</p> <p>Similarly, mitigation required for species licences e.g. GCN could also be included. Refer to response at Q1.4.8</p>	<p>The Applicant refers FCC to the responses provided for Q1.4.7 (page 32) and Q1.4.8 (page 34) in the Applicant's Responses to the ExA's EXQ1 [REP1-044] submitted at Deadline 1.</p> <p>The Applicant will continue to consider local and regional initiatives, where relevant, including through ongoing discussions with FCC around off-setting residual net losses (with updates to be captured within an updated SoCG with FCC [REP1-020]).</p> <p>The Applicant considers that through discussions with local stakeholders, such as Flintshire Countryside Service in FCC, any BNG offsetting will complement existing local and regional initiatives where practicable and in agreement with such stakeholders.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>priorities, which included a review of the UK priority species and habitats lists. The 'UK Post-2010 Biodiversity Framework', published in July 2012, succeeded the UK BAP. Albeit the UK BAP remains a useful reference point for both 'species' and 'habitats'. For the avoidance of any doubt can you confirm the priority habitat list the Applicant is referring to in its assessment for habitat protections and for BNG/ biodiversity interest purposes?</p> <p>v) Explain what scope remains for the scheme to further complement existing ecological and biodiversity initiatives within the local areas the scheme passes through. If relevant local/ regional or national initiatives have not been fully considered to date, provide an update on how potential integration could be achieved.</p> <p>vi) The EA [RR-024] comment that a waterbody 'near Stanlow Refinery' will be permanently lost. Can the Applicant confirm to the Examination the details of adequate compensatory habitat as a result of this loss?</p> <p>vii) The EA [RR-024] also note that in addition to the creation of wood habitat piles and the installation of bat and bird boxes, the completion of nearby Water Framework Directive (WFD) mitigation measures, which enhance riverine habitats for biodiversity, must also be included. This would contribute to BNG and the legal objective of 'good ecological potential' for these waterbodies. Does the Applicant acknowledge these responses? If so, explain/ signpost what provision is to be made.</p>		
Q1.4.5	BNG/ Biodiversity Enhancement FCC	<p>Section 6 under Part 1 of the Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (the S6 duty) for public authorities in the exercise of functions in relation to Wales. It requires that public authorities must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems. Section 7 of the Act entails biodiversity lists and duty to take steps to maintain and enhance biodiversity. It</p>	<p>Please refer to response at Q1.4.3 above and with regards to Biodiversity and resilience of ecosystems there is a cross reference and links to Wildlife corridor as per response at Q1.4.17 and Q1.11.7.</p> <p><u>Offsite compensation scenarios</u></p> <p>These should be agreed with public and private landowners prior to consent, or at the very least prior to commencement of development. BNG should be</p>	<p>The Applicant refers FCC to the responses provided for Q1.4.3 (page 24), Q1.4.17 (page 41) and Q1.4.7 (page 32) in the Applicant's Response to ExA's ExQ1 [REP1-044] submitted at Deadline 1.</p> <p><u>Offsite compensation scenarios</u></p> <p>The Applicant intends to agree habitat compensation to achieve a net gain in biodiversity. This will involve specific habitat interventions or schemes to facilitate such interventions which will be</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>is noted by the ExA that the Welsh Ministers must also take all reasonable steps to maintain and enhance the living organisms and types of habitat(s) included in any list published under Section 42 and encourage others to take such steps. Applicant</p> <p>i) Signpost in the examination documentation how the above duty would be complied with?</p> <p>ii) The BNG Assessment submitted indicates compliance with the above statutory provision is being pursued during the Examination, in part, through engagement using the off-site compensation scenarios. However, if such an approach is to be utilised how will this be delivered to ensure both legal compliance and robust long-term management?</p> <p>iii) Has the Applicant scoped cross-cutting options available to boost BNG/ biodiversity enhancement with respect to its own scheme in combination with the strategic ecological challenges facing statutory consultees in both England and Wales?</p> <p>iv) The ExA considers that off-site BNG proposals should be more thoroughly explored and encourages early endeavours to achieve off-site BNG and a significantly greater overall value. The ExA requests the Applicant's views of realistically achieving meaningful off-site BNG (for a minimum of 30 years and formally registered) and the net level anticipated after development.</p> <p>v) The Applicant is advised to take a flexible approach to BNG/ meaningful biodiversity enhancement delivery options. This extends to delivery of net gain on both publicly and privately owned land covering green or blue infrastructure features (including new: woodland, wetland creation, seagrass meadow establishment/ restoration, and saltmarsh establishment/ restoration).</p> <p>vi) The ExA invites such options to be further explored with relevant consultees and landowners as a means to boost overall BNG levels. In that regard the ExA seeks a timetable to be submitted setting out the discussions taking place with relevant</p>	<p>undertaken prior to commencement of development or integrated with DCO mitigation.</p> <p>For example, BNG could be provided in part by hedgerow restoration and replacement for the full length of hedge rather, than just the DCO development width as raised above within Q1.4.3.</p> <p>Other linear schemes within Wales have required legal agreements to be entered into that include the provision for appropriate funding administered as grants to landowners.</p> <p>Funding can be costed for agreed BNG but will need to include mechanisms for instigating the grants.</p> <p>Grant schemes are successful where there is a project officer who can undertake the landowner liaison and subsequent monitoring of the schemes. Such schemes can be delivered via the local authority or another body such as the local Wildlife Trust, (North Wales Wildlife Trust in Flintshire) the Woodland Trust, Farming and Wildlife Advisory Group or related farm advisory group.</p> <p>Potentially, if the projects fit in with the proposed Sustainable Farming Scheme in Wales then there will be long term commitment to their success.</p> <p>Hedgerows are likely to be protected from grazing for the life of the associated fences.</p> <p>As for the LEMP proposals, there is a need for the External Auditor to be retained or a separate organisation (eg Woodland Trust, North Wales Wildlife Trust etc) commissioned to ensure the security of the long term management. At present, it is understood that the External Auditor would only be present during the construction phase of the project.</p> <p>Other mitigation/compensation schemes in Flintshire tend to be associated with the Great Crested Newt. The most successful schemes are those where the site is handed over or are leased long term to a "Nature Conservation Body" with adequate funding.</p>	<p>identified, quantified as far as practicable, and outlined within an updated BNG assessment report to be submitted at Deadline 5, with an updated assessment associated with impacts occurring within the Order Limits to be provided at Deadline 3 and an update to the BNG Strategy Update Document submitted at Deadline 2 (document reference: D.7.23).</p> <p>The Applicant considers that any habitat interventions to achieve a BNG will be secured through a suitable agreement(s) to ensure successful compliance.</p> <p><u>Cross cutting options available to boost BNG/ biodiversity enhancement</u></p> <p>The Applicant refers to its response to Q1.4.5 (iii) (page 30) in the Applicant's Response to ExA's ExQ1 [REP1-044] in respect of cross-cutting options.</p> <p>In respect of hedgerows, the Applicant refers to the response provided within Q1.4.3 above in respect of hedgerow translocation and restoration of full lengths of hedgerow.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>landowners/ strategic bodies having regard to local ecological initiatives (either in place or which could be developed) in the vicinity which may be able to be boosted.</p> <p>vii) It is noted by the ExA that the Joint Nature Conservation Committee (JNCC) is the public body that advises the UK Government and devolved administrations on UK-wide and international nature conservation. It includes members from the nature conservation bodies for England, Scotland, Wales and Northern Ireland and independent members appointed by the Secretary of State (SoS) for the Environment, Food and Rural Affairs. JNCC provide a shared scientific nature conservation service for the UK - the mechanism for the UK Government and devolved administrations to pool their resources to obtain evidence and advice on nature conservation and natural capital. Has the advice of JNCC been considered? If not, state why and indicate whether the Applicant is able to procure such advice during the Examination.</p> <p>IPs</p> <p>viii) Any comments, responding to questions i) to vii) above are welcome.</p>	<p><u>Cross cutting options available to boost BNG/ biodiversity enhancement</u></p> <p>Enhancing connectivity and Ecosystem resilience by hedgerow translocation to retain hedgerow soils and seed banks and local plants; where translocation not appropriate, the restoration of full lengths of hedgerow should be provided rather than just the DCO width. Link to other mitigation requirements relating to WFD and GCN as stated in previous questions.</p> <p>Proposed tree and hedgerow planting will provide additional benefits such as carbon capture.</p>	
Q1.4.7	Habitats/ Biodiversity enhancement FCC	<p>Applicant</p> <p>The ExA requests the Applicant to acknowledge that river (or other water), hedgerow and area habitats are considered independently, and are not interchangeable. It must be clearly understood that a loss of one type cannot be addressed by providing another of a different type.</p> <p>Applicant/ IPs</p> <p>Signpost the particular local nature strategies (including those entailing nature recovery or related ecologically based methods for carbon sequestration) covered in the geographical area subject to the DCO, or those nearby, that could be used for the delivery of additional ecological enhancement.</p>	<p>Relevant Flintshire Strategies</p> <p>Urban Tree and Woodland Plan</p> <p>https://www.flintshire.gov.uk/en/PDFFiles/Countryside-Coast/Tree/Tree-Plan.pdf</p> <p>Climate Change Strategy</p> <p>https://www.flintshire.gov.uk/en/PDFFiles/ClimateChange/Climate-Change-Strategy-2022-2030.pdf</p> <p>S6 Duty Plan</p> <p>https://www.flintshire.gov.uk/en/PDFFiles/Countryside-Coast/Biodiversity/Flintshire-County-Council-EnvironmentAct-Section-6-Biodiversity-Duty-Delivery-Plan-update2020.pdf</p> <p>Regionally (North East Wales)</p>	<p>The Applicant is grateful for the resources suggested by FCC.</p> <p>The Applicant will continue to consult with FCC regarding these local and regional initiatives and will consider them on a case-by-case basis as a method as part of the commitment to BNG target. These discussions will be captured via an updated SoCG with FCC [REP1-020] and updated as required during the Examination.</p> <p>The Applicant considers that, through these discussions with local stakeholders such as FCC, any BNG offsetting will complement existing local and regional initiatives where practicable and in agreement with such stakeholders.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		Suggest the strategies which could be used to secure enhancement and the precise mechanisms to implement the desired improvement.	<p>Regional Nature Partnerships' (Bionet) Nature Recovery Plan –currently undergoing development</p> <p>[REDACTED] - website also lists partner projects.</p> <p>NRW's Area Statement</p> <p>[REDACTED]</p> <p>For mechanisms please refer to response at Q1.4.5</p>	
Q1.4.8	Great Crested Newts FCC	<p>The ExA notes the content of Appendix 9.2 Great Crested Newt Survey Report – Part's 1-4 [APP094]; [APP-095]; [APP-096]; and [APP-097].</p> <p>Applicant</p> <p>i) Clarify and detail whether you believe there is adequate baseline survey information to confirm or discount the potential presence of Great Crested Newts (GCN) as a relevant consideration in all parts of the pipeline route.</p> <p>ii) Confirm/ signpost the details of migration where the GCN would be traveling to/ from?</p> <p>iii) Can the Applicant provide further details as to what mitigation measures would be included if GCNs not already anticipated by relevant survey are subsequently found?</p> <p>iv) Can the Applicant also clarify if there is a need for a separate GCN mitigation plan?</p> <p>• IPs: Are there any comments/ concerns you wish to raise with respect to the above matters?</p>	<p>Flintshire is a recognised “hotspot” for Great Crested Newts (GCN) with Supplementary Planning Guidance 8a for GCN Mitigation Requirements.</p> <p>https://www.flintshire.gov.uk/en/PDFFiles/Planning/SPG8a-Great-Crested-Newt-Mitigation-Requirements.pdf</p> <p>The GCN surveys undertaken provide an adequate baseline; GCN have been previously recorded in a number of the ponds surveyed, so presence is assumed.</p> <p>As stated in the REAC all species-specific mitigation and predicted impacts would be captured under an European Protected Species mitigation licence subject to agreement with NRW but to date it is understood that no discussions have been undertaken.</p> <p>Since, GCN have been recorded in close proximity to the DCO boundary from Ewloe to Flint including the Deeside and Buckley Newt Sites SAC, the majority of the pipeline within Flintshire has the potential to impact GCN terrestrial habitats.</p> <p>As a result, it is anticipated that additional mitigation measures would be required as part of the NRW licence application. These might include restoration or creation of ponds and terrestrial habitat enhancement, additional tree and shrub planting.</p> <p>A separate GCN mitigation plan would assist the licensing process.</p>	<p>The Applicant acknowledges FCC's comments regarding the adequacy of baseline survey information accrued.</p> <p>The Applicant can confirm that it is preparing a draft European Protected Species (EPS) licence to be provided to NRW for their review and comment with a view to securing a Letter of No Impediment from NRW (LoNI). The Applicant can additionally confirm that it has already held discussions with NRW regarding appropriate mitigation and licensing requirements and that NRW have provided further guidance and thoughts on the matter, as evidenced within Table 2-1 Record of Engagement in Relation to the DCO Proposed Development, in particular meetings 02/02/2023 and 09/03/2023 of the SoCG with Natural Resources Wales [REP1-023]. As detailed within Table 3-3 – Issues Related to the Proposed Development – Ecology - NRW 3.3.11 of the SoCG [REP1-023], the Applicant and NRW have discussed the need and means of capturing a conservation/mitigation plan for GCN. The approach to this has been agreed within NRW, particularly acknowledging that in the absence of a detailed design for the DCO Proposed Development, there is a requirement for a degree of generality about the licence at this time.</p> <p>The Applicant will continue to engage with NRW in respect of the draft EPS licence for GCN with a view</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
				to agreeing its content and approach, acknowledging the final application at the detailed design stage will require further refinements. Future discussions and agreements will be captured within updates to the SoCG with NRW [REP1-023] .
Q1.4.10	Bats FCC	<p>The ExA notes the Applicant's submitted Bat Activity Survey Report work detailed in: [APP098]; [APP-099]; [APP-100]; and [APP-101] as well as Appendix 9.4 Bats and Hedgerows Assessment Parts 1-4 [APP-102]; [APP-103]; [APP-104] and [APP-105].</p> <p>Appendix 9.3 Bat Activity Survey Report Part 1 [APP-098], Paragraph 2.7.3 states that Surveys across the Newbuild Infrastructure Boundary are ongoing within 2022. As such, this report has been prepared on the basis of survey results accrued up to 30 June 2022, and further information will be submitted as Supplementary Information following the DCO Application.</p> <p>Moreover Appendix 9.4 Bats and Hedgerows Assessment Part 1 [APP-102] Paragraph 2.7.9 states that "Automated static detector assessments are scheduled to be completed by end of October 2022. Conclusions are based on the available data. Once surveys have been completed, the additional data will be collated to confirm the findings. Further data will be published in an updated version of this report and provided as part of the Supplementary Information of the DCO Application".</p> <p>Applicant</p> <p>Can the Applicant confirm when the Supplementary Information will be submitted to the Examination? Are any known impediments arising to obtaining any license necessary?</p> <p>Can the Applicant explain in the absence of full survey results, why should the ExA be confident that the suite of ecological mitigation measures is</p>	FCC can confirm that the Supplementary Information has been received.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>sufficiently robust to deal with the effects of the Proposed Development?</p> <p>Taking account of NE's and NRW's RRs [RR065 and RR-066], can the Applicant confirm whether the proposed "novel" methodology for assessing potential impacts on bats arising from the temporary loss of commuting and foraging habitat due to hedgerow severance during construction of the Proposed Development was agreed with NE and/ or NRW prior to the DCO application submission</p> <p>IPs</p> <p>Comments relevant to the survey work or others deemed necessary are invited.</p>		
Q1.4.14	Birds FCC	<p>Section 4.10 of the Applicant's Appendix 9.8 Bird Survey Report [APP-112] notes that large numbers of Redshank (are recorded in Transect 2) using the banks of the River Dee, near Sealand, through the winter months. The other seven transects, including Transect 5 and Transect 7 which are near the River Mersey and Transect 1, near the River Dee did not regularly record Special Protection Area (SPA) qualifying species. Although the River Dee at the crossing point is not within the Dee Estuary SPA, it is directly linked to the SPA further north-west. The population of Redshank using the land along Transect 2 will be part of the population that occurs within the SPA and should be considered as being functionally linked.</p> <p>Do IPs have any further comments to make on the survey findings or functionally linked land matters?</p>	<p>FCC agree with the survey transect findings which confirms that the tidal sections of the River Dee is used by Dee Estuary SPA features – namely migratory and wintering Redshank.</p> <p>Restricting the works to the summer months would avoid impacts without the need for the mitigation measures proposed in the REAC to avoid potential disturbance.</p>	The Applicant acknowledges FCC's response in respect of the bird transect survey findings. A construction programme will be prepared at the detailed design stage of the DCO Proposed Development and will consider seasonal timings of works, where possible.
Q1.4.16	Aquatic Ecology FCC	The ExA acknowledges the content of Appendix 9.9 Aquatic Ecology (Watercourses) Survey Report and Appendix 9.10 Aquatic Ecology (Ponds) Survey Report [APP-113] [APP-114].	NRW provided detail comments regarding the survey requirements for watercourses and ponds.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		Are Ips/ Statutory Consultees satisfied with the scope and content of the aquatic surveys provided? If not state why not.		
Q1.4.17	Wildlife Corridors FCC	<p>Applicant</p> <p>At the ExA's Unaccompanied Site Inspections [EV-003] and [EV-004] the probable existence of 'informal' wildlife corridors within nearby surrounding areas was observed which could be potentially used by a wide variety of species.</p> <p>i) Clarify how the effect of the proposed development on potential informal wildlife corridors has been considered.</p> <p>ii) Explain the extent of integration of any ecological enhancements/ mitigation with existing informal wildlife corridors and how those elements are to be secured through the DCO.</p> <p>iii) Explain what scope is available within the overall engineering and new landscaping works proposed by the DCO to enable ecological corridors the earliest chance of re-establishment prior to completion of all works. Also explain how such potential provision could be secured formally. Have novel and innovative nature based approaches been sufficiently explored?</p> <p>iv) What mitigation is proposed to ensure protected species and other species are protected from noise and vibration?</p> <p>Ips</p> <p>v) Are there any comments/ concerns you wish to raise with respect to the above matters?</p>	<p>FCC would agree the integration of the construction of the proposed DCO development with the adjacent habitats and wildlife corridors is important.</p> <p>This point is also relevant to the Council's response to Q1.4.5 'Biodiversity enhancement and Ecosystem Resilience'</p> <p>The option for hedgerow translocation especially for established ancient hedgerows and those identified as having good bat activity needs to be explored. This has been successfully achieved on other gas pipeline and road schemes within Wales and avoids the need for replanting as referred to above.</p> <p>It is understood that details are to be provided regarding maintaining hedgerow connectivity for bats such as lesser horseshoes at the design stage. This would be provided in the detailed LEMP at the discharge of requirements stage.</p> <p>FCC's Ecologist is aware that "trees on trolleys" have been used on other schemes which can be wheeled into place at the end of the working day to maintain connectivity. This could be explored for this project.</p>	<p>The Applicant refers FCC to its response to Q1.4.17 (ii) (pages 41 & 42) within the Applicant's Response to ExA's ExQ1 [REP1-044] in respect of the interactions of the DCO Proposed Development, mitigation, and wider landscape/habitats.</p> <p>In respect of hedgerow translocation, the Applicant refers FCC to its responses to Q1.4.3 and Q1.4.4 above.</p> <p>The Applicant refers FCC to its responses to Q1.4.1 (iii) (page 41) and Q1.4.19 (iii) (page 45) within the Applicant's Response to ExA's ExQ1 [REP1-044] and can confirm that the means/design of faux hedgerow sections for maintaining connectivity during construction will be confirmed at the detailed design stage.</p>
Q1.4.18	Trees FCC	<p>In terms of any expected tree loss arising from the scheme as a whole:-</p> <p>i) Acknowledging the submitted Arboricultural Impact Assessment [APP115] [APP-116] the Applicant is asked to clarify how many trees would be removed, or are likely to be removed or damaged as a result of the scheme overall?</p>	<p>Two critical areas have been identified in Flintshire that have not been subject to an arboricultural survey. The areas are identified on Figures 9.11.1 pages 38 to 41 in the Arboricultural Impact Assessment–Part 2 [APP-115] and cover the sensitive areas of the Alltarn Brook crossing and passing underneath designated Ancient Woodland to the east of Northop Hall. These details need to be provided and used to inform the</p>	<p>The Applicant can confirm that there is no ancient woodland that lies within the Order Limits to the east of Northop Hall within Wales. Areas of ancient woodland are located east of Northop Hall; however, the Applicant has excluded these from the Order Limits during the initial design stages of the DCO Proposed Development (see item D-BD-007 of Table 9.10 Embedded Mitigation Designed for the</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>ii) Ips- If there are any discrepancies with the Applicant's assessment highlight what those are. Highlight any areas of disagreement.</p> <p>iii) Clarify the position of all trees that are likely to be lost or damaged. Provide a plan/ signpost the plan showing the location of the trees that would be affected.</p> <p>iv) Are the trees that would be lost, damaged or likely to be damaged protected? And if so, how? Are any of the trees noble or veteran trees? If so, what is the number?</p> <p>v) Can the loss of trees be adequately mitigated or further mitigated and if so, how?</p> <p>vi) Has any engagement with NE, NRW or the Forestry Commission taken place with respect to potential tree removal or other impacts which may entail ancient woodland? Similarly, have any discussions taken place regarding bolstering tree/ woodland overage within the administrative areas impacted? If not, can a clear commitment be given for such engagement.</p> <p>vii) Can the Applicant further explain the approach to avoiding any potential ancient woodland loss/ veteran tree and other relevant tree loss impacts as a whole.</p> <p>viii) Accounting for any possible changes that may have arisen since publication of the ES, are there any trees that would be affected protected by either a Tree Preservation Order (TPO) or by virtue of being located in a Conservation Area? If they are, provide details of where these trees are located and extracts from the relevant TPO citations. If the information has already been provided, please signpost that.</p>	<p>design and layout of the pipeline and tree protection methods. Other un-surveyed areas in less critical locations are identified on pages 26, 27, 37 and 38.</p> <p>In addition to the above, FCC considers, that at this stage, there is significant uncertainty over which trees would require removal in the RAG assessment with a 42% of arboricultural features (Trees or Groups of trees) coded amber and At Risk of Removal Aiming to Retain (ARAtR). In numerical and tree quality terms 131 Category A or B arboricultural features could be lost in the worst case scenario but it is assumed this worst case scenario is unlikely. It is understood that flexibility is sought, however the Council seeks a greater level of confidence on the arboricultural impacts based upon further assessment of the project's design and build scenario.</p> <p>Twelve veteran arboricultural features (G180, T273, T398, T504, T523, T544, G553, G573, T568, G623, T628 and T631) have been identified and all are to be retained with the maximum recommended Root Protection Area of 15m. Proposed Horizontal Direct Drilling enables the construction the last three of the veteran arboricultural features to be retained.</p> <p>FCC would expect site specific Arboricultural Method Statements (AMSs) to be agreed once the final design and the trees affected are known. Appendix 9-11 Arboricultural Impact Assessment [APP-115] includes as Annex F an Outline Arboricultural Method Statement. The site specific AMSs should address particular issues, for example, proximity to ancient woodland or need to safeguard trees with more robust protective barrier where the Newbuild Infrastructure Boundary impinges on the Root Protection Areas of veteran trees. The AMSs should provide details regarding arboricultural supervision and reporting, and be cross referenced to the detailed Construction Environment Management Plan [APP-225] and Register of Environmental Actions and Commitments [APP-222].</p>	<p>DCO Proposed Development in Chapter 9 – Biodiversity [AS-025]. Commitment D-BD-008 in the REAC [CR1-109 and REP1-015] 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....</i>' Through this approach, the Applicant has sought to avoid direct impacts (i.e. the felling of trees) to ancient woodland, specifically around Northop Hall where ancient woodland spans the width of the Order Limits (to the west), thereby maintaining the integrity of the woodland. The Applicant can confirm that the assessment of woodland around Alltami Brook has assumed a precautionary worst-case scenario and therefore actual tree losses are likely to reduce compared to the assessment presented currently.</p> <p>In respect of potential tree losses, the Applicant has included item D-BD-009, D-BD-010 and D-BD-014 within Table 9.10 of Chapter 9 of the 2022 ES [AS-025], which provisions consideration of micro-siting and avoidance of trees and woodlands during the development of the detailed design of the DCO Proposed Development as well as during construction itself. In this manner the Applicant will seek to maximise the retention of trees during construction wherever possible. The number of trees to be felled to facilitate construction will be determined at the detailed design stage. In spite of any trees required to be lost, additional measures have been included for the re-use of felled trees and creation of new habitats/features, where possible. See item D-BD-030 and D-BD-066 of the Outline Construction Environmental Management Plan [REP1-017 and CR1-119], as secured through Requirement 5 of the DCO [CR1-017], [REP1-004]. Mitigation will be detailed within a site-specific Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP).</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
				The Applicant confirms that a detailed AMS would be prepared at the detailed design stage when the pipeline route is fixed. the AMS would apply tree protection to the project overall with mitigation including (but not limited to) protection fencing, exclusion buffers and measures, arboricultural site supervision, ground protection and reporting (REAC D-LV-014 [REP1-015 and CR1-109])
Q1.4.19	Trees FCC	<p>Applicant</p> <p>i) There appears scope for further additional new tree planting (on or off site), above any replacement planting. How would any additional potential tree planting/ related landscaping currently unreferenced in the draft DCO and application documents be secured?</p> <p>ii) Has additional tree planting (or other related landscaping) been considered to further complement local informal nature corridors on the ground? If not, why not?</p> <p>iii) Explain if, and how, the planting/ landscaping schemes envisaged can be coordinated in a way to ensure they establish and provide positive links with existing wildlife corridors whilst construction activity takes place.</p> <p>iv) Can larger standards for any replacement tree planting (where it is appropriate) for a more immediate impact be applied? If not, why?</p> <p>v) Relevant Planning Authorities/ IPs: Do you have any further comments on tree planting or landscaping provision?</p>	<p>FCC considers that the landscaping shown in the Environment Statement (Volume III) Landscape Layouts at BVS and AGIs [APP-023] do not assimilate them, as far as possible, with the open countryside. There is concern that the landscaping reinforces, rather than disguises, the disjoint of the WAGI boundaries with adjacent field boundaries.</p> <p>It is understood that there are as yet unquantified design constraints on the height and proximity of landscape planting adjacent to the BVSs resulting from the need to diffuse gases when venting. These constraints need to be known and the factored into the landscape design and maintenance.</p> <p>It is proposed to carry out shrub planting over the pipe to maintain an easement for access and maintenance. The width of the easement does not appear to be stated, the width of which, will affect the scope for tree woodland planting.</p> <p>The shortlist of species on sheet 12 of the Landscape Plans [APP-023] referred to in 1.6.3 of the Outline Landscape an Ecological Management Plan [APP178] is acceptable although the detailed LEMP should take into account site specific requirements for the final species choice.</p>	<p>The indicative landscape layouts have been designed to demonstrate how appropriate integration of the BVS and AGI to the setting of the individual sites could be achieved. Where possible, above ground infrastructure has been located towards field corners which allows mitigation planting to tie into existing field boundary hedgerows and other established vegetation which are part of the wider landscape framework. This approach also maximises the possibility of retaining viable field units in the remaining areas which continue to contribute to the prevailing landscape character. In open landscapes it is recognised that dense screen planting may be inappropriate and the approach in these situations is to aim to filter views of the proposed structures through the use of native hedgerows and hedgerow trees or through the introduction of hedgerow trees in existing hedgerows. The landscape proposals will be further refined through consultation with relevant organisations at the detailed design stage.</p> <p>The Applicant can confirm that there is no provision to vent CO₂ from the BVSs, as stated in Chapter 3 – Description of the DCO Proposed Development [APP-055]. This is not part of the design and is clearly stated in ES Chapter 3. Furthermore, there are no set design constraints. Good practice dictates that the creation of confined space around equipment operating with CO₂ should be avoided for health and safety reasons. Given that most of the AGIs and BVSs are in wide open spaces and well</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
				<p>ventilated, some tree and hedgerow planting is unlikely to create a confined space environment.</p> <p>Planting offsets with regard to individual species in proximity to the pipeline will be in accordance with the National Grid's Notes for Guidance – Tree Planting restrictions on Pipelines as set out in REAC D-LV-026 [REP1-015 and CR1-109].</p> <p>The Applicant can confirm that species choice and specification, including size, for individual sites will be refined at the detailed design stage.</p>
5. Climate Change				
Q1.5.2	Methodology FCC	<ul style="list-style-type: none"> The ExA notes that the assessment of Greenhouse Gas (GHG) has been scoped out of the ES. The Applicant has stated that the impact of GHG emissions (Chapter 10 - GHGs, Volume II), in terms of their contribution to climate change, is global and cumulative in nature, with every tonne contributing to impacts on natural and human systems. As such it is the cumulative effect of all GHG emitting human activities that cause climate change, and therefore the assessment of the GHGs due to the Project implicitly assesses the cumulative effect of GHG emissions. In addition, the Project as a whole would capture and store CO2 emissions and contribute to the UK's net zero carbon agenda. Therefore, the cumulative benefits of the DCO Proposed Development combined with the other elements of the Project are argued by the Applicant to lead to a cumulative beneficial effect overall. <p>IPs are invited to make whatever comments they deem to be appropriate</p>	No comments aside from a point of clarification. The Applicant's Environmental Statement, Chapter 10 [APP062] refers in the chapter on Legislative and Policy Framework to the FCC 'Environment and Sustainability Policy'. This document has now been superseded by Flintshire County Council's Climate Change Strategy.	The Applicant can confirm that this point of clarification will be resolved in an update to Chapter 10 of the ES during Examination.
Q1.5.3	Mitigation FCC	<ul style="list-style-type: none"> Having regard to ES Chapter 7 – Climate Resilience [APP-059] the ExA notes the content of Table 7.13 titled Embedded mitigation in the DCO Proposed Development's Preliminary Design dealing with climate risk during any future operation. 	Please refer to responses provided within biodiversity questions Q1.4.1 - Q1.4.17 (Particularly with reference to responses made for Q1.4.3 and Q1.4.5)	The Applicant refers FCC to the responses provided for Q1.4.1 to Q1.4.17 (page 22 to 42) in the Applicant's Responses to the ExA's EXQ1 [REP1-044] .

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<ul style="list-style-type: none"> What further embedded design mitigation is available to ensure ecological and landscape provision linked to the scheme remains sufficiently resilient to deal with the climatic changes anticipated in future years? Further explain/ substantiate how embedded design mitigation or other additional mitigation/ enhancement possible to achieve would be successful against the climate risks evidenced. <p>For example, any new wetland creation possible may result in several cross-cutting benefits such as those associated to additional ecologically based carbon storage, ecological enhancement and dealing with local flood risk. Similarly, support for offsite seagrass meadow planting, kelp growth initiatives or saltmarsh restoration could have wider cross cutting beneficial impacts.</p> <p>IPs are invited to make whatever comments they deem to be appropriate. In particular comments are sought by the ExA on whether a range of nature based mitigation/enhancements available and achievable has been properly considered?</p>		
Q1.5.4	Monitoring FCC	<p>Chapter 7 – Climate Resilience [APP-059] section 7.14 details that the DCO Proposed Development will have an OMEMP (as included as a Requirement of the Draft DCO to be followed for routine maintenance and inspection visits of the CO2 Pipeline and the AGIs and BVSs to ensure their protection against potential climate impacts identified in the REAC. Plus, monitoring and management of the surface water drainage features post planning will be undertaken to obtain long term ground water data, in accordance with the Outline Surface Water Drainage Strategy Report.</p> <p>How will landscaping and ecological provision (including enhancement) be monitored in a way that secures adequate climate resilience including at post decommissioning stage?</p>	<p>Please refer to response Q1.4.3</p> <p><u>Facilitating BNG</u></p> <p>Discussions have taken place with Flintshire County Council's Countryside Service regarding enhancements that could be undertaken on Flintshire owned land, but these proposals have not yet been quantified and it is unclear how these would be secured.</p> <p>Whether undertaken on Public or Privately owned land, it is considered that off-site BNG would need to be secured by a legal agreement with a commuted sum to ensure establishment, appropriate long-term management and monitoring to confirm good condition.</p> <p>Also see response to Q1.4.5</p>	<p>The Applicant refers FCC to the responses provided for Q1.4.3 (page 24) and Q1.4.5 (page 29) in the Applicant's Responses to the ExA's EXQ1 [REP1-044]. The Applicant would also like to refer FCC to the BNG Strategy Update (document reference D.7.23), issued at Deadline 2.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		How will landscaping and ecological provision (including enhancement) be monitored in a way that secures adequate climate resilience including at post decommissioning stage?	Ensuring the programme is linked to other complimentary schemes will support long term sustainability of the mitigation post decommissioning stage.	
Q1.5.5	Mitigation FCC	The Applicant is asked to further justify how adverse climatic issues are adequately addressed having regard to native tree, shrub planting; species rich grassland and their subsequent future years resilience. How can/ could further resilience be designed/ built into the scheme and secured by the DCO?	The shortlist of species on sheet 12 of the Landscape Plans [APP-023] referred to in 1.6.3 of the Outline Landscape an Ecological Management Plan [APP-178] is acceptable although the detailed LEMP should take into account site specific requirements for the final species choice and details should be submitted to and agreed with Local Planning Authority.	The Applicant can confirm that species choice and specification for individual sites will be refined in accordance with specific site requirements at the detailed design stage as set out in the OLEMP [APP-229] .
6. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations				
Q1.6.3	Affected Persons/ IPs	i) Are any Affected Persons or IPs aware of any inaccuracies in the BoR [APP-030] , Statement of Reasons [APP-027] or Land Plans [APP-008]	FCC are not aware of any inaccuracies but await comments from the Estates Team to confirm this.	The Applicant acknowledges the response and has no further comments.
9. Environmental Impact Assessment/ Environmental Statement				
Q1.9.1	FCC	<ul style="list-style-type: none"> • The ExA recognises that some of the baseline survey information included within the ES is of some age. There are also circumstances which have arisen (including from the COVID-19 pandemic) which may or may not had an effect to using the baseline data and any conclusions/ assumptions to be drawn from that. i) The Applicant is requested to set out in a single schedule (with reference to the relevant chapters) any additional baseline data gathering that has taken place or is ongoing, or otherwise set out the reasons why that existing baseline data remains fit for purpose. ii) Can the Applicant also set out their response to any potential impact on any baseline position and their views as to the overall reliability of submitted information taking into account that particular change of circumstance, and any other material change of circumstances anticipated. iii) With respect to cumulative effects related information. Confirm any updates to that. 	FCC is satisfied with the baseline surveys which inform the cumulative impact of the ES.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		IPs are you satisfied with the baseline surveys which inform cumulative impact in the ES? If not say why not.		
Q1.9.3	FCC	<p>• The Well-Being of Future Generations (Wales) Act 2015 sets out a duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle.</p> <p>i) Applicant: Clarify how the cumulative impacts of the scheme alongside the mitigation measures have been assessed with that overarching principle in mind?</p> <p>ii) IPs: Provide any comments you wish to make on the implications of the above-mentioned Act if you have not already done so</p>	<p>The Act places a duty on all public bodies to carry out sustainable development in order to achieve the wellbeing goals of:</p> <ul style="list-style-type: none"> • A prosperous Wales • A resilient Wales • A healthier Wales • A more equal Wales • A Wales of cohesive communities • A Wales of vibrant culture and thriving Welsh language • A globally responsive Wales. <p>In doing so, public bodies must also apply the Five Ways of Working as detailed below:</p> <ul style="list-style-type: none"> • Collaboration • Prevention • Involvement • Long term • Integration. <p>The LDP explains in section 1.70 how it has had regard to the well-being goals and ways of working. Therefore, planning decisions made in the context of the adopted LDP will be in accordance with the requirements of the Act. Although the Well-Being Act duty applies to public bodies it would be helpful to the Examination for the applicant to demonstrate how the goals and ways of working have been applied through the evolution of the project.</p>	<p>The Applicant can confirm that the Well-Being of Future Generations Act (Wales) (2015) has been considered as part of the Planning Statement [REP1-013]. Chapter 3 of the Planning Statement provides an assessment of compliance with the Well Being of Future Generations Act 2015.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
10. Flood Risk, Hydrology, Water Resources and Contamination				
Q1.10.2	Flood Risk FCC as LLFA	<p>• Applicant</p> <p>Paragraph 2.5.4 of [APP-168] identifies that Flint AGI has an open watercourse (Lead Brook) approximately north east of the site boundary. The watercourse flows north where it is culverted beneath Chester Road (A548). Thus, it is suggested that Flint AGI needs to ensure no surface run off water will cause flooding elsewhere given the watercourse it is close to. Paragraph 5.5.5 refers to an overland flow path discharging into a watercourse 50 metres to the east (which is unnamed). Is that the same watercourse as mentioned in paragraph 2.5.4 or a different watercourse? Clarify.</p> <p>• Applicant/ IPs</p> <p>Are indicative local watercourse flow rates available before and after development? Would options to slow local surface water flow/ formation rates in the DCO area, or nearby, with the formation of new ponds/ wetland advantageous to wider sustainability goals be feasible/ possible? If so, could that provision be accommodated?</p>	FCC has no details of indicative watercourse flow rates. The formation of new ponds / wetlands are to be encouraged, and are a positive step forward.	The Applicant acknowledges the response and has no further comments.
Q1.10.3	Flood Risk FCC as LLFA	<p>• NRW are evidenced to hold one record of a past flood event along the Newbuild CO2 Pipeline (Pipe Reach 4b). The incident occurred along the B5129 Chester Road which is located adjacent to Broughton Brook. FCC's Strategic Flood Consequence Assessment (2018) also indicates that the B5129 Chester Road has had an incidence of historic fluvial flooding although the full details are not known.</p> <p>• Applicant and IPs</p> <p>i) Have any local views come forward/ available giving more details as to the cause or date of this historic flooding event? Is this in the area of Chester Road Brook?</p> <p>ii) The "DG5" flooding register is also referred to in Paragraph 3.3.4 of [APP168]. Explain the</p>	<p>FCC and NRW are both aware that flows are impeded in Sandycroft Drain North between the Bridge Inn and the River Dee which is a Main River.</p> <p>Pentre Drain North which is also a Main River and which is located to the rear of the Footpath to the North of the B5129 between the Bridge Inn and Hamilton Avenue also has flows impeded. It is understood that works to address both issues will be undertaken within the next 12 months and have been programmed by NRW.</p> <p>FCC has no further details of this historic flood event.</p> <p>FCC are of the view that DG5 Flooding applies to Welsh Water assets. Welsh Water have identified properties at risk of Internal flooding at Chester Road,</p>	The Applicant notes that, whilst there are noted areas of historical flooding, these are above ground and as the proposed pipeline is buried at those locations, it is unlikely that the Newbuild Carbon Dioxide Pipeline will exacerbate any of the existing flood risk. The Newbuild Carbon Dioxide Pipeline alignment will take into account the alignment and the location of the existing drainage assets and the design will avoid clashes with these assets.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>origin, nature and status that register holds for the administrative area.</p> <p>• IPs</p> <p>iii) Please make whatever comments you deem applicable on assessing flood risk or any associated survey, mitigation or avoidance matter triggered. Including measures linked to achieving future climate change resilience through potential wetland creation.</p>	Pentre and also properties at risk of External flooding at Blackbrook Avenue, Hawarden.	
Q1.10.4	Flood Risk LLFA SDSAB	<p>• Applicant:</p> <p>i) There is limited information on the groundwater levels at each of the proposed BVS and AGI sites. What groundwater survey information/ monitoring is proposed to understand any potential risk of groundwater flooding to inform the detailed drainage design?</p> <p>ii) The statutory consultation phase highlighted Chester Road, Pentre and Leaches Lane Mancot where both internal and external sewer flood risks due to hydraulic incapacity. In addition, the postcode area CH5 3HJ (Blackbrook Avenue, Hawarden) is an identified risk of external flooding. How have those specific risks been factored/ mitigated by the scheme?</p> <p>iii) Can the Applicant confirm if a Dewatering Management Plan and a Groundwater Management and Monitoring Plan is able to be submitted to inform the Examination?</p> <p>• Applicant and IPs</p> <p>iv) Significant dewatering is expected adjacent to the River Gowy and the West Central Drain. These are in the Gowy and Ince Marshes WFD surface water bodies. Do IPs have any comments to make on that aspect or any other aspect of the proposal? Can any related ecological benefits be secured in tandem with dealing with flood risk management issues arising?</p>	It is understood that the water Table in the Sandycroft and Pentre areas is generally found at a depth of circa 1.20 – 1.50 Metres and is widespread.	<p>The Applicant notes that, where any dewatering activities are proposed to support construction, then a Dewatering Management Plan (DMP) and Groundwater Management and Monitoring Plan (GWMMP) will be prepared by the Construction Contractor. The GWMMP will consider collection of pre-construction groundwater level data which can be used to inform the risk of groundwater flooding. An Outline Dewatering Management Plan and Outline Groundwater Management and Monitoring Plan will be submitted prior to the end of Examination.</p> <p>The Applicant notes that, whilst there are noted areas of historical flooding, these are above ground and as the proposed pipeline is buried at those locations, it is unlikely that the proposed pipeline will exacerbate any of the existing flood risk. The proposed pipeline alignment will take into account the alignment and the location of the existing drainage assets, and the design will avoid clashes with these assets.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
Q1.10.7	Water Environment Applicant and IPs, including NRW, NE and EA	<p>• Applicant</p> <p>i) Is the principle of achieving significant ecological enhancement or greater BNG using the broader offshore marine environment a feasible option to the Applicant? (i.e., Delivered through the Marine Protected Areas established UK wide which in combination are intended to form an 'ecologically coherent and well-managed network').</p> <p>ii) Has this approach been explored with JNCC and other statutory consultees? (i.e., for England – NE; and for Wales – NRW but both of those consultees for Marine Protected Areas in territorial waters?)</p> <p>iii) It is noted that NRW have three river basin districts in Wales and each has its own river basin management plan:</p> <ul style="list-style-type: none"> ○ Western Wales District – entirely in Wales; ○ Dee District – cross-border with England; and ○ Severn District - cross-border with England (led by the EA). <p>Does the Applicant acknowledge and agree there may be scope available to support river basin management plans through potential enhancement? Has further dialogue been undertaken with NRW or the EA to support river basin management interests?</p> <p>iv) The Appendix 18.3 WFD Assessment states that Riparian vegetation clearance would be limited as far as practicable to the immediate areas of construction to permit the execution of works. Vegetation would be reinstated post-construction as far as practicable. Confirm the DCO mechanism which would ensure that.</p> <p style="text-align: center;">•</p> <p>• Applicant and IPs</p> <p>v) Vegetation clearance is expected to occur within the Mersey, Ince Marshes, Gowy, Stanney Mill Brook, Finchetts Gutter, Garden City Drain, Sandycroft Drain, Wepre Brook, Dee (North Wales), and North Wales WFD surface water bodies. In addition, significant</p>	<p>Works for vegetation clearance in close proximity to a Watercourse Crossing and dewatering works in general will require Ordinary Watercourse Consent.</p> <p>Any vegetation / trees removed should be replaced on a like for like basis which the Applicant would appear to be proposing.</p>	<p>The Applicant acknowledges the response and has no further comments.</p> <p>Trees will be replaced at a ratio of 3:1 as detailed within REAC item D-BD-063 [REP1-015 and CR1-109], as secured by the CEMP in Requirement 5 of the DCO [CR1-017], [REP1-004].</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		dewatering is expected adjacent to the River Gowy and the West Central Drain. These are in the Gowy and Ince Marshes WFD surface water bodies. Please confirm the licensing provision required for the particular works listed above		
Q1.10.8	Water environment Applicant and IPS, including NRW and NE	<ul style="list-style-type: none"> • As context to the Examination The Water Resources (Control of Agricultural Pollution)(Wales) Regulations 2021 replaced the Nitrate Vulnerable Zone requirements. The regulations indicate that a new or substantially changed store must: <ul style="list-style-type: none"> – follow the specific rules for the type of substance stored. – have an expected lifespan of at least 20 years with maintenance (any part of a silage effluent system that is underground must be designed and constructed to last at least 20 years without maintenance). – not be within 10 metres of any inland and coastal waters e.g., streams, ditches, ponds or any pipes or culverts. – not be within 50 metres of any borehole, well or spring. – not be within a groundwater source protection zone 1 unless site-specific mitigation measures that minimise the risk to drinking water supplies have been agreed in writing with NRW. <p>The ExA also notes that NE has recently updated its advice (16 March 2022) in relation to nutrient level pollution in a number of existing and new river basin catchments. The advice finds that an increasing number of waterbodies, in or linked with European Sites, are now deemed to be in 'unfavourable' conservation status for the purposes of the Habitats Regulations. This is likely to result in even more plans and projects, in relevant river basin catchment areas and proximate to a European site, needing to be screened in accordance with the Habitats Regulations. The likely result will be a need for more Appropriate Assessments and consideration of relevant information. The advice from NE also</p>	<ul style="list-style-type: none"> • In terms of the potential for impact on protected water bodies in relation to nutrient level pollution, the relevant water body is the River Dee and Bala Lake Special Area of Conservation (the SAC). • NRW introduced new tighter standards in February 2021 relating to permissible levels of phosphorous entering the SAC, but this at present relates to the sections of the river Dee upstream of Chester weir. These new standards do not yet relate to the Dee Estuary which given the proximity of the route of the pipeline, is the nearest protected water body. • The NRW guidance relates to phosphate in the non-tidal River Dee and associated catchment. Watercourses associated with the DCO flow into the tidal Dee. • Works associated with watercourses will follow construction mitigation measures referenced in REAC. • It is understood that NRW are in discussion with HyNet regarding these measures therefore FCC would respectfully defer the Examining Authority to any comments from NRW on this matter. However, FCC mapping system shows that the route of the pipeline is completely outside of the Bala Lake and R. Dee SAC so there should be no implications of the scheme in terms of phosphates and the river SAC catchment area. • The HRA may need to be updated to ensure the relevant water quality matters in relation to the River Dee/Dee Estuary are included. 	The Applicant acknowledges the response of FCC. In respect of HRA considerations, the Applicant refers to its response provided in Q1.10.8 (page 80) within the Applicant's Response to ExA's ExQ1 [REP1-044] submitted at Deadline 1.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>confirms that the tools available to inform the assessment of effects have been updated. The advice is also relevant to NRW (for cross border sites).</p> <p>The ExA further notes that competent authorities will need to carefully justify how further inputs from new plans or projects, either alone or in combination, will not adversely affect the integrity of the site in view of the conservation objectives.</p> <p>• Applicant and IPs</p> <p>Please could:</p> <ul style="list-style-type: none"> i) the Applicant confirm it acknowledges the updated advice of NRW/ NE; ii) the Applicant and IPs advise whether they consider there to be adequate background information available to gauge subsequent effects to water quality. <p>In addition to the above, the ExA notes sensitive land uses are identified within, or within 250m, of Sections 4, 5 and 6 include a SSSI, and a SAC and designated ancient woodland. Moreover, the local water environment is interconnected. Effects to both surface and groundwater during construction is presently not mitigated as the Applicant indicates that additional targeted site investigation and remediation strategy for point sources would be undertaken if necessary. The ExA asks the Applicant and IPs how that approach ensures the effects and safeguards to European sites are able to meet HRA requirements?</p>		
Q1.10.10	Water environment FCC	<p>• The submitted WFD Assessment [APP-165] and Outline Construction Environmental Management Plan [APP-225] indicate that all new permanent structures would be set-back from watercourses, including outfalls, to avoid modifications to watercourses themselves.</p> <p>IPs</p> <ul style="list-style-type: none"> i) Accounting for any locally known watercourses, outfalls, or hydrogeological 	<ul style="list-style-type: none"> i) There is considerable volume of content within both documents and it is considered that the Applicants approach would be possible. ii) FCC has no reason to disagree. iii) Please refer to the response provided with regards to Trees and the OLEMP. Otherwise, FCC are not aware of any further areas to be considered. 	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>anomalies which may be apparent; do IPs agree the Applicant's approach detailed in [APP-165] and [APP-225] would be possible? Paragraph 7.1.7 of the WFD Assessment [APP-165] states that the DCO Proposed Development has been assessed and concluded to have no impact on the Wirral and West Cheshire Permo-Triassic Sandstone Aquifers, the Dee Permo-Triassic Sandstone, the Dee Carboniferous Coal Measures and the Clwyd Carboniferous Limestone Groundwater WFD water bodies. Do IPs agree with that conclusion? If not, please state your reasons.</p> <p>iii) The Applicant states the objectives of the DCO Proposed Development is to reinstate habitats where practicable. Where watercourses and riparian vegetation would be impacted, they would be reinstated postconstruction and most watercourses would recover within two years. The exception would be where mature tree cover in the riparian zone is removed. Therefore, riparian enhancements are proposed to mitigate those impacts. Riparian enhancements are proposed at: East Central Drain; Finchetts Gutter Tributary; Backford Brook; Friars Park Ditch; and Alltami Brook. Should any further areas be considered? if so, state why.</p> <p>Applicant Paragraph 7.14 of the WFD Assessment [APP165] states that the riparian enhancements may result in improvement in the River Condition Score for those watercourses once the tree cover is established. In addition, gravel augmentation is proposed on the Alltami Brook to off-set the potential reduction in spawning habitat and introduction of artificial bed material. Can the Applicant further explain what is meant by gravel augmentation and its implications to the management of watercourse silt? And how much artificial bed material is anticipated? Indicate the volume and the length of the brook impacted as well as the materials anticipated to be used. Has the inclusion of additional natural carbon sinks or water oxygen regeneration zones (or similar)</p>		

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>to boost flora and fauna been considered at positions along watercourses? If not, state why not.</p> <p>The EA [RR-024] support the production of a Dewatering Management Plan and a Groundwater Management and Monitoring Plan. They wish to be a consultee on the approval of these plans. Can the Applicant confirm the provision within the DCO where the EAs request has been secured.</p>		
Q1.10.12	Licenses FCC	<ul style="list-style-type: none"> • The ExA notes that: <ul style="list-style-type: none"> – A transfer licence or impoundment licence may be necessary if a temporary or permanent structure is required that restricts the flow of a waterway/ watercourse. – An Environmental Permit may be required for the importation and treatment of waste material falling outside the scope or limits detailed in the ES. – With respect to any 'Waste Materials' generated, the consenting authority for certain mobile plant permits (such as concrete crushers) is the relevant local authority, and therefore they should be listed along with the relevant national public body within the draft DCO if such provision is anticipated. iv) Applicant: Please provide clarification and an update on these matters, where applicable; v) IPs: Comments in regard to the above are invited. 	<p>Any mobile plant and equipment should seek to apply for the relevant Part B permits required with the relevant Local Authority. For the Development Site within Flintshire, the relevant Local Authority is Flintshire County Council.</p> <p>From a land contamination perspective, materials excavated during the works may be suitable for consideration by the Applicant through the CL:AIRE EA/NRW Disposal of Waste Code of Practice scheme, to enable those materials, as appropriate, to be used at other sites which have been approved to receive specific materials, and to divert those materials from landfill.</p> <p>This scheme is neither administers nor regulated by the Local Authority or LPA and the Applicant would be advised to seek advice from the relevant regulatory body (EA/NRW) and the administrator appointed for the Scheme, CL:AIRE.</p>	<p>The Applicant's appointed Construction Contractor will be responsible for implementing a Material Management Plan (in accordance with the CL:AIRE Definition of Waste Code of Practice), and obtaining all necessary licences and permits prior to the commencement of relevant works, as set out in the Other Consents and Licences document [REP1-011].</p>
Q1.10.14	Outstanding matters FCC	<ul style="list-style-type: none"> • Provide your comments on any outstanding land contamination or pollution control matters arising if you have not already done so. 	<p>Where materials excavated from the ground during the works are considered waste, information to demonstrate the lawful production, transport and disposal of those materials excavated from the ground will be required to be provided.</p> <p>Should the applicant choose to rely upon the DoWCoP scheme (QU1.10.12), the Local Authority's Contaminated Land Officer is required to be consulted in accordance with that Scheme. Otherwise, the information in respect of materials excavated from the ground, is to be provided in the form of a report to</p>	<p>The Applicant's appointed Construction Contractor will be responsible for implementing a Material Management Plan (in accordance with the CL:AIRE Definition of Waste Code of Practice) as secured under Requirement 5 (Construction Environmental Management Plan) of the dDCO [CR1-017], [REP1-004].</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<p>verify why, how, and where the material has been disposed.</p> <p>This approach has been discussed with the Applicant and is a usual requirement of the process of land contamination and assessment.</p>	
Q1.10.17	Unexploded Ordnance FCC	<p>• Chapter 11 (Land and Soils) of the ES [APP063] indicates that 'no significant source of unexploded ordnance' was identified (Paragraph 11.6.25), but recommends formal unexploded ordnance awareness briefings be provided to all personnel involved in excavations. It also identifies an updated unexploded ordnance assessment will be produced prior to the commencement of construction. The ExA would ask: i) how these measures should be secured; and ii) whether such assessments should be submitted to and approved in writing by an appropriate body.</p>	<p>The approach to the potential presence of unexploded ordnance (UXO) put forward by the Applicant is as would be expected for the works proposed. This would not be a regulatory requirement associated with the assessment of land contamination. However, it is expected that UXO is considered as a component of the assessment of land contamination. It is both diligent and necessary to consider the presence of UXO before and during the works from an occupational health and safety perspective and to prevent risks to the public and property. UXO is not considered a 'substance' and is therefore outside the scope of the contaminated land regulatory regime.</p> <p>The assessment of UXO is site specific and it is expected that updated UXO assessments would be sought for each location where the disturbance of the ground or works within the ground are taking place. Again, this would be from a health and safety perspective and should therefore be captured by the associated risk assessment process and method statements relied upon by the Applicant during the works.</p> <p>If UXO is suspected or discovered during the works, it is expected that the advice of the emergency services should be sought without delay. This would also be captured from a health and safety perspective.</p>	<p>The Applicant acknowledges the response from FCC that the approach to the potential presence of unexploded ordnance (UXO) put forward by the Applicant is as would be expected for the works proposed.</p> <p>An updated UXO assessment will be produced prior to the commencement of the construction stage by a competent provider. The Applicant's Construction Contractor will use the findings to inform health and safety documentation, risk assessments and inductions. This has been included as REAC commitment D-LS-019 [REP1-015 and CR1-109], as secured by Requirement 5 of the dDCO [CR1-017], [REP1-004].</p>
11. Habitat Regulations Assessment				
Q1.11.4	Methodology FCC	<p>• HRA – Information to inform an appropriate assessment [APP-226] indicates that there are 9 European sites within 10km of the DCO proposed development area:</p>	<p>FCC concur with the list provided and agree that there are no omissions for the purposes of formal assessment.</p>	<p>The Applicant acknowledges the response of FCC and has no further comments.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>i) River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid SAC.</p> <p>ii) Deeside and Buckley Newt Sites SAC (immediately adjacent to the DCO proposed development area).</p> <p>iii) Halkyn Mountain/ Mynydd Helygain SAC (400m north at its closest point).</p> <p>iv) Mersey Estuary SPA (approx. 1.05km to the north).</p> <p>v) Mersey Estuary Ramsar (approx. 1.05km to the north).</p> <p>vi) Dee Estuary/ Aber Dyfrdwy SAC (approx. 1.2km to the north).</p> <p>vii) The Dee Estuary SPA (approximately 1.2km to the north).</p> <p>viii) The Dee Estuary Ramsar (approximately 1.2km to the north).</p> <p>ix) Alyn Valley Woods/ Coedwigoedd Dyffryn Alun SAC (approximately 6km to the southwest).</p> <p>• IPs</p> <p>Do IPs concur with the list and agree that there are no omissions for the purposes of formal assessment? Have the defining features of all European sites been properly addressed by the Applicant?</p> <p>• Applicant</p> <p>The River Dee flow channel appears to run out towards, around and behind Hilbre Island. Where does the SPA/ Ramsar boundary for the Dee Estuary formally run to? Can a plan be provided/ signposted of the SPA boundaries relative to the pipeline route</p>	It is considered that the defining features of all European sites have been properly addressed by the Applicant.	
Q1.11.5	Mitigation FCC	<p>• The ExA acknowledges that the Applicant's proposal is that the REAC [APP-222] would be secured & implemented within the CEMP (an Outline CEMP [APP-226] is provided). Overall mitigation referred to includes best practice to control dust arising from construction processes.</p> <p>What 'best practice' is covered and what would it entail? Is any locally applied best practice applicable/ relevant in the respective administrative areas?</p>	<p>It is understood that the detailed Dust Management Plan would be submitted as part of the detailed Construction Environmental Management Plan (Requirement 5).</p> <p>The Dust Management Plan would provide details of dust management and how the applicant would ensure dust arising from the construction processes would be managed to acceptable levels to ensure that dust would not give rise to nuisance.</p>	<p>The Applicant can confirm that a Dust Management Plan (DMP) will be implemented on site by the Applicant's Construction Contractor, as secured by Requirement 5 of the dDCO [CR1-017], [REP1-004].</p> <p>An Outline Dust Management Plan (document reference D.7.24) has been submitted at Deadline 2</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<p>Planning Officers within the North Wales Minerals and Waste Planning Service, hosted by Flintshire County Council are familiar with a number of best practice and dust management practices from the monitoring and enforcement of quarry and waste sites in the region.</p> <p>The Service are familiar with approving Dust Management Plans that are required pursuant to mineral planning permissions and therefore FCC officers could advise the applicant on these measures when considering the submission of the Dust Management Plan at each stage of the development at the requirement stage.</p> <p>However, it is considered that it would be the Applicant's responsibility to propose what types of dust management techniques would be appropriate for their construction.</p> <p>Possible measures include ensuring access tracks are dampened by water bowser/sprays, stockpiles of soils to be dampened, covered or seeded as appropriate.</p>	and the Applicant would be happy to have discussions on the content.
Q1.11.6	Mitigation FCC	<ul style="list-style-type: none"> Measures are referred to in the ES that aim to avoid entrapment of otters in pipes. How will these measures be made compatible with the mitigations suggested for general safety and drainage technical details? Additionally, are there any further technical constraints anticipated in light of this added provision? 	<ul style="list-style-type: none"> It is understood that this is standard procedure for laying pipelines to prevent animal entrapment and satisfy H&S matters. 	The Applicant acknowledges the response of FCC and has no further comments.
Q1.11.7	Mitigation/ Enhancement FCC	<ul style="list-style-type: none"> The ExA notes that Biodiversity Enhancements Planning Policy Wales 10 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. This policy and subsequent policies in Chapter 6 of Planning Policy Wales 10 respond to the Section 6 Duty of the Environment (Wales) Act 2016. In line with that what options are available to provide 	Please refer to FCC response to Q1.4.7 regarding local and regional environmental strategies Also, please refer to Q 1.4.5 which suggests mechanisms for offsite enhancement projects.	The Applicant refers FCC to the responses provided for Q1.4.7 (page 32) and Q1.4.5 (page 29) in the Applicant's Responses to the ExA's EXQ1 [REP1-044] .

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		ecological enhancements in offsite locations for Priority Habitats or other habitats including both terrestrial and aquatic environments?		
Q1.11.8	Mitigation/ Enhancement FCC	<ul style="list-style-type: none"> Point out within the ES documentation (or elsewhere) where there are local strategic nature improvement or recovery strategies in the geographical area subject to the DCO that could potentially be used for the delivery of further ecological enhancement. 	Please refer to FCC response to Q1.4.7 regarding local and regional environmental strategies	The Applicant refers FCC to the responses provided for Q1.4.7 (page 32) in the Applicant's Responses to the ExA's EXQ1 [REP1-044] .
12. Landscape and Visual				
Q1.12.1	Update FCC	<ul style="list-style-type: none"> Have there been any changes to the built environment in the vicinity of the land subject to scheme improvement currently submitted? If so, please identify where, and consider if the plans and statements would need to be updated/ amended. 	FCC is not aware of there being any significant changes to the built environment in the vicinity of the land subject to the proposed DCO development.	The Applicant acknowledges the response and has no further comments.
Q1.12.2	Update Applicant and IPs, including CWCC	<ul style="list-style-type: none"> Within Chapter 12 – Landscape and Visual Table 12.1 – Summary of Consultation Undertaken highlights Areas of concern for CWCC along the Newbuild CO2 Pipeline route are those where open cut trench method would impact upon vegetation and in particular mature trees. The ExA shares those concerns. <p>Whilst it is stated by the Applicant this is to be avoided where possible via micro-siting the route and/ or using tunnelling methods. Can the Applicant further explain with signposting to other elements of the ES how the visual impact would be mitigated?</p> <p>Can a plan be submitted showing this detail to give more certainty?</p>	FCC considers that the submitted Arboricultural Impact Assessment is essentially a scoping exercise of the trees that will be removed, may need to be removed or won't be removed according to their positions within the DCO. The Outline Arboricultural Method Statement (OAMS) refers to the AMS being a working document that will be developed at the detailed design stage. Although it is not expressly said in the Introduction to the OAMS it is assumed, at the detailed design stage, it will be stated what amber (At Risk of Removal Aiming to Retain) trees will be retained and how they will be protected. FCC also shares the ExA and CWCC's concerns regarding the uncertainties relating to the mature trees and the impact that the loss of many could have on the landscape. Greater detail is requested at this stage. (Also see response to Q1.4.18)	<p>The Applicant refers FCC to its response to Q1.4.18 above.</p> <p>The Applicant accepts that the Arboricultural Impact Assessment [APP-115] provides a worst-case scenario and can confirm that during the detailed design stage the impacts on arboricultural features will be reviewed and fully presented within a detailed AMS.</p>
Q1.12.3	Update FCC	<ul style="list-style-type: none"> Applicant and IPs <ul style="list-style-type: none"> i) Please confirm if a local 'Design Review' (or any Conservation/ Heritage Working Party decision or similar) process anticipated to be 	FCC can confirm that a design review has not been undertaken for any aspects of the proposed DCO development.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>undertaken for any aspect of the DCO scheme proposed?</p> <ul style="list-style-type: none"> • Applicant ii) Explain how any working change or modification to the scheme as a result of local design considerations/ representations could be accommodated if necessary. 		
Q1.12.4	Methodology IPs	<ul style="list-style-type: none"> • Chapter 12 Landscape and Visual, Table 12.2 lists the elements scoped out of the assessment. This includes recognition each AGI, BVS and control cabinet will require a connection to the local electricity network at the nearest practicable connection points. For the EIA, it is assumed that would be via the closest adopted highway. Any connection works up to that point would be undertaken via the respective statutory undertakers so are not included as part of the DCO Proposed Development. Do statutory undertakers agree the use of the highway is feasible? Do IPs agree with the elements scoped out? If not state why not. 	FCC agree with the elements scoped out of the LVIA.	The Applicant acknowledges the response and has no further comments.
Q1.12.5	Methodology IPs	<ul style="list-style-type: none"> • ES Chapter 12 – Landscape and Visual indicates that for all stages of construction, operation and decommissioning, the following elements have been scoped into the assessment: <ul style="list-style-type: none"> – Landscape character and visual amenity of residents and recreational users within the 2km Study Area of the Newbuild Infrastructure Boundary; – Landscape character and visual amenity of residents and recreational users within the 500m Study Area of the three BVSs along the Flint Connection to PoA Terminal Pipeline. Do IPs agree with the suitability of those thresholds? If not state your reasons. 	FCC agrees that the thresholds applied to the LVIA are suitable.	The Applicant acknowledges the response and has no further comments.
13. Mineral Resources				
Q1.13.1	General FCC	<ul style="list-style-type: none"> • Having regard to the Applicant's assessments contained within Appendix 11.3 Minerals Resource Assessment – Part's 1& 2 [APP-131] and [APP-132], 	Applicant's assessments in Appendix 11.3 Minerals Resource Assessment - Part's 1 & 2 [APP-131] and [APP-132] have used the most up-to-date	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>are there any MSAs which are impacted upon by the proposed DCO in a way not already considered by the ES? If so, how is the impact different to the conclusions reached in [APP-131] and [APP-132]. What are the implications? If relevant highlight how any further sterilisation of mineral extraction areas not accounted for (formally safeguarded or otherwise) would specifically occur. Suggest any avoidance/ alteration/ mitigation that is needed.</p> <p>Are any new MSAs expected/ proposed by way of plan update or any other means?</p> <p>Highlight the details and status of any restoration plans for minerals areas relevant to the DCO area.</p>	<p>safeguarding map available. As a result, all relevant MSAs have been taken into account during the assessment process. No further avoidance/ alteration/ mitigation is suggested.</p> <p>The Flintshire LDP was adopted in January 2023, which includes the most recent and relevant data on MSAs. As the LDP has only recently been adopted, no new MSAs are expected or proposed during the plan period.</p>	
Q1.13.3	Mining Risks FCC	<p>• Hawarden Community Council [RR-038] comment that Flintshire is a heavily mined area (historically) with numerous mine shafts (coal, iron, lead) and, the country rock below the drift geology is extensively faulted. The ExA also acknowledges that historic mining is shown to be present across the western section for the pipeline route. There is potential for historic shallow workings along Colliery Lane, Deeside along the road and edges of the road itself. This includes areas to the west of Gladstone Way where a previous opencast was present.</p> <p>The area of Alltami Brook is also evidenced as having significant historical mining for which records have been obtained. It is recommended in the Applicant's assessments that pipeline routing be performed to avoid these historic workings albeit there is always the potential encounter unknown workings across this area. There are other coal shafts evidenced as recorded from the Coal Authority along the route, yet none have been observed during site walkovers and so it is not known how these have been capped and backfilled. With the above in mind, how would human safety be protected during construction given those potential hazards?</p>	<p>FCC would respectfully defer The Examining Authority to any comments made by the Coal Authority with regards to this matter.</p> <p>FCC would support any requirements the Coal Authority deem necessary.</p>	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>In addition to the above, the ExA notes the Applicant's Coal Mining Risk Assessment, Part 1 [APP-121], which states that the risk of potential shallow workings around Colliery Lane and Gladstone Way should be considered in any construction plan and that site investigation will be performed. When would the details of the construction plan and site investigation become available?</p> <p>Furthermore, the ExA asks how would/ should unexpected ground conditions be dealt with if the DCO is granted consent?</p> <p>Are adequate consultation measures, in regard to this matter, included within the DCO?</p>		
Q1.13.4	Post Development Infrastructure Risks FCC	<p>• Applicant</p> <p>The ExA notes that the ES states that mineral extraction would not be permitted within the pipeline easements. Can the Applicant explain the specific DCO mechanism(s) dealing with that restriction and the extent/ size of the easements involved?</p> <p>The ExA understands that above ground access over the pipeline route would be unrestricted by the DCO having regard to current and any future mineral extraction in the local areas involved. What specific elements of the DCO allow such potential future access provision? Or is the provision achieved through omission of such restrictions only? Please clarify.</p> <p>• IPs</p> <p>Would permanent acquisition of the subsurface inhibit minerals extraction elsewhere?</p>	Based on the recently adopted Flintshire LDP, which includes the most recent and relevant data on MSAs, FCC is not aware that permanent acquisition of the subsurface would inhibit minerals extraction over the plan period.	The Applicant concurs that there is no identified inhibition of known or planned mineral workings. As set out in the Applicant response to this question in the Applicant's Response to ExA's EXQ1 [REP1-044] , the Applicant will return land currently in agricultural use to that use, including ensuring that farm machinery can operate over the pipeline. The pipeline is designed to allow access by farm machinery and traffic currently known to use the land. If very heavy machinery was needed, for example for mining, that use would be restricted without consent where it could damage the pipeline. That does not mean consent would not be granted where suitable protection for the pipeline is put in place, only that it would be assessed on the specific circumstances and with regard to what works of protection are required and practicable.
14. Noise and Vibration				
Q1.14.1	Monitoring FCC	<p>• Applicant</p> <p>i) Outline how monitoring thresholds would be identified and implemented, and indicate whether the DCO should include a commitment to secure remedial measures</p>	FCC would support the need for monitoring during the construction phase to enable the Local Authority to undertake the necessary investigations should	The Applicant's Response to the ExA's ExQ1 [REP1-044] , Q1.14.1 (page 101), submitted at Deadline 1, confirms that during construction the noise and vibration monitoring locations will be

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>should monitoring identify higher than predicted noise and vibration levels?</p> <p>ii) Can the Applicant explain if monitoring (and appropriate trigger levels) would be required to determine whether measures need to be implemented to further reduce noise? If so, how would these and any requisite remedial measures be secured?</p> <p>iii) How can noise/ vibration mitigation for ecology be relied upon as being suitable based on the information presently known? Or is further information expected?</p> <p>iv) Proved an update where necessary.</p> <p>•</p> <p>• Relevant Planning Authorities/ IPs:</p> <p>v) Comment on the need for monitoring of construction/ operational phase noise and mitigation.</p>	<p>concerns and/or complaints be received and to ensure compliance with the CEMP and REAC.</p> <p>During the operational phase, noise and vibration monitoring should be undertaken in the vicinity of the AGI and BVS to ensure no breaches take place.</p> <p>Again, monitoring data would be required to undertake any investigation and to enforce any requirements that may be imposed, or enforce any limits set.</p>	<p>stipulated in the Noise and Vibration Management Plan, committed in D-NV-001 of the Register of Environmental Actions and Commitments [REP1-015 and CR1-109] required under Requirement 5(2)(b) of the dDCO [CR1-017], [REP1-004].</p> <p>Furthermore, the Applicant's Response to the ExA's ExQ1 [REP1-044], Q1.14.1 (page 101), submitted at Deadline 1, confirms that prior to the commencement of the development, the Applicant will submit a plan to the relevant authorities for approval detailing how noise monitoring will be undertaken within the initial six months of operation, as stipulated in Requirement 14(3) of the dDCO [CR1-017], [REP1-004]. Requirement 14(3) also stipulates that the plan must specify a monitoring location point for each AGI and BVS, which must be in as close proximity as the undertaker can lawfully access, or at the points representative of noise sensitive receptors, as shown in Table 15-23 of the ES. Requirement 14(4) of the dDCO [CR1-017], [REP1-004] also states that the results of the monitoring must be submitted to the relevant planning authority at the intervals set out in the plan.</p>
Q1.14.4	FCC	<p>• The ExA notes the Applicants decision not to submit an Operational Vibration Assessment and that no discussions, in regard to this matter, were held with the relevant Local Authorities (CWCC and FCC). However, the ExA would ask:</p> <p>i) the Applicant for a fuller explanation as to why it considered such an assessment was not required;</p> <p>ii) and ii) whether the Relevant Local Authorities (CWCC and FCC) agree with the Applicant's decision that such an assessment was not required and, if not, why they do not agree.</p>	<p>ii) FCC agrees with the Applicant's decision that an Operational Vibration Assessment is not required.</p> <p>Our understanding is that vibration during operational stage is not a concern so FCC would agree with the applicant's decision based on previous discussion.</p>	<p>The Applicant acknowledges the response and has no further comments.</p>
Q1.14.6	FCC	<p>• Having reviewed the methodology and calculations set out in ES Chapter 15 (Noise and Vibration) [APP-067], it would appear that very noisy equipment will be in use at certain locations for approximately 80%</p>	<p>i) Given the predicted noise output for certain locations during the construction phase, there is a high probability and severe likelihood of the FCC receiving complaints from residents.</p>	<p>i) The Applicant acknowledges that noise complaints from individual receptors are possible when construction works are in proximity. However, due to the linear nature of the construction works, any impacts would</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>of the time. Indeed Paragraph 15.9.4 notes "...some receptors in all sections are likely to experience either a medium or a high adverse noise impact at some point during the construction phase." It also records the magnitude of impact as being considered to be a "significant effect (significant)".</p> <p>• Bearing this in mind the ExA would ask the Relevant Local Authorities (CWCC and FCC) whether they:</p> <p>i) consider there to be a potential for complaint resulting from the use of such equipment and/or the duration of such use of equipment;</p> <p>ii) and ii) have any concerns in regard to Article 9 (Defence to Proceedings in respect of statutory nuisance) as set out in the draft DCO [APP-024].</p>	<p>ii) FCC do not agree with the defence to statutory nuisance methodologies that the applicant has proposed. Mitigation is not a defence if any proceedings are brought under the Environmental Protection Act. Clarification is required in respect the defence to proceedings and arbitration in respect of statutory nuisance for noise and its interplay with existing statute. Furthermore, FCC are not clear on construction/operational /decommissioning time frames</p>	<p>be of relatively short duration. Under D-NV-003 of the REAC [REP1-015 and CR1-109], and as secured by the CEMP in Requirement 5 of the dDCO [CR1-017], [REP1-004], the Contractor is obliged to nominate a community liaison representative, who would be responsible for managing and responding to complaints in accordance with the Noise and Vibration Management Plan, which will be approved by the Local Authority in the CEMP as committed in D-NV-002 of the REAC [REP1-015 and CR1-109]. Temporary re-housing will also be considered through consultation with the Local Authority, if necessary, in accordance with D-NV-010 of the REAC [REP1-015 and CR1-109].</p> <p>ii) Allegations of statutory nuisance from construction works would typically be dealt with using the Control of Pollution Act. Under those circumstances, mitigation (Best Practicable Means (BPM)) is a statutory defence. It is recognised that proceedings can also be brought under the Environmental Protection Act (EPA); however, Article 9 of the draft DCO would also similarly protect the Applicant from proceedings under the EPA based on use of BPM or compliance with the approved CEMP as committed in D-NV-002 of the REAC [REP1-015 and CR1-109]. FCC are required to approve the CEMP secured in Requirement 5 of the dDCO [CR1-017], [REP1-004], and so will ultimately have control of the mitigation measure therein.</p>
15. Planning Policy				
Q1.15.1	Applicant and IPs	<p>• The Levelling-up and Regeneration Bill: reforms to national planning policy open consultation which opened in December 2022 is currently running to 2 March 2023, run by the Department for Levelling Up, Housing and Communities. A raft of reforms is being considered.</p> <p>The Applicant is requested to acknowledge that changes to national planning policy during the examination period would fall within the definition of</p>	As this legislative consultation applies to England, Flintshire County Council has not been consulted on these planning reforms and will not be responding.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>important and relevant considerations in regard to the consideration of the DCO application made. Secondly, the Applicant is asked to address any of the policy changes currently anticipated, as they would be relevant to this DCO Application.</p> <p>• IPs</p> <p>comments in regard to the above mentioned potential changes to national planning policy are invited.</p>		
Q1.15.2	FCC	<p>• Have direct/ indirect impacts related to planning policy for traveller sites/ communities been adequately addressed?</p>	<p>The Flintshire LDP allocates in Policy HN8 a total of three residential Gypsy and Traveller Sites.</p> <p>HN8.1 relating to an existing site on Magazine Lane, Ewloe which is located 150m to the south west of the DCO boundary. This site now has the benefit of planning permission and is for the remodelling of the existing site to accommodate an additional 9 pitches. The site is separated from the DCO route by both Magazine Lane and intervening land and it is not considered there would be any impacts on this site or its residents.</p> <p>HN8.3 at Riverside, Queensferry relates to an extension to an existing Council run residential site. The existing HN8.3 site is proposed to be remodelled and extended to deliver an additional 10 pitches (subject to planning permission, a planning application is presently being drafted up in relation to this allocated site.) It is noted that during the Scoping stage of the project there was a westerly route option which would have potentially directly affected allocation HN8.3</p> <p>Allocation HN8.2 on Gwern Lane, Caer Estyn is located approximately 9km to the south of the proposed pipeline and therefore this application would not affect this allocation.</p> <p>As stated above in the response to question 1.1.14, planning application 061368 was refused on the 31st August 2022, and no appeal has been submitted to date pursuant to Section 78 of the Town and Country</p>	<p>The Applicant acknowledges the response and has no further comments.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<p>Planning Act 1990 and the appeal period has now lapsed.</p> <p>The full application details, along with committee report, the link to the recording of the committee meeting, minutes of the meeting and decision notice can be found at the links below.</p> <p>Full application details and committee report- [REDACTED]</p> <p>Committee report - https://committeemeetings.flintshire.gov.uk/documents/s7 1885/061368%20-%20Change%20Of%20Use%20Of%20Land%20To%20Residential%20Gypsy%20Traveller%20Community.%20The%20Site%20To%20Contain%20One%20S.pdf?LLL=0 </p> <p>Recording of the committee meeting: [REDACTED]</p> <p>Minutes of the Meeting: https://committeemeetings.flintshire.gov.uk/documents/g 5222/Printed%20minutes%2031st-Aug2022%2013.00%20Planning%20Committee.pdf?T=1&LLL =0 </p>	
16. Socio-economic Effects, Including Population and Human Health				
Q1.16.2	General FCC	<ul style="list-style-type: none"> Having regard to the list of Stakeholders the Applicant has engaged with listed in Appendix A Meetings with Stakeholders [APP-032]. <p>Do IPs have any points they would wish to raise about potential construction, engineering and manufacturing skills, which could have the potential to provide economic benefits or local opportunity? For example are there any local employment or cross linked educational initiatives to make the Applicant aware of which they may be able to take into account</p>	<ul style="list-style-type: none"> It is considered that there are opportunities for the HyNet proposals to link into the green skills, advanced manufacturing and construction priorities for the Regional Skills Partnership. In addition, a close working relationship is encouraged with both the Deeside Decarbonisation Business Forum and the Ambition North Wales 'Low Carbon Energy' Programme and the Hydrogen Hub, which is part of the Growth Deal Capital Programme for North Wales. <p>[REDACTED]</p>	The Applicant acknowledges the response and would refer FCC to the Applicant's response to Q1.16.1 sections i) to v) (pages 106 to 110) in the Applicant's Response to ExA's ExQ1 [REP1-044] .

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		in gauging the overall social-economic opportunities available?	<ul style="list-style-type: none"> Locally, it is hoped that the applicant will give early consideration to skills needs and recruitment and will take a proactive approach to planning these with local Further Education and Higher Education providers within the County/Region and the Council's Employment Team to ensure that the supply chain is able to recruit effectively. It is also suggested that the applicant contributes to the work underway locally and regionally to promote careers in manufacturing, green skills and construction to parents, children and young people and unemployed / career changing individuals. 	
Q1.16.3	General FCC	<ul style="list-style-type: none"> Scope for a Community Benefit Fund is referenced within the full Relevant Representations received from FCC [RR-034] [RR-035]. They specifically comment <i>"that the construction of the pipeline would cause significant disruption to a number of communities in Flintshire for the duration of construction. Furthermore, should consent be granted, this would result in extending the life of the PoA Terminal which is currently expected to be restored by 2023. However, it is noted that the communities and industry of Flintshire would not benefit from receiving hydrogen until much later in the project as there are no immediate plans to construct a hydrogen pipeline in Flintshire. As such, it is considered reasonable for the developers to commit to providing a community benefit fund for those affected communities"</i>. FCC <ul style="list-style-type: none"> i) Explain what the suggested Community Benefit Fund you describe would be specifically used for? ii) By what formal regulatory mechanism would you be seeking such funding from the Applicant if it is to be pursued? iii) Detail how any policy/ statutory test associated to securing the funding requests described would be met. iv) If you have not already done so advise on the full details any CILCS in place for 	<p>HYNET COMMUNITY BENEFIT FUND</p> <p>FCC is of the view that HyNet should provide a voluntary community benefit scheme, established and managed by the developer to mitigate against the impacts of the development.</p> <p>The fund could be used to fund projects in the communities affected by the construction of the pipeline and the above ground installations/BVS, and also the development at the Point of Ayr Terminal.</p> <p>Projects that the fund could support include those that would either promote the use or invest in the development of the reduction of carbon emissions, skills and research regarding Carbon Capture Storage and green hydrogen production, and de-carbonisation of transport for example. It could also work in partnership with the Ambition North Wales Low Carbon Energy Hydrogen Hub programme as discussed above.</p> <p>Example of this type of developer funding scheme in Flintshire include the Parc Adfer Community Benefit Fund: Which supports local projects that will help or benefit the local environment in some way. There are five main project criteria, one theme includes carbon reduction and also de-carbonisation of transport. More details can be found:</p>	The Applicant would refer to the Applicant's response to ExA's ExQ1 Q1.16.3 (page 112) in the Applicant's Response to ExA's EXQ1 [REP1-044] submitted at Deadline 1.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>the administrative area or any plans to introduce one.</p> <ul style="list-style-type: none"> Applicant <ul style="list-style-type: none"> v) What are your views on the principle of achieving a Community Benefit Fund having regard to the policy and legislative context it would need to be considered within? vi) The submitted Planning Statement [APP048] references that mitigation is to be provided in accordance with paragraph 5.12.9 of EN-1 which states that the SoS should consider whether mitigation measures are necessary to mitigate any adverse socio-economic impacts of the development. Having regard to all existing adverse socio-economic impact mitigation envisaged and proposed, do you agree there is policy scope to provide an additional broader local community benefit package in line with EN-1? vii) If you are in agreement, how would those elements be formally captured by the proposed DCO? 	<p>https://www.flintshire.gov.uk/en/Resident/Funding-Opportunities/Parc-Adfer-Community-Benefit-Fund.aspx</p> <p>The Gwynt y Môr Offshore Windfarm Community Fund is also available for communities in coastal areas of Flintshire.</p> <p>[REDACTED]</p> <p>The Burbo Bank Extension Community Fund is also another example of a large infrastructure project that has established a community fund to provide funding for those communities affected by the development.</p> <p>[REDACTED]</p> <p>It is understood that there is no formal regulatory mechanism to seek such funding from the applicant. Furthermore, as stated above in the Council's response to question Q1.1.3, there is no Community Infrastructure Levy Charging Schedule in place in Flintshire.</p> <p>Following the adoption of the LDP on 24/01/23 Flintshire County Council will be reviewing the feasibility of introducing a Community Infrastructure Charging system compared against the continuation of the present s106 based approach. If a CIL were to prove viable it is unlikely to be implemented within the timescales for determining this present development proposal.</p>	
17. Transportation and Traffic				
Q1.17.1	Traffic Management FCC Highways	<ul style="list-style-type: none"> Having regard to the Outline Construction Traffic Management Plan (OCTMP) [APP-224] submitted. The measures are indicative and there are several traffic management concerns being raised by IPs through relevant representations. Considering those concerns as well as the characteristics of the local road network the ExA requests that traffic 	<p>The OCTMP is a high-level document and does contain indicative detailed measures.</p> <p>It is considered that the scope and content of the OCTMP is adequate at this point. It is understood that with each phase/stage of the DCO development, should it be consented, that a full construction traffic</p>	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>management issues are resolved during the examination as far as possible.</p> <ul style="list-style-type: none"> • Relevant Highway Authorities <ul style="list-style-type: none"> • What are your views in relation to the scope and content of the Outline Traffic Management Plan? Please explain your reasoning in relation to preferred options and any suggested inclusions or amendments. • IPs <ul style="list-style-type: none"> • Comment on the content of the OCTMP are invited. 	<p>management plan would be submitted for approval by the Local Highway Authority.</p> <p>FCC have no concerns with the outline traffic management plan at this stage. Meetings have taken place to discuss areas of concern in relation to temporary traffic management (B5129 Sandycroft & Chester Road, Northop Hall).</p>	
Q1.17.2	Parking/ Access FCC Highways	<ul style="list-style-type: none"> • Applicant <ul style="list-style-type: none"> • Construction operatives are assumed to be parking at the main compound(s) during construction. However, the ExA would ask you to confirm whether the above assumption is correct and, if not to provide details of construction operative parking. The ExA would also request full details of the location and design parameters of the parking provision for construction operative's vehicles to demonstrate that parking areas would include sufficient capacity to avoid "fly parking" on nearby local roads or other parking facilities in the vicinity. Clarify how would "fly parking" be prevented. • Relevant Highway Authorities/ IPs <ul style="list-style-type: none"> • The ExA notes the content of ES - Figure 17.5 [APP-215] which provides proposed Access Locations envisaged; ES- Figure 17.4 Construction Traffic Routes [APP-214]; ES Figure 17.7 Road Diversions [APP-217]; and the submitted OCTMP [APP-224]. However, the ExA would ask: <ul style="list-style-type: none"> i) Are there any further comments on the access locations or road diversions 	<p>It is understood that the details of construction operatives parking that would be required at the main construction compounds would be submitted as part of the full construction traffic management plan for that particular stage of development. This would ensure that adequate facilities would be provided to safeguard "fly parking" from occurring.</p> <p>The proposed access points have been noted together with the Access Principles Note and suggested mitigation contained within the OCTMP.</p> <p>There are no identifiable issues which would have a bearing on the content of the OCTMP at this stage. It is considered that the OCTMP is suitable at this stage of the examination, with a full CTMP to be submitted prior to each stage of development.</p> <p>Construction Traffic Routes – Sheets 6, 7 & 8 include access via rural lanes. There are no feasible alternatives, therefore temporary traffic management, such as one-way systems should be considered in the detailed CTMP.</p> <p>AGI CTR4 – Starkey Lane</p> <p>BVS CTR 4 – Lleprog Lane</p> <p>BVS CTR 6 – Toll House Crossroads to Plymouth Copse Junction</p>	<p>The Applicant agrees with FCC's assessment regarding construction operative parking at the main construction compounds and welcomes continuing engagement with FCC Highways to identify appropriate location-specific mitigation measures such as temporary traffic management and will include these in the full CTMP secured by Requirement 6 of the dDCO [CR1-017], [REP1-004].</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>expected which would have a bearing on the content of the OCTMP at this stage?</p> <p>ii) Do parties agree the OCTMP is suitable? If not, state why not.</p> <p>iii) Other comments on the content of the above mentioned documents are invited.</p>		
Q1.17.3	Access Applicant and Relevant Highway Authorities and CWCC	<ul style="list-style-type: none"> Peel NRE in its Relevant Representation [RR078] states that the proposed access road from Grinsome Road roundabout to the Pipeline/ AGI conflicts with the delivery of the approved Protos Plastics Park (CWCC Planning application ref. 21/04076/FUL) and that this could constrain the delivery of the development. Therefore, at this stage, Peel NRE objects to the proposed access to the Ince AGI and the Pipeline. The ExA notes Peel NRE's claim that it is the stated owner of land required for the Pipeline for the Ince AGI, and the associated proposed access, pipeline corridor, and construction compound (as shown on Works Plan ref. EN070007-D.2.4-WP-Sheet 1) ('Affected Land'). The Affected Land includes land at Ince Park, known as Protos – a 130ha development site comprising a major energy and resource recovery hub and ecological management areas which is a major employer near to Ince, Cheshire. Protos has extant planning permissions in place and the delivery of development is already well advanced. Protos benefits from outline planning permission (ref. 14/02277/S73) for a resource recovery park, and additionally, separate planning consents have been secured across individual plots for developments that are aligned to the ethos of Protos, 	This particular site is located within Cheshire West and Chester therefore FCC Highways Authority have no comment to make and would respectfully defer the Examining Authority to Cheshire West and Chester Council for comments on this point.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>including an Energy from Waste Facility (ref. 18/01543/S73), a biomass facility (ref. 14/02278/S73), a timber recycling plant (ref. 14/02271/S73), a plastic to hydrogen facility (ref. 19/03489/FUL), and a plastics park (ref. 21/04076/FUL).</p> <ul style="list-style-type: none"> It is also noted by the ExA that Protos is stated as allocated in the Cheshire West and Chester Local Plan (Local Plan Part One Policies STRAT 4 and ENV 8; and Local Plan Part Two Policy EP6) and is safeguarded for a multi-modal resource recovery park and energy from waste facility for use in connection with the recycling, recovery and reprocessing of waste materials. Applicant <ul style="list-style-type: none"> i) Has an alternative means of access been identified to avoid conflicting with planned development at Protos? ii) Would it be able to utilise simpler crossings over existing and proposed railway tracks and ditches? If so, how could that be undertaken? iii) The Consultation Report (document ref. D.5.1, Revision A, September 2022, reference S1-09), states the Applicant is open to changing the access route provided continued access is made available to the AGI. Can confirmation be given of any progress with those discussions and any next steps intended? 		
Q1.17.4	Existing Highway Infrastructure / Road maintenance Applicant and IPs, including the Relevant	<ul style="list-style-type: none"> Applicant <p>Relevant Representation [RR-015] highlights concerns regarding the condition of existing highway infrastructure (including the A494 Dee Bridge) which could be potentially worsened by the DCO Proposed Development. Indeed, this issue may have already been anticipated in the formulation of the OCTMP.</p>	The A494 Dee Bridge is part of the trunk road network so would fall under the jurisdiction of Welsh Government/North and Mid Wales Trunk Roads Agency and therefore FCC would respectfully defer the Examining Authority to any comments made by Welsh Government/NMWTRA	The Applicant has included in Table 8 of the Outline Construction Traffic Management Plan [CR1-117] a commitment to undertaking before, during and after road condition surveys on identified construction traffic routes on the local road network. It is not proposed that this survey will take in the A494 Dee Bridge which forms part of the Strategic Road Network. The responsibility to monitor, and where

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
	Highway Authorities (ie Welsh Government, National Highways, Etc.)	<p>i) Can the Applicant further clarify how road maintenance issues associated with the condition of existing highway infrastructure is to be managed/ and or mitigated?</p> <p>ii) What specific provisions in the DCO deal with road maintenance matters and how do they relate to the acknowledgement of any existing highway structure affected?</p> <p>iii) How would compensatory measures be dealt with for any unintended damage caused to the public highway or highway related infrastructure inclusive of any local bridges.</p> <p>• IPs</p> <p>iv) Submit whatever comments you deem necessary.</p> <p>v) Are there any existing recognised surveys which have been conducted which provide a basis for detailing the condition of any existing highway infrastructure potentially impacted upon. If so, please provide that information to the Examination.</p>	There is a reference in the OCTMP that condition surveys would be undertaken in consultation with the relevant Highway Authorities.	<p>necessary, repair this section of road lies with Welsh Government/North and Mid Wales Trunk Road Agent.</p> <p>The Applicant acknowledges the challenges of crossing the River Dee adjacent to the A494 Dee Bridge, and addresses the rationale for considering this route in the Applicant's Response to Relevant Representation RR-10 [REP1-042].</p>
Q1.17.5	Highway Infrastructure FCC Highways	<p>• The Welsh Government has announced (February) the cancellation of a series of road building projects. Does the announcement or the suggested alternative improvements envisaged to the A494 at Aston Hill have any implications for the proposed DCO development?</p> <p>If so, please explain what those implications are and what are they likely to involve?</p>	<p>Roads Review Panel recently released their report and recommendations to the Welsh Government, one of which related to the removal of the proposed A55 'Red Route' as a new road scheme.</p> <p>The Welsh Government has yet to finalise its response to the Panel's recommendations, as it is understood that there are ongoing considerations following a notice of motion.</p> <p>The Flintshire LDP was adopted prior to the panel's report being published, and the Red Route is therefore referenced within Policy PC10 New Transport Schemes, under criterion i., and is shown on the proposals maps as a protected route. Until such a time as the WG publish their formal response to the Road Review Panel Report, the position must be assumed to be as set out in the LDP and it cannot be said at present that there will not be any potential conflict between the Hynet proposals and this road.</p>	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			Notwithstanding the above point, FCC are not aware of any suggested alternative improvements envisaged to the A494 at Aston Hill. However, the Highway Authority for the A494/Aston Hill is Welsh Government/North and Mid Wales Trunk Roads Authority (NMWTRA) therefore FCC would respectfully defer the Examining Authority to any comments made by WG/NWWTRA with regards to this point.	
19. Draft Development Consent Order				
Q1.19.1	DCO - Associated Development Welsh Government / FCC	<ul style="list-style-type: none"> Paragraph 1.4 (Associated Development) and 3.2 (Overview of the Legislative and Consenting Framework) of the submitted Planning Statement [APP-048] is noted. However, the ExA would draw the attention of the IPs listed against this question to Section 115 of the PA2008 (as amended by Section 43 of The Wales Act 2017), and to the definition of “pipeline” in Section 65 of the Pipelines Act 1962, specifically in relation to the BSVs and AGIs which form part of the scheme and are located in Wales. In the light of these Sections of the relevant Act, the ExA would ask the IPs listed: i) To review the above mentioned Sections/ Acts and confirm whether there is any Associated Development for the purposes of Section 115 of the PA2008 in relation to the elements of the proposed development wholly located in Wales and if so identify this. ii) Confirm if they agree with the Applicant's analysis of the application of the Pipelines Act 1962 in relation to the Welsh BSVs. iii) In the event that an IP disagrees with the Applicant's position on this matter, please set out the legal reasoning supporting the position taken. 	FCC agree with the applicant's view that the BSV's and AGI's are not considered to be 'Associated Development' because it is considered that they fall within the definition of a 'pipeline' in Section 65 of the Pipe-lines Act 1962.	The Applicant acknowledges the response and has no further comments.
Q1.19.13	DCO Articles Relevant Local Authority	<ul style="list-style-type: none"> Article 2 (Interpretation) – Definition of 'Commence' Are the Relevant Local Authorities satisfied as to the list of exceptions within the definition of commencement? 	Article 2 (Interpretation) – Definition of 'Commence'. Suggested amendment to the following (in bold blue):	The Applicant is happy to propose this change in the next revision of the DCO.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<i>"commence" means carry out a material operation, as defined in section 155 of the 2008 Act (which explains when development begins), comprised in or for the purposes of the authorised development other than site preparation works, remediation works, environmental (including archaeological) surveys and investigation, site, utility or soil survey, erection of fencing to site boundaries or marking out of site boundaries, installation of amphibian and reptile fencing, the diversion or laying of services or environmental mitigation measures, and any such accesses that may be required in association with the above exclusions and "commencement", "commenced" and cognate expressions are to be construed accordingly;</i>	
Q1.19.14	DCO Articles FCC Highways	<ul style="list-style-type: none"> Article 2 (Interpretation) – Definition of 'Highway authority' – This definition is noted, but the ExA would ask whether or not NHs and/ or The Welsh Government should be included in this definition. 	<p>FCC agree that this definition should be extended to include NHs and/or The Welsh Government.</p> <p>WG/NMWTRA are the relevant authority in relation to the trunk roads: A494(T) & A55(T)</p>	This was amended at Deadline 1 to include strategic highway authorities within the definition; please see the tracked version of the dDCO [CR1-017] , [REP1-004] which shows the deletion of 'local' in this definition.
Q1.19.17	DCO Articles Applicant/ FCC	<ul style="list-style-type: none"> Article 4 (Operation and use of the authorised development) – <p>Please confirm whether or not the use of the existing pipeline is currently restricted to the carrying of a specific gas/ liquid?</p> <p>Should such a restriction exist please provide full details of that restriction and whether, other than the DCO, any other permissions, consents, licences, etc. would be required for the repurposing of the existing pipeline.</p>	<p>The existing Point of Ayr to Connah's Quay pipeline proposed to be repurposed as part of this DCO application that was granted under the Pipe-Lines Act 1962 under reference 5/A/93 PL B52 on 16th December 1993. The Consent restricts the use of the Pipeline for the conveyance of natural gas.</p> <p>Flintshire County Council's submission to the Examining Authority for Deadline 1 includes a copy of the Point of Ayr to Connah's Quay Pipeline consent for information. FCC is not aware of, other than the DCO application, any other permissions, consents, or licences that would be required for the repurposing of the existing pipeline.</p>	The Applicant acknowledges the response and has no further comments.
Q1.19.23	DCO Articles Relevant Local Authorities/ Statutory	<ul style="list-style-type: none"> Article 10 (Street works) <p>Article 10(5) refers to the consequences of a failure to notify the undertaker (Applicant/ developer) of a decision within a fixed period of time. In this instance</p>	FCC have no concerns with proposed timescales set within DCO with regards to Article 10 (Street works)	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
	Undertaker FCC Highways	<p>it is 42 days, but there are some incidents of 28 days (see Articles 19(9) and 21(7)) . The need to provide a decision within a fixed period, and the consequence of the failure to do so, occurs throughout the draft DCO generally (eg Articles 11(5), 14(7), 18(7), Etc.). The ExA would ask whether the Relevant Local Authorities/ Statutory Undertakers are satisfied in regard to the time limits specified and if not what alternative would be considered acceptable?</p> <p>In addition to the above, in regard to all Articles that express a consequence for failure to notify, the ExA would ask whether such articles should also specify the procedure to follow in the event of the Relevant Local Authority/ Statutory Undertaker making a negative decision which is received by the undertaker within the relevant period? Should there be some form of cross reference to Article 47 (Requirements, Appeals, etc.) and Schedule 2, Part 2, Etc. of the draft DCO for example? If not please explain your reasoning in full.</p>		
Q1.19.32	DCO Articles Applicant/ Relevant Local Authority	<ul style="list-style-type: none"> • Article 23 (Removal of human remains) <ul style="list-style-type: none"> i) In terms of Article 23(2)(a), bearing in mind the prospective length/ width, which includes the limits of deviation, of the Proposed Development, the ExA would ask whether it would be appropriate to include the Work Number(s) where such human remains were found to be included within any such advertisement. If not please explain the reasons why. ii) In terms of Article 23(2)(b), should this require the display of the notice in a conspicuous place on or near the Order land which is close to the location where the human remains were found? iii) Article 23(3) – How long is ‘reasonably practicable’? Please clarify and amend, if required. 	<p>FCC has sought internal advice on Article 23 in order to answer the questions and is awaiting a response.</p> <p>FCC would respectfully request the Examining Authority defer this question to ExQ2 should the following response require further detail from FCC.</p> <p>i) FCC considers that during the construction, should human remains be found it would be appropriate to include the Works Number(s) within any such advertisement, to indicate the location of where such human remains were to be found.</p>	<p>This was amended at Deadline 1 to include a requirement to give more detail on the location where remains were found (see updated version of the dDCO [CR1-017], [REP1-004]).</p>
20. Other				

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
Q1.20.1	Lighting Ips EHO	<ul style="list-style-type: none"> The ExA notes that changes to light levels in the immediate area through artificial lighting during construction periods or subsequent operation has the potential to alter amenity conditions for existing nearby properties and/ or have potential impacts to wildlife and the wider local environment. Considering the scheme as a whole:- <p>Do any IPs have any concerns regarding lighting during proposed construction phases, or arising from any other element of the scheme?</p>	<p>FCC do have concerns about artificial lighting as it is not clear on periods of time during construction phases we would require a more detailed lighting mitigation plan relative to operational hours</p> <p>None of the BVS sites are located within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) but they are they are close to this designation and the lighting would affect the setting of the AONB.</p> <p>The Dark Night Skies SPG gives useful advice on how to reduce glare, design appropriate lighting to safeguard wildlife and reduce the impact on the night sky.</p> <p>[REDACTED]</p> <p>The Planning statement mentions that the height of the lighting has been lowered to reduce the impact on the surrounding area, it may be that further alterations can be made to reduce any impact to a minimum.</p>	<p>The detailed CEMP, secured by Requirement 5 of the dDCO [CR1-017], [REP1-004], includes the details of lighting during construction, including working methods and mitigation measures to ensure the reduction/removal of potential adverse impacts as a result of construction lighting. REAC commitments D-PD-013, D-PD-014, D-BD-015, D-BD-040, and D-LV-021 [REP1-015 and CR1-109] provide mitigation measures to avoid and reduce potential adverse impacts arising from lighting during construction which align with best practice guidance. Additionally, the ECoW/team of ECoWs, as committed to through D-BD-001 of the OCEMP [REP1-017], will oversee and monitor the implementation of mitigation measures during the construction stage, inclusive of items associated with light use and provision.</p> <p>Refer to Chapter 3 – Description of the DCO Proposed Development [APP-055] for full details of lighting. At operation, lighting will only be in use to facilitate periodic, short-lived maintenance or security visits REAC commitment D-PD-013 [REP1-015 and CR1-109]. At all other times during hours of darkness lighting associated with the BVS and AGI compounds will not be operational and will, therefore, not be visible in the night-time environment. This approach is consistent with the guidance set out in the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty SPG; <i>Planning for the Dark Night Sky</i>. It should also be noted that lighting will be perceived in relation to existing illumination from settlements, individual properties and farms, the transport network and skyglow from the wider Liverpool conurbation. A Lighting Plan will be developed which will detail operational lighting and associated mitigation D-PD-014 [REP1-015 and CR1-109].</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
Q1.20.2	Safety FCC	<p>• Relevant Representation [RR-081] indicates that the new pipeline and the AGI terminal at Ince is within very close proximity to land which is the subject of a Control of Major Accident Hazards (COMAH) impact zone.</p> <p>Applicant</p> <p>Please advise what consultation has taken place with the Health and Safety Executive (HSE) and whether the HSE have provided any site plans showing the HSE Zones. (Note: The ExA is aware that such plans may have been issued on a confidential basis and is not seeking the submission of such plans at this time. However, during the course of the examination it may seek the submission of such plans. If such plans are requested they would be likely to be sought through the submission of a public version that is redacted, along with an unredacted confidential version for the ExAs consideration).</p> <p>Please provide a copy of any correspondence received from the HSE in regard to this Proposed Development, excluding any plans that may have been issued by the HSE confidentially, or signpost the ExA to where within the submitted application documentation such correspondence can be located.</p> <p>Also please confirm what provision would be made during the construction and operational phases to safeguard the public health of those involved in construction and operation of the facility? How would such provision be secured by the DCO?</p> <p>Health and Safety Executive/ Relevant Local Authorities</p> <p>Please confirm whether:</p> <p>i) the Proposed Development lies within the proximity of any designated Control of Major Accident Hazzard site(s), and if so please advise the ExA of any concerns you may have in regard to the Proposed Development and its proximity to those sites.</p>	<p>The AGI Terminal at Ince lies within the administrative boundaries of Cheshire West and Chester Council and therefore FCC have no comments in relation to this question but would respectfully defer the Examining Authority to comments from Cheshire West and Chester Council and the Health and Safety executive.</p>	<p>The Applicant acknowledges the response and has no further comments.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		ii) ii) the HSE has issued any comment and/ or issued any advice in relation to the Development which is the subject of this DCO Application. (ie has the HSE issued any letters in relation to the development proposed by this DCO Application that states they 'Do Not		

Table 2.7 – Comments on the Response to the ExA’s WQ’s from National Highways [REP1-068]

ExQ1	Question to	Question	Interested Party Comment	Applicant’s Response to Interested Party Comment
1.6.10	Statutory Undertakers	Protective Provisions - A number of Statutory Undertakers, including Cadent Gas Ltd; the Canal and River Trust (CRT); National Grid Electricity Transmission PLC; National Grid Gas PLC; National Highways Ltd (NH); Network Rail Infrastructure Ltd (NR); SP Energy Networks and United Utilities Water Ltd, have noted that: i) Protective Provisions in their favour have not been included within the draft DCO; ii) their standard Protective Provision wording has not been used; and iii) site specific circumstances in regard to Protective Provisions have not been taken into account. The ExA would ask all Statutory Undertakers to: a) provide copies of their preferred wording or, if they have previously provided wording to the Applicant, explain why the wording in the current version of the draft DCO should not be used;	a) Please find attached to National Highways’ Written Representation at Appendix 1 a copy of the protective provisions required by National Highways. These have been sent to the Applicant and at the date of writing are with them for review. Please see National Highways’ Written Representation for further detail of the protective provisions requested.	Discussions on the content of the protective provisions with National Highways is ongoing. A record of such engagement can be found in the draft SoCG with National Highways [REP1-028] submitted at Deadline 1.
		b) where relevant, advise what site-specific circumstances, in regard to Protective Provisions, have not been taken into account; and	b) National Highways is in discussion with the Applicant regarding the protective provisions required by National Highways and these are with the applicant for review. Discussions are ongoing on some aspects, in particular, with regard to ‘NH 3.4.1’ of the SoCG for which further provision may need to be made and National Highways reserves its right to request such further provision if required.	
		c) provide confirmation that the parties are willing to enter into a side agreement, or has commenced preparation of such a side agreement, or already entered into such a side agreement to the satisfaction of the relevant parties. Please note that the above information will be published on our website, so commercial and/ or confidential details need not be given.	c) National Highways confirms that there is no side agreement in place and as such there is currently no protection afforded to National Highways on the strategic road network.	

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
1.19.14	Applicant and the Relevant Highway Authorities (ie Welsh Government, National Highways, Etc.)	Article 2 (Interpretation) – Definition of 'Highway authority' – This definition is noted, but the ExA would ask whether or not NHs and/ or The Welsh Government should be included in this definition.	National Highways are the Highway Authority for England's motorways and certain major A-roads known as the strategic road network (SRN). National Highways were established under the Infrastructure Act 2015, and appointed and licensed as a strategic highways company by the Secretary of State for Transport on 1 April 2015. The definition of a Highway Authority within the DCO is recorded as:	
			"highway authority" means in any given provision of this Order (including the requirements), the local highway authority for the area to which the provision relates;	This was amended at Deadline 1 to include strategic highway authorities within the definition; please see the tracked version of the dDCO [CR1-017] , [REP1-004] which shows the deletion of 'local' in this definition.
			This definition does not make it clear that National Highways are the appropriate Highway Authority for both the M56 and M53 motorways where the pipeline is proposed, as opposed to the local highway authority (Cheshire West & Chester).	
			National Highways suggests that the definition be amended to refer to a "highway authority" having the same meaning as in the 1980 Act which would bring it in line with other DCOs.	
1.17.1, 1.17.2, 1.17.3, 1.17.4 and 1.17.5	Applicant and IPs, including the Relevant Highway Authorities (Welsh Government, National Highways, CWCC, etc.)	Questions on Traffic Management; Parking / Access; Existing Highway Infrastructure / Road maintenance; and Highway Infrastructure.	Questions 1.17.1, 1.17.2, 1.17.3, 1.17.4 and 1.17.5 have also been flagged as questions for National Highways/the relevant highway authority as appropriate. Having reviewed, National Highways does not believe they are relevant to the strategic road network and does not have any further comments on these.	The Applicant notes National Highways response to ExA ExQ1 questions 1.17.1, 1.17.2, 1.17.3, 1.17.4 and 1.17.5.
			Should it assist the Examining Authority, National Highways will respond to any further written questions that the panel wishes to ask and is willing to attend an appropriate hearing to detail the impacts of the DCO to National Highways.	The Applicant will continue to engage with National Highways and respond to any further submissions.

Table 2.8 – Comments on the Response to the ExA’s WQ’s from Natural England

ExQ1	Question to	Question	Interested Party Comment	Applicant’s Response to Interested Party Comment
Q1.4.1	Surveys IPs, including Relevant Planning Authorities, Natural Resources Wales (NRW), Environment Agency (EA), Natural England (NE)	<p>i) Confirm whether you are satisfied with the range of ecology surveys associated with ES - Chapter 9 - Biodiversity [APP-061];</p> <p>ii) Do you consider the baseline information presented to be a reasonable reflection of the current situation?</p> <p>iii) In respect of i) and ii) if not, why not and what would resolve any residual concerns?</p> <p>The ExA acknowledges that this may be covered by a SoCG. If the answer to these questions is be covered by a SoCG please indicate that accordingly</p>	Natural England is currently discussing this matter with the applicant and is therefore to be covered by a SoCG.	Please refer to the draft Statement of Common Ground (SoCG) submitted at Deadline 1 [REP1-022] . The Applicant continues to engage with Natural England and will provide updates to the SoCG as necessary during the Examination.
Q1.4.2	Monitoring Applicant and IPs, including Relevant Planning Authorities (CWCC and FCC) and NRW, EA and NE.	<p>Confirm whether you are satisfied with the monitoring measures during construction and post construction described within Section 9.13 of ES - Chapter 9 - Biodiversity [APP-061].</p> <p>In particular, your comments are invited on the monitoring requirements anticipated during construction detailed within Table 9.13 and within Appendices 9.1 - 9.10 (Volume III), in relation to protected species licencing and the Outline Landscape Ecology Management Plan [APP-229]. As well as the postconstruction monitoring proposed to be undertaken in accordance with a Landscape Ecology Management Plan (LEMP) [APP-230] developed at Detailed Design. The LEMP is proposed to be included within the Operations and Maintenance Environment Management Plan (OMEMP), provided post-construction.</p> <p>The ExA acknowledges that this may be covered by a SoCG. If the answer to these questions are being covered by a SoCG please indicate that accordingly.</p>	Natural England is currently discussing this matter with the applicant and is therefore to be covered by a SoCG.	Please refer to the draft SoCG submitted at Deadline 1 [REP1-022] . The Applicant continues to engage with Natural England and will provide updates to the SoCG as necessary during the Examination.
Q1.4.3	BNG/ Biodiversity Enhancement Applicant and IPs, including	Paragraph’s 9.2.33-36 of ES Chapter 9 states that Biodiversity Net Gain (BNG) will be a statutory requirement for most planning applications, as per the new Environment Act (previously Environment Bill), which achieved Royal Assent through Parliament on 9 November 2021. Whilst there is currently a transition	Natural England would expect BNG to be quantified through the use of the biodiversity metric calculation tool in conjunction with ecological advice, with details provided in the Biodiversity Gain Plan of how the required habitat creation/enhancement measures will be	The Applicant can confirm it has used the available recognised metric tool available at the time of commencement of the assessment (Metric 3.0). The Applicant has additionally consulted with Natural England, as well as the other statutory bodies, regarding its approach to BNG for the DCO Proposed

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
	FCC, CWCC, NRW and NE	<p>period before mandatory requirements come into force (expected to be winter 2023), it will require development to deliver a 10% net gain in biodiversity units (area habitat, hedge and river units where applicable), as determined through the use of a biodiversity metric. Moreover, it is anticipated by the Applicant that the BNG requirement will apply across all terrestrial infrastructure projects, or terrestrial components of projects, accepted for examination by the Planning Inspectorate through the NSIP regime by November 2025 (subject to the provisions of the applicable National Policy Statements or Biodiversity Gain Statement). Projects accepted for examination before the specified commencement date would not be required to deliver mandatory BNG under the terms of the Environment Act.</p> <p>v) Submit your views on seeking biodiversity enhancement/ facilitating BNG, inclusive of any future proofing.</p>	<p>achieved, and where, taking into account the mitigation hierarchy.</p> <p>Off-site gain will need to be secured through legal agreements, either Section 106 Agreements or Conservation Covenants, to ensure that habitats will be managed and monitored for a minimum of 30 years.</p> <p>Habitat management and monitoring should be set out in a Habitat Management and Monitoring Plan to cover at least 30 years.</p> <p>Other biodiversity enhancements, such as the provision of bird nest boxes and bat and insect boxes, can be included in the Biodiversity Gain Plan. Incorporating the reporting of these features into biodiversity gain plans will allow the features to be secured through appropriate planning conditions.</p>	<p>Development (see SoCG submitted at Deadline 1 [REP1-022]).</p> <p>The Applicant, through liaison with the local councils and other interested parties/landowners, is exploring offsetting opportunities and will commit to ensure the areas are appropriately managed and monitored to create or enhance habitats for a minimum of 30 years (either directly or through transfer of ownership). Appropriate legal agreements will be progressed.</p> <p>The details of off-site habitat interventions (creation and/or enhancement) is defined in a BNG Strategy Update Document which is issued at Deadline 2 (document reference: D.7.23), and furthermore the incorporation of these into the BNG calculations will be provided within an updated BNG assessment report to be submitted at Deadline 5. The Applicant has provided a timetable of engagement with landowners and strategic bodies together with updates on progressions of securing necessary offset site locations, (document reference: D.7.23), at Deadline 2.</p>
Q1.4.4	BNG/ Biodiversity Enhancement/ Habitats Applicant and IPs, including FCC, CWCC, NRW and NE	<p>The ExA notes the submission of BNG Assessment – Part's 1-6 [APP-231] to [APP-236], consecutively.</p> <p>i) The level of BNG overall enhancement outlined as being able to be secured is very low. Can the Applicant further justify the rationale for an overall 1% BNG increase aims rather than seeking the higher thresholds of 5% or 10% (stated in the application submissions) in the first instance which are deemed possible?</p> <p>ii) Paragraph 1.4.2 of [APP-231] highlights that BNG up to 10% across area and river habitats is a feasible opportunity. Outline the progress made with landowners in securing such river habitat or other aquatic habitat improvements, as well as the next steps to be taken along with a likely timeframe to inform the Examination.</p> <p>iii) The ExA acknowledges that the BNG Assessment undertaken is focused on priority habitats. This is</p>	Natural England considers this a question for the applicant and so makes no further comment at this time.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>believed to be based on the spatial dataset in the Priority Habitats Inventory (England) compiled by NE last updated 13 December 2022 which does not cover Wales. Is that the case? Confirm the data sets which have been utilised for both England and Wales and their age.</p> <p>iv) Further to the above question there is the national list of priority habitats and species in England ('Section 41 habitats and species') for public bodies, landowners and funders to use for biodiversity conservation. The UK BAP priority species and habitats were created between 1995 and 1999, and were subsequently updated in 2007, following a 2-year review of UK BAP processes and priorities, which included a review of the UK priority species and habitats lists. The 'UK Post-2010 Biodiversity Framework', published in July 2012, succeeded the UK BAP. Albeit the UK BAP remains a useful reference point for both 'species' and 'habitats'. For the avoidance of any Page 28 of 40 doubt can you confirm the priority habitat list the Applicant is referring to in its assessment for habitat protections and for BNG/ biodiversity interest purposes?</p> <p>v) Explain what scope remains for the scheme to further complement existing ecological and biodiversity initiatives within the local areas the scheme passes through. If relevant local/ regional or national initiatives have not been fully considered to date, provide an update on how potential integration could be achieved.</p> <p>vi) The EA [RR-024] comment that a waterbody 'near Stanlow Refinery' will be permanently lost. Can the Applicant confirm to the Examination the details of adequate compensatory habitat as a result of this loss?</p> <p>The EA [RR-024] also note that in addition to the creation of wood habitat piles and the installation of bat and bird boxes, the completion of nearby Water Framework Directive (WFD) mitigation measures, which</p>		

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		enhance riverine habitats for biodiversity, must also be included. This would contribute to BNG and the legal objective of 'good ecological potential' for these waterbodies. Does the Applicant acknowledge these responses? If so, explain/ signpost what provision is to be made.		
Q1.4.7	Habitats/ Biodiversity enhancement Applicant and IPs, including FCC, CWCC, NRW and NE	<p>Signpost the particular local nature strategies (including those entailing nature recovery or related ecologically based methods for carbon sequestration) covered in the geographical area subject to the DCO, or those nearby, that could be used for the delivery of additional ecological enhancement.</p> <p>Suggest the strategies which could be used to secure enhancement and the precise mechanisms to implement the desired improvement.</p>	<p>Natural England is aware of the following strategies within Cheshire West which could be used to secure enhancement:</p> <ul style="list-style-type: none"> Cheshire West Climate Plan Home Climate Response (westcheshireclimateplan.co.uk) Cheshire West and Chester Council Carbon Management Plan the-carbon-management-plan (cheshirewestandchester.gov.uk) Cheshire West and Chester Local Plan (Part 2) – green infrastructure, biodiversity and geodiversity Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies - Keystone Cheshire West and Chester Council BNG and Ecological Networks Guidance Note Biodiversity Net Gain interim guidance note (June 2022).pdf Local Nature Recovery Strategy (when available) <p>For example, the Cheshire West Climate Plan includes the following points under the section on Land Use, Adaptation and Climate Repair, Local Action, that could be used to secure enhancement:</p> <p>'1. Support, on average over the five-year (2020-2025) programme, an aspiration for 150 hectares of new planting a year across the borough, a total of 750ha over the lifetime of the programme.</p> <p>2. Bid for EU Horizon 2020 funding to deploy exemplar nature-based solutions to Climate Change to provide models for wider deployment and incorporation into borough wide plans and strategies.</p>	<p>The Applicant welcomes Natural England's advice. As per the response to Q1.4.7 (page 32) of the Applicant's Response to ExA's ExQ1 [REP1-044], the Applicant has, and continues to, discuss habitat offsetting with CWCC in England and FCC in Wales. These discussions are on-going and, where possible, through engagement with both parties, the Applicant will seek to align with relevant strategies and policies of the councils. Options for achieving offsets are being explored through different parties and mechanisms available, including interested local authority managed schemes and conservation bodies' schemes. Appropriate legal agreements will be progressed.. See also the Applicant's responses to Q1.4.3 (page 24) (i), (ii) and (iii) Q1.4.4 (i) (page 26) of the Applicant's Response to ExA's ExQ1 [REP1-044].</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
			<p>3. Implement new policies on wildflower verges, enhancing local biodiversity and reducing our cost for green space management.</p> <p>4. Review the Council's land holdings, including its farm estate, to explore the case for this land to contribute to the Council's goal of becoming carbon neutral by 2030. This may include reviewing opportunities to support low-carbon agricultural practices which reduce emissions and increase Page 30 of 40 carbon sequestration, alongside promoting solutions such as tree planting, wetland management and creation.</p> <p>5. We will work with the Planning Service to introduce the requirement for 'net gain' in biodiversity in new development.</p> <p>6. We will identify where natural flood management approaches can be used to increase carbon sequestration and deliver improved catchment management. This will be initiated by an opportunity mapping exercise.</p> <p>7. We will work publish a Biodiversity strategy which sets out how we will promote biodiversity and carbon sequestration through new approaches to Streetscene management and wider work across the borough.</p> <p>8. Explore opportunities to deliver income generation through Woodland management.</p> <p>9. We will develop a detailed Action Plan that will support delivery of Local Action'.</p> <p>Mechanisms to implement the desired improvement could include the applicant purchasing the off-site biodiversity units that are required to achieve the net gain target, from local landowners, and securing the improvements and appropriate management over at least 30 years via Section 106 Agreements or Conservation Covenants.</p> <p>Also, the wider environmental benefits should also be explored, for example by using the following tool:</p>	

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
			The Environmental Benefits from Nature Tool - Beta Test Version - JP038 (naturalengland.org.uk)	
Q1.4.15	Birds Applicant and NE	<p>Displacement effects on Mersey Estuary birds excluded for assessment on basis of bird presence/ numbers.</p> <p>Has the presence of persons linked to construction activity appearing on top of banks been factored?</p> <p>Lighting, noise and timing of disturbance to avoid times when birds are present are further aspects for consideration in the examination. Is the mitigation proposed adequate?</p>	<p>Natural England is satisfied that the proposed mitigation with regards to lighting disturbance is adequate, however it remains unclear on the mitigation for noise disturbance at this stage. Please see our comments in Part II, Table 1.</p> <p>We advise further consideration is given to the timing of works in close proximity to significant numbers of SPA birds, and confirmation of the timing of works in close proximity to the River Dee is required.</p> <p>We note the measures within the OCEMP to limit movement of personnel around the working areas and so to avoid disturbance effects to birds. We are satisfied with this measure.</p>	<p>The Applicant has provided a response to queries regarding lighting and noise to functionally linked land within its response to row 2.56.2 of the Applicant's Responses to Relevant Representations [REP1-042].</p> <p>The Applicant has updated the HRA [CR1-121], as submitted at Deadline 2, to incorporate assessment of noise impact pathways.</p> <p>A detailed construction programme has not yet been finalised; this will be prepared at the detailed design stage and will consider sensitivities across the Order Limits.</p>
Q1.4.16	Aquatic Ecology IPs, including Relevant Planning Authorities, NRW, EA and NE	<p>The ExA acknowledges the content of Appendix 9.9 Aquatic Ecology (Watercourses) Survey Report and Appendix 9.10 Aquatic Ecology (Ponds) Survey Report [APP-113] [APP-114].</p> <p>Are IPs/ Statutory Consultees satisfied with the scope and content of the aquatic surveys provided? If not state why not.</p>	Natural England is satisfied with the scope and content of the aquatic surveys.	The Applicant acknowledges the response and has no further comments.
Q1.4.18	Wildlife Corridors Applicant and IPs, including CWCC, FCC, NRW and NE	<p>Applicant</p> <p>At the ExA's Unaccompanied Site Inspections [EV-003] and [EV-004] the probable existence of 'informal' wildlife corridors within nearby surrounding areas was observed which could be potentially used by a wide variety of species.</p> <p>i) Clarify how the effect of the proposed development on potential informal wildlife corridors has been considered.</p> <p>ii) Explain the extent of integration of any ecological enhancements/ mitigation with existing informal wildlife corridors and how those elements are to be secured through the DCO.</p>	We advise the applicant utilises any ecological mapping work completed by the local authorities to inform consideration of informal wildlife corridors and make links to local nature sites.	As per the Applicant's responses to question Q1.4.18 of the Applicant's Responses to ExA's EXQ1 [REP1-044] , the Applicant has sought to enhance and strengthen existing green infrastructure and corridors within the landscape through its siting of mitigation areas. These selections were influenced through interrogation of mapping available in the public domain and those held by relevant ecological/biological records centres, as described within paragraph 9.5.5 of Chapter 9 – Biodiversity [AS-025] . These include supporting local wildlife sites where possible (for example Gowy Meadows and Ditches Local Wildlife Site (LWS); Shropshire Union Canal LWS; and Brook Farm Park Wood Wildlife Site in Wales).

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>iii) Explain what scope is available within the overall engineering and new landscaping works proposed by the DCO to enable ecological corridors the earliest chance of re establishment prior to completion of all works. Also explain how such potential provision could be secured formally. Have novel and innovative nature based approaches been sufficiently explored?</p> <p>iv) What mitigation is proposed to ensure protected species and other species are protected from noise and vibration? IPs</p> <p>v) Are there any comments/ concerns you wish to raise with respect to the above matters?</p>		
Q1.5.3	Mitigation Applicant and IPs, including CWCC, FCC, NRW and NE	<p>Having regard to ES Chapter 7 – Climate Resilience [APP-059] the ExA notes the content of Table 7.13 titled Embedded mitigation in the DCO Proposed Development's Preliminary Design dealing with climate risk during any future operation.</p> <p>What further embedded design mitigation is available to ensure ecological and landscape provision linked to the scheme remains sufficiently resilient to deal with the climatic changes anticipated in future years?</p> <p>Further explain/ substantiate how embedded design mitigation or other additional mitigation/ enhancement possible to achieve would be successful against the climate risks evidenced. For example, any new wetland creation possible may result in several cross-cutting benefits such as those associated to additional ecologically based carbon storage, ecological enhancement and dealing with local flood risk. Similarly, support for offsite seagrass meadow planting, kelp growth initiatives or saltmarsh restoration could have wider cross cutting beneficial impacts.</p> <p>IPs are invited to make whatever comments they deem to be appropriate. In particular comments are sought by the ExA on whether a range of nature based mitigation/enhancements available and achievable has been properly considered?</p>	<p>Natural England advises the following resources regarding climate change may be helpful to the applicants:</p> <ul style="list-style-type: none"> • The Climate Change Adaptation Manual provides extensive information on climate change adaptation for the natural environment. It considers the potential impacts of climate change on individual priority habitats and outlines possible adaptation responses. • The National Biodiversity Climate Change Vulnerability Model is a mapping tool that helps identify areas likely to be more vulnerable to the impacts of climate change. • Carbon Storage and Sequestration by Habitat 2021 (NERR094) – a recently updated report that reviews and summarises the carbon storage and sequestration rates of different semi-natural habitats that can inform the design of nature-based solutions to achieve climate mitigation and adaptation. • The Environmental Benefits from Nature Tool - Beta Test Version - JP038 (naturalengland.org.uk) can be used on a site to calculate Carbon storage based on habitats present. 	<p>The Applicant welcomes Natural England's advice and will consider the suggested resources during preparation of the detailed LEMP and refers Natural England to its response to Q1.5.3 (pages 48 & 49) within the Applicant's Response to ExA's ExQ1 [REP1-044].</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
Q1.5.6	Mitigation Applicant and IPs, including CWCC, FCC and NE	<p>In terms of peatland disturbance and the Outline Construction Environmental Management Plan - Appendix 2 -Outline Peat Management Plan [APP-228]. Other than minimisation techniques to reduce peat excavation Paragraph 5.1.4 of the document states "...in the event that there is an excess of excavated material, application of additional options at the Detailed Design and Construction Stages would be required. If no site use is available, off-site re-use options should be explored, with appropriate disposal as waste considered only as the final option, in line with the management hierarchy set out by SEPA."</p> <p>Can any peatland excavation be undertaken in a way that prevents carbon release?</p> <p>For excavated peat unable to be put back on site, is it possible for its transferred to another nearby peatland in a manner without it drying out and emitting CO2? If so, how can that mitigation be secured in the DCO?</p> <p>Have novel or innovative approaches been considered/ ruled out for example such as basalt dusting to capture any CO2 loss during trenching and replenishing soil fertility further afield beyond peatland areas?</p>	<p>Peat was identified within the HyNet site during the detailed soil and Agricultural Land Classification survey (Paragraphs 3.20 – 3.23 ENVIRONMENTAL STATEMENT – (VOLUME III) (planninginspectorate.gov.uk)). The peat soils identified were observed in the subsoil, and had been overlain by organic rich silty clay. The peat soils south of Hapsford Lane were assumed to be near-permanently wet (Wetness Class V), whilst the other peat subsoils were located in areas of high groundwater (WC V or VI). Laboratory determination of the organic matter content produced measurements of 16.4% in a topsoil sample and 31.5% in a subsoil sample (para 3.23). Therefore, these near-permanently wet peat soils will experience slow rates of decomposition due to the low oxygen conditions.</p> <p>Can any peatland excavation be undertaken in a way that prevents carbon release?</p> <p>Any peat which is excavated will experience carbon losses, via Carbon Dioxide (CO2) due to the exposure to aerobic conditions¹, these losses cannot be prevented. To minimise these CO2 losses, the exposure of the peat to the air should be minimised and the moisture conditions maintained to keep carbon losses to a minimum, i.e. avoid or minimise disturbance.</p> <p>A key mitigation measure to minimise carbon losses, is to keep the peat in a saturated state. This makes transporting the material in a suitable condition difficult. Furthermore, any excavated peat should be suitably re-used as soon as possible after excavation.</p> <p>The best practice for the protection of peat soils needs to be set out in detail in the PMP in line with the SEPA Guidance on the Assessment of peat volumes, reuse of excavated peat and minimisation of waste: guidance - gov.scot (www.gov.scot). Although aimed at windfarms in Scotland, the principles apply to all developments on peat and this needs to be referred to and drawn from.</p> <p>For excavated peat unable to be put back on site, is it possible for its transferred to another nearby peatland in</p>	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
			<p>a manner without it drying out and emitting CO2? If so, how can that mitigation be secured in the DCO?</p> <p>Development on peat should be avoided as far as practicable. If the excavated peat is stockpiled with no certainty of use or becomes unsuitable for use for any reason it will be classed as waste.</p> <p>All soil and peat resources should be sustainably re-used on site.</p> <p>As stated above, transporting saturated peat can be logistically problematic, with any disturbance resulting in some degree of CO2 losses.</p> <p>Have novel or innovative approaches been considered/ ruled out for example such as basalt dusting to capture any CO2 loss during trenching and replenishing soil fertility further afield beyond peatland areas?</p> <p>There has been research undertaken to investigate the potential of utilising basaltic quarry fines to capture atmospheric CO2 in predominantly urban and manufactured soils 2,3 , through a process called enhanced rock weathering (ERW) (Crushed materials added to soil slowly dissolve and react with CO2 dissolved in soil pore water to form carbonates.)</p> <p>The ability to 'replenish the soil fertility' will depend on the phosphorus content of the applied crushed rock. There is also the risk that the quarry fines may contain potentially toxic elements (PTEs).</p> <p>The soil properties of the receiving land alongside to the proposed quarry fines, would need to be investigated in full prior to a determination as to whether this may be an appropriate activity or not.</p>	
Q1.9.2	Applicant and NE	<p>NE [RR-065] have commented that the Applicant has provided insufficient evidence concerning the following issues:</p> <p>i) International and national designated sites as further information is required relating to impacts on functionally linked land and noise disturbance.</p>	<p>Natural England is currently discussing these comments with the applicant and these issues are to be covered by the SoCG.</p>	<p>Please refer to the SoCG submitted at Deadline 1 [REP1-022]. The Applicant continues to engage with Natural England and will provide updates to the SoCG as necessary during the Examination.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>ii) Protected species as further information is required regarding survey and assessment details.</p> <p>iii) Soils and best and most versatile agricultural land as further information is required within the Soil Management Plan and Outline Peat Management Plan.</p> <p>Is further information forthcoming on these areas of the ES? How does the Applicant intend to resolve these deficiencies?</p>		
Q1.10.7	Water Environment Applicant and IPs, including NRW, NE and EA	<p>Applicant and Ips</p> <p>v) Vegetation clearance is expected to occur within the Mersey, Ince Marshes, Gowy, Stanney Mill Brook, Finchetts Gutter, Garden City Drain, Sandycroft Drain, Wepre Brook, Dee (North Wales), and North Wales WFD surface water bodies. In addition, significant dewatering is expected adjacent to the River Gowy and the West Central Drain. These are in the Gowy and Ince Marshes WFD surface water bodies. Please confirm the licensing provision required for the particular works listed above.</p>	Vegetation clearance at water courses with confirmed water vole presence will require a licence from NE.	<p>This is acknowledged in the Other Consents and Licences document [REP1-011].</p> <p>Furthermore, mitigation items D-BD-034 and D-BD-035 of the Outline Construction Environmental Management Plan (OCEMP) [REP1-017 and CR1-119] detail requirements for licensing in respect of water vole.</p>
Q1.10.8	Water environment Applicant and IPS, including NRW and NE	<p>As context to the Examination The Water Resources (Control of Agricultural Pollution)(Wales) Regulations 2021 replaced the Nitrate Vulnerable Zone requirements. The regulations indicate that a new or substantially changed store must:</p> <ul style="list-style-type: none"> • follow the specific rules for the type of substance stored. • have an expected lifespan of at least 20 years with maintenance (any part of a silage effluent system that is underground must be designed and constructed to last at least 20 years without maintenance). • not be within 10 metres of any inland and coastal waters e.g., streams, ditches, ponds or any pipes or culverts. • not be within 50 metres of any borehole, well or spring. 	Natural England is satisfied with the information provided with regards to water quality and has no concerns related to our updated advice in relation to nutrient level pollution, although we note that NRW has its own advice in this regard.	The Applicant acknowledges the updated advice of NE and that they have no concerns related to their updated advice in relation to nutrient level pollution.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<ul style="list-style-type: none"> not be within a groundwater source protection zone 1 unless site-specific mitigation measures that minimise the risk to drinking water supplies have been agreed in writing with NRW. <p>The ExA also notes that NE has recently updated its advice (16 March 2022) in relation to nutrient level pollution in a number of existing and new river basin catchments. The advice finds that an increasing number of waterbodies, in or linked with European Sites, are now deemed to be in 'unfavourable' conservation status for the purposes of the Habitats Regulations. This is likely to result in even more plans and projects, in relevant river basin catchment areas and proximate to a European site, needing to be screened in accordance with the Habitats Regulations. The likely result will be a need for more Appropriate Assessments and consideration of relevant information. The advice from NE also confirms that the tools available to inform the assessment of effects have been updated. The advice is also relevant to NRW (for cross border sites). The ExA further notes that competent authorities will need to carefully justify how further inputs from new plans or projects, either alone or in combination, will not adversely affect the integrity of the site in view of the conservation objectives.</p> <p>Applicant and IPs</p> <p>Please could:</p> <ol style="list-style-type: none"> the Applicant confirm it acknowledges the updated advice of NRW/ NE; the Applicant and IPs advise whether they consider there to be adequate background information available to gauge subsequent effects to water quality. <p>In addition to the above, the ExA notes sensitive land uses are identified within, or within 250m, of Sections 4, 5 and 6 include a SSSI, and a SAC and designated ancient woodland. Moreover, the local water environment is interconnected. Effects to both surface and groundwater during construction is presently not mitigated as the Applicant indicates that additional</p>		

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		targeted site investigation and remediation strategy for point sources would be undertaken if necessary. The ExA asks the Applicant and IPs how that approach ensures the effects and safeguards to European sites are able to meet HRA requirements?		
Q1.11.1	NE and NRW	<p>NE has not made any comments on the Applicant's assessment of effects on the River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid SAC or Deeside and Buckley Newt Sites SAC. Can NE confirm whether it agrees with the Applicant's conclusions presented in [APP-226] in respect of these sites?</p> <p>NRW has not highlighted any concerns in respect of the Applicant's assessment of effects on the River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid SAC, Halkyn Mountain/ Mynydd Helygain SAC and Alyn Valley Woods/ Coedwigoedd Dyffryn Alun SAC. Can NRW confirm whether it agrees with the Applicant's conclusions in respect of these sites?</p>	We are satisfied with the conclusions for the River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid SAC, however, defer to the advice of NRW with regards to the Deeside and Buckley Newt Sites SAC.	The Applicant acknowledges the response and has no further comments.
Q1.11.2	NE and NRW	<p>Does the Applicant's assessment of effects on European sites identify all the relevant sites and qualifying features which could be affected by the Proposed Development?</p> <p>Please confirm if the conservation objectives presented in Appendix A of [APP-226] are the correct ones for the sites covered in the Applicant's assessment of effects on European sites.</p>	We are satisfied that the Conservation Objectives presented within Appendix A of [APP-226] are correct for all NE sites.	The Applicant acknowledges the response and has no further comments.
Q1.11.4	Methodology Applicant and IPs, including: CWCC; FCC; NE and NRW	<p>HRA – Information to inform an appropriate assessment [APP-226] indicates that there are 9 European sites within 10km of the DCO proposed development area:</p> <ul style="list-style-type: none"> i) River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid SAC. ii) Deeside and Buckley Newt Sites SAC (immediately adjacent to the DCO proposed development area). iii) Halkyn Mountain/ Mynydd Helygain SAC (400m north at its closest point). 	Further sites sit just within 10km of the proposed DCO development area, including Midlands Meres and Mosses Phase 1 and Phase 2 Ramsar sites, however we are satisfied with the sites and features included in the assessment and advise clarity could be added to the text within the HRA regarding the above sites.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>iv) Mersey Estuary SPA (approx. 1.05km to the north).</p> <p>v) Mersey Estuary Ramsar (approx. 1.05km to the north).</p> <p>vi) Dee Estuary/ Aber Dyfrdwy SAC (approx. 1.2km to the north).</p> <p>vii) The Dee Estuary SPA (approximately 1.2km to the north).</p> <p>viii) The Dee Estuary Ramsar (approximately 1.2km to the north). ix)Alyn Valley Woods/ Coedwigoedd Dyffryn Alun SAC (approximately 6km to the southwest).</p> <p>IPs</p> <p>Do IPs concur with the list and agree that there are no omissions for the purposes of formal assessment? Have the defining features of all European sites been properly addressed by the Applicant?</p>		
Q1.11.8	Mitigation/ Enhancement Applicant and IPs, including CWCC and FCC, NRW and NE	Point out within the ES documentation (or elsewhere) where there are local strategic nature improvement or recovery strategies in the geographical area subject to the DCO that could potentially be used for the delivery of further ecological enhancement.	Please see answer above for Q1.4.7.	The Applicant defers NE to the responses provided for Q1.4.7 (page 32) in the Applicant's Responses to ExA's EXQ1 [REP1-044] .

Table 2.9 – Comments on the Response to the ExA’s WQ’s from Natural Resources Wales

ExQ1	Question to	Question	Interested Party Comment	Applicant’s response to Interested Party Comment
Q1.1.8	Applicant and IPs, including CWCC and FCC	<p>ES Cumulative Effects The ExA notes the content of ES Chapter 19 Combined and Cumulative Effects [APP-071] as well as Chapter 19.1 – Inter-Project Effects Assessment Rev A [APP-172] and Chapter 19.2 – Intra-Project Effects Assessment Rev A [APP-173].</p> <p>Are there any projects identified as under construction, which are expected to be completed before construction of the DCO Proposed Development, which have been excluded from the Applicant’s assessment at Stage 2 (see Table 2 in Appendix 19.1 - Inter-Project Effects Assessment, Volume III [APP172]). Do the Relevant Planning Authorities/ IPs agree with the scope and content of the list applicable for Stage 2?</p>	NRW is not aware of any additional projects to be included within the cumulative effects assessment. NRW defers to FCC as the local planning authority to comment on the status of proposed developments within the DCO Proposed Development’s Zone of Influence.	The Applicant acknowledges the response and has no further comments.
Q1.1.9	Applicant and IPs, including CWCC and FCC	<p>ES Cumulative Effects</p> <p>Do IPs including Relevant Planning Authorities agree that the likely significant impacts of the DCO Proposed Development have been adequately assessed by the ES? If not, please state why not.</p>	NRW considers the assessment of significant effects within the ES to be appropriate with the exception of the potential effects on Alltami Brook associated with the proposed crossing method. Our comments in response to question 1.10.10 and Section 2 of our Written Representation refer.	The Applicant acknowledges NRW’s comment and would like to refer NRW to the Applicant’s response to Q1.10.10 (page 12) in the Applicant’s Response to ExA’s EXQ1 [REP1-044] .
Q1.3.1	Applicant and IPs, including FCC and CWCC	<p>Mitigation</p> <p>The largest odour zone of 100m to 160m is located at Ince AGI. There are no sensitive receptors within any odour zone except a residential caravan park located 130m south of the Stanlow AGI. These receptors may be impacted immediately after the gas is released during manifold venting, which is planned to occur once every five years. Do IPs have any comments on the receptors identified where odour could result in amenity issues? The assessment also highlights that the risk of odours is removed with a stack height of at least 6m. Do IPs have any comment on the mitigation envisaged or its likely effectiveness?</p>	NRW defers to FCC as the local planning authority to comment on potential amenity odour issues within the DCO Proposed Development’s Zone of Influence within Wales.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
Q1.3.2	IPs, including FCC and CWCC	Mitigation / Consultation Are IPs satisfied with the monitoring/ mitigation measures proposed by the DCO that deal with air pollution/ emissions and potential odour issues? Is any further consultation provision considered to be necessary and secured within the DCO?	<p>NRW is satisfied with the monitoring / mitigation measures proposed by the DCO that deal with air pollution / emissions regarding internationally and nationally designated nature conservation sites in Wales.</p> <p>NRW defers to FCC as the local planning authority to comment on potential odour issues within the DCO Proposed Development's Zone of Influence within Wales.</p>	The Applicant acknowledges the response and has no further comments.
Q1.4.1	IPs, including Relevant Planning Authorities, Natural Resources Wales (NRW), Environment Agency (EA), Natural England (NE)	Surveys i) Confirm whether you are satisfied with the range of ecology surveys associated with ES - Chapter 9 - Biodiversity [APP-061] ; ii) Do you consider the baseline information presented to be a reasonable reflection of the current situation? iii) In respect of i) and ii) if not, why not and what would resolve any residual concerns? The ExA acknowledges that this may be covered by a SoCG. If the answer to these questions is be covered by a SoCG please indicate that accordingly.	<p>(i) Overall, NRW considers that the submitted ecological surveys are proportionate for the purposes of assessing whether the scheme, during its construction and operation phases, is likely to be detrimental to the maintenance of the favourable conservation status of European protected species. This also applies to water vole.</p> <p>(ii) The results are entirely consistent with what NRW expected at this location. This includes:</p> <ul style="list-style-type: none"> (a) A number of ponds supporting GCN; (b) Bat foraging and dispersal activity includes lesser horseshoe bats. <p>In relation to the assessments, NRW notes that component information required to inform impact assessment includes consideration of conservation status. This, as informed by Section 3 of Commission notice Guidance document on the strict protection of animal species of Community interest under the Habitats Directive C/2021/7301 final (dated 12/10/21), requires component consideration of current conservation status and favourable conservation status. It would have been helpful if consideration had been given to both current conservation status (CCS) and favourable conservation status (FCS). NRW understands that the Applicant intends to submit draft license application documents as part of the submission. However, absent of further information, NRW is not in a position to advise further in this regard.</p>	<p>The Applicant welcomes NRW's confirmations of the Applicant's Ecological Surveys.</p> <p>The Applicant can confirm that it is preparing draft protected species licenses and will engage with NRW (and other relevant bodies) during the Examination, with a view to securing a Letter of No Impediment. The final EPS licenses to be secured in advance of construction commencement (upon confirmation of the detailed design) will appropriately consider current and favourable conservation status as set out in the Other Consents and Licences document [REP1-011].</p> <p>Of the 47 ponds taken forward for presence/absence survey in Wales, only seven ponds were recorded as dry during the course of the surveys. Of these, one pond (pond 9) was recorded with GCN presence during the initial five surveys, with the waterbody recorded as dry during the sixth survey visit. All waterbodies that were subsequently recorded as dry, were subject to one successful survey, with second, third or fourth survey visits recording the waterbodies as dry. Despite the results, the mitigation prescriptions and application of a PWMS (as captured within item D-BD-045 of the Outline Construction Environmental Management Plan (OCEMP) [REP1-017 and CR1-119]) to safeguard GCN during construction will be applied across the entire DCO Proposed Development. Pre-construction surveys will be completed in advance of construction commencement, where required, to inform licensing</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<p>No apparent consideration has been given to low rainfall during spring 2022 and how this may have affected the results of GCN surveys.</p> <p>Furthermore, NRW notes that data relating to GCN had been split between England and Wales. However, considering the transboundary nature of this application there appears to have been no apparent consideration given to GCN within ponds located in England potentially using land within Wales as a component of a local population's foraging area.</p> <p>NRW therefore advises that the Applicant confirms:</p> <ol style="list-style-type: none"> whether consideration of low rainfall conditions during Spring 2022 have been factored into the GCN assessments, and; whether the terrestrial foraging range for GCN in England extends into Wales. <p>If this information has not been considered within the assessments to date, NRW advises that this is included for the Examination.</p>	<p>and bespoke mitigation requirements as secured by Requirement 12 of the dDCO [REP1-004].</p> <p>Regarding transboundary movement of GCN between England and Wales, given the contiguous nature of the landscape north of the River Dee, the terrestrial foraging range of GCN in England likely extends into Wales. The mitigation prescriptions alluded to above, will safeguard GCN during construction of the DCO Proposed Development.</p> <p>As such, both items have been appropriately considered by the Applicant within the impact assessment and addressed through the mitigation provisions prescribed within the OCEMP [REP1-017 and CR1-119].</p>
Q1.4.2	Applicant and IPs, including Relevant Planning Authorities, (CWCC and FCC) and NRW, EA and NE.	<p>Monitoring</p> <p>Confirm whether you are satisfied with the monitoring measures during construction and post construction described within Section 9.13 of ES - Chapter 9 - Biodiversity [APP-061]. In particular, your comments are invited on the monitoring requirements anticipated during construction detailed within Table 9.13 and within Appendices 9.1 - 9.10 (Volume III), in relation to protected species licencing and the Outline Landscape Ecology Management Plan [APP-229]. As well as the postconstruction monitoring proposed to be undertaken in accordance with a Landscape Ecology Management Plan (LEMP) [APP-230] developed at Detailed Design. The LEMP is proposed to be included within the Operations and Maintenance Environment Management Plan (OMEMP), provided postconstruction.</p>	<p>Construction Phase</p> <p>NRW considers that the following monitoring is required during the construction phase of the project and should be secured as part of a DCO requirement, if granted: (a) Ecological Compliance Auditing to assess the delivery of mitigation measures submitted as part of the application and within the provisions of subsequently required protected species licenses; (b) Ecological monitoring to assess the current conservation status of identified species prior to and during the construction phase; and, (c) Monitoring any incidental capture, injury or killing [as informed by Article 15 of the Habitats Directive and Regulations 52 and 53 of the Conservation of Habitats and Species Regulations 2017 (as amended)].</p> <p>Mitigation Measure D-BD-003 states that the Applicant will appoint an external third-party to conduct Environmental Compliance Audits during construction of the DCO Proposed Development. The 'Auditing ECoW' will undertake checks of the Construction</p>	<p>The Applicant acknowledges NRW's agreement with the approach to provision of an Auditing ECoW during construction. Key performance indicators will be developed at the detailed design stage and accompany final protected species licenses to be secured in advance of construction commencement. These will take into account NRW's EPS Development Licence – Compliance Audit Guidance document.</p> <p>In respect of NRW's advice regarding monitoring requirements, the DCO Proposed Development will result in broadly short-term, temporary, and localised impacts within a prescribed corridor, aside from the permanent habitat losses associated with AGIs and BVSS. As per paragraph 3.6.12 of Chapter 3 – Description of the DCO Proposed Development [APP-055], the construction programme is currently expected to last approximately 16 months from the commencement of pre-construction activities. Particularly in respect of open-cut trenching, it is envisaged that installation of the pipeline (excavation</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		The ExA acknowledges that this may be covered by a SoCG. If the answer to these questions are being covered by a SoCG please indicate that Accordingly.	<p>Contractor and their ECoW(s) reporting on compliance of construction works, mitigation and activities on site against the ES and detailed CEMPs, as well as any obtained licenses, permits or assents. The Auditing ECoW will produce monthly reports (or otherwise agreed reporting deadlines in response to on-site activities) and provide written and verbal feedback to the Construction Contractor and ECoW on performance and adherence.</p> <p>NRW agrees with this approach. However, to date we have not seen ecological compliance audit key performance indicators. NRW would advise that these should be included within the scope and provisions of any protected species license applications.</p> <p>In respect of Table 9.13 NRW would advise the following in terms of monitoring requirements:</p> <p><u>Great crested newt:</u></p> <p>Annual monitoring of ponds within 250m of the application site during the construction and restoration phase. 2-3 counts per annum with results uploaded into the Wales GCN Monitoring Scheme.</p> <p><u>Bats:</u></p> <p><i>Roosts:</i> Annual assessment throughout construction / restoration phase. Emergence/visual inspections confirming continued functionality together with static detectors. Confirmation of no issues regarding obstruction of access including impacts caused by external lighting.</p> <p><i>Foraging/dispersal corridors:</i> Annual assessment. Placement of static detectors confirming no loss or changes to habitat functionality Confirmation of no issues regarding obstruction of access including impacts caused by external lighting.</p> <p><u>Riparian mammals:</u></p> <p>Annual monitoring of ponds within 250m of the application site during the construction and restoration phase.</p>	<p>of the trench, installation of a pipe section, and backfill of the trench) would be completed in a matter of days. As such, the presence of an open-cut trench is short lived in any one location. The requirement for annual monitoring of all waterbodies within and 250m beyond the Order Limits would be disproportionate in the context of the construction works duration and extent. Monitoring of waterbodies would be undertaken as necessitated the conditions of a protected species licence application, however, these would be proportionate to the impacts and effects of construction and within an appropriate radius of works given their localised nature.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<p>Post-Construction</p> <p>Paragraph 4.4.6 of the Outline Landscape and Ecological Management Plan states: “<i>monitoring and maintenance of habitats and/or features associated with protected species, including great crested newt, bats, badger, otter and water vole will be carried out in accordance with measures prescribed within any granted mitigation licence received from relevant statutory bodies</i>”.</p> <p>NRW understands that in accordance with paragraph 6.4.23 of Planning Policy Wales (Edition 11) the application has to demonstrate “<i>no detriment to the maintenance of the favourable conservation status</i>” of each local population of EPS (see Regulation 9 and 55(9) (b) of the Conservation of Habitats and Species Regulations 2017 (as amended); and Article 16 of the Habitats Directive (92/43/EEC)).</p> <p>In NRW's view the long term is a material attribute to conservation status and consequently we consider that consideration of the long term is material to this planning decision-making process.</p> <p>Section 4.5.3 of the OLEMP states “<i>maintenance and monitoring associated with protected species licencing, as required by the relevant statutory body is currently unknown and will be detailed within the associated protected species licensing documents and agreed with the relevant statutory body, along with details including locations, length and frequency and maintenance and monitoring requirements</i>”.</p> <p>For background and context purposes, the definition of the long-term attribute of conservation status in Appendix 1 of the Habitats Directive requires consideration of multiple generations (see Appendix II of Defra Research Project WC1108). Consequently, and without prejudice to our comments on any subsequent protected species license applications, NRW would advise surveillance to be carried out for at least 25 years where the features of an identified</p>	<p>Post Construction</p> <p>The Applicant will comply with the relevant prescriptions, as stated by NRW in its response, including monitoring, encompassed within any granted protected species licence. However, the Applicant considers the advice of a 25-year surveillance period grossly disproportionate to the duration and magnitude of the assessed likely impacts and effects of the broadly short-term, localised, and temporary construction of the DCO Proposed Development. To undertake such a programme of monitoring over a prolonged period as suggested would require extensive land rights which are disproportionate and would interfere with landowners' ability to manage their land. It would be unreasonable for the Applicant to seek such rights or for these to be imposed. Any requirements for monitoring will be fully detailed within the LEMP to be prepared at detailed design stage of the DCO Proposed Development, as secured by Requirement 11 of the dDCO [CR1-017], [REP1-004].</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<p>ecology area include European protected species such as GCN.</p> <p>NRW therefore advises detailed monitoring prescriptions to be submitted as part of the detailed LEMP should be a requirement of any DCO granted.</p>	
Q1.4.3	Applicant and IPs, including Relevant Planning Authorities, (CWCC and FCC) and NRW, EA and NE.	<p>BNG/ Biodiversity Enhancement</p> <p>v) Submit your views on seeking biodiversity enhancement/ facilitating BNG, inclusive of any future proofing.</p>	<p>Regarding biodiversity net benefit in Wales, NRW advises that the Examining Authority (ExA) refers to the Welsh Minister for Climate Change's letter to the Chief Planning Officer on this subject dated 20 December 2022, and the supporting information referred to therein e.g., the CIEEM briefing, as this is the most current guidance in Wales.</p> <p>Please note that the Welsh Minister's letter explains that a net benefit for biodiversity, whilst similar in concept to net gain, includes a distinct reference to ecosystem resilience and how the site relates to surrounding ecosystems and biodiversity. For further policy guidance regarding this subject, NRW advises that the ExA contacts the Welsh Government's Planning Directorate.</p> <p>NRW's biodiversity strategic steer "Vital Nature" encourages a stepwise approach to mitigation and compensation. This reflects the approach set out in Planning Policy Wales 11 (para. 6.4.21). The step-wise approach is to maintain and enhance biodiversity and build resilient ecological networks by ensuring that any adverse environmental effects are firstly avoided, then minimised, mitigated, and as a last resort compensated for. Para. 6.4.21 states that compensation should only be considered as a last resort.</p> <p>NRW defers to FCC as the local planning authority to comment on potential local biodiversity enhancements within the DCO Proposed Development's Zone of Influence.</p>	<p>The Applicant is committed to achieving a net benefit in biodiversity within the Welsh part of the DCO Proposed Scheme. In doing this, the Natural England biodiversity metric 3.1, together with BNG Good practice principles (CIRIA, CIEEM & IEMA) are used and referenced with the assessment. This assessment process is deemed to be the best way of achieving policy and legislative compliance (including Planning Policy Wales 11) within Wales and represents a unified approach for the DCO Proposed Development across both England and Wales.</p> <p>A principle within BNG is application of the mitigation hierarchy and this has been applied through the process with several iterations of the design avoiding more habitats of value, resulting in compensation for impacts that are deemed unavoidable.</p> <p>A quantifiable measurement of net gain for priority habitats, inclusive of 'risk multipliers inherent within the metric 3.1 allow for an approach to compensation which aims to put back significantly more land cover of habitats, and the BNG trading rules ensure this compensation is 'like for like', meaning ecosystem functionality of these habitats remains consistent to that lost. Furthermore, where this compensation is required, engagement with FCC is underway to ensure this compensation is targeted in areas sympathetic to local ecosystems and contributes to local environmental initiatives wherever possible.</p>
Q1.4.4	Applicant and IPs, including	<p>BNG/ Biodiversity Enhancement/ Habitats</p> <p>The ExA notes the submission of BNG Assessment – Part's 1-6 [APP231] to [APP-236], consecutively. iii)</p>	NRW can confirm that the Priority Habitats Inventory (England) does not apply to Wales. Please refer to our response to Q1.4.3 regarding the difference in policy	The Applicant refers NRW to its response to Q1.4.4 (iii) (pages 27 & 28) within the Applicant's Response to ExA's ExQ1 [REP1-044]. In summary, the Applicant

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
	FCC, CWCC, NRW and NE	<p>The ExA acknowledges that the BNG Assessment undertaken is focused on priority habitats. This is believed to be based on the spatial dataset in the Priority Habitats Inventory (England) compiled by NE last updated 13 December 2022 which does not cover Wales. Is that the case? Confirm the data sets which have been utilised for both England and Wales and their age. v) Explain what scope remains for the scheme to further complement existing ecological and biodiversity initiatives within the local areas the scheme passes through. If relevant local/ regional or national initiatives have not been fully considered to date, provide an update on how potential integration could be achieved.</p>	<p>to Biodiversity Net Benefit in Wales compared to Biodiversity Net Gain in England, which has also been shared with the Applicant during previous pre-application engagement.</p>	<p>has reviewed the WOM21 Priority Habitat dataset for Wales.</p> <p>For Rivers and Streams, the Applicant has used UKBAP Priority Habitat Descriptions: Rivers (2011) as directed by the Biodiversity Metric 3.1 User Guide.</p> <p>For terrestrial habitats, the Applicant has used the UK Habitat Classification system for mapping of habitats, suitable for inclusion into the Biodiversity Metric 3.1. Within the 'Habitat Definitions' document (version 1.1 dated 2020), Priority Habitat 'status' is defined for each habitat type.</p> <p>The datasets for Priority Habitat data in Wales are as follows:</p> <p>WOM21 Priority Habitat - High Sensitivity dataset compiled by the Welsh Government, last updated 6 October 2021.</p> <p>Whilst the publicly available data on HPI has been overlain with the Survey Area to initially identify Priority Habitat, this dataset has not been taken as the definitive source. Priority habitat has therefore been sense checked during the UKHab surveys, and some areas have been either been upgraded, or downgraded, based on actual field survey data, where there was robust justification to do so, and the field survey had been undertaken at the appropriate time of year. Following the precautionary principle, any areas which were identified as Priority Habitat from the above desk study data were not downgraded if the field survey data was not sufficiently robust and/or not undertaken at the correct time of year for the habitat in question.</p> <p>For Rivers and Streams, the Applicant has used UKBAP Priority Habitat Descriptions: Rivers (2011) as directed by the Biodiversity Metric 3.1 User Guide.</p> <p>For terrestrial habitats, the Applicant has used the UK Habitat Classification system for mapping of habitats, suitable for inclusion into the Biodiversity Metric 3.1. Within the 'Habitat Definitions' document (version 1.1</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
				dated 2020), Priority Habitat 'status' is defined for each habitat type.
Q1.4.5	Applicant and IPs, including FCC, CWCC and NRW	BNG/ Biodiversity Enhancement viii) Any comments, responding to questions i) to vii) above are welcome.	<p>NRW advises that responsibility for any proposed ecological compensation areas should be retained and appropriately managed by the Applicant until entirely transferred to a suitable third party ownership/control.</p> <p>NRW advises that the selection of a suitable recipient body is informed by the definition of responsible body under Part 7 of the Environment Act 2021.</p>	The Applicant acknowledges NRW's comments and has no further comments at this time.
Q1.4.7	Applicant and IPs, including FCC, CWCC, NRW and NE	Habitats/ Biodiversity enhancement Signpost the particular local nature strategies (including those entailing nature recovery or related ecologically based methods for carbon sequestration) covered in the geographical area subject to the DCO, or those nearby, that could be used for the delivery of additional ecological enhancement. Suggest the strategies which could be used to secure enhancement and the precise mechanisms to implement the desired improvement.	<p>NRW refers to the Spatial Action Plan for Great Crested Newts in Flintshire (NRW Report No 78) in response.</p> <p>NRW defers to FCC as the local planning authority to further comment on potential local nature strategies within the DCO Proposed Development's Zone of Influence that could be used for the delivery of additional ecological enhancement.</p>	The Applicant can further confirm that it is in discussions with FCC regarding achieving gains for biodiversity within Wales (as outlined in the BNG Strategy document issued at Deadline 2 (document reference D.7.23)), with discussions considering and seeking to align with local strategies and targets wherever possible.
Q1.4.8	Applicant and IPs, including CWCC and FCC	Great Crested Newts Are there any comments/ concerns you wish to raise with respect to the above matters?	<p>In NRW's view the surveys have been undertaken in accordance with published guidance. From a Wales perspective, the surveys are proportionate and therefore satisfactory given the predominantly temporary impacts on the species.</p> <p>It is noted that inadequate consideration has been given to:</p> <ol style="list-style-type: none"> The unusually dry and cold conditions during April 2022. It is considered that elsewhere in Wales dry conditions during the spring affected breeding. Use of extant survey information (including records over 10 years old). <p>NRW requires the submission of a more detailed specific conservation plan as part of the detailed CEMP that includes:</p> <ol style="list-style-type: none"> Specification of newt barrier fencing; 	<p>The Applicant acknowledges NRW's response regarding the satisfactory nature of great crested newt surveys.</p> <p>As per the Applicant's response to Q1.4.8 (iii) (page 34 & 35) within the Applicant's Response to ExA's ExQ1 [REP1-044], mitigation measures have been developed to safeguard GCN throughout construction. This is inclusive of incidental occurrences of GCN presence not anticipated by current survey results. Of the ponds taken forward for presence/absence survey in Wales, only seven ponds were recorded as dry during the course of surveys. Of these, one pond (pond 9) was recorded with GCN presence during the initial five surveys, with the waterbody recorded as dry during the sixth survey visit. Regardless of survey results, the mitigation prescriptions and application of a PWMS to safeguard GCN will be applied across the entire DCO Proposed Development during</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<p>b. Plans illustrating locations of barrier fencing, checking and maintenance proposals, consideration of access across fence lines including public rights of way;</p> <p>c. Receptor sites for any amphibians caught;</p> <p>d. Prior commencement surveys with survey area informed by both 2021/22 survey data and all historic data;</p> <p>e. Amphibian specific conservation measures including but not limited to on-site and off-site conservation proposals;</p> <p>f. GCN Mitigation: Submission of further details and associated plans concerning GCN avoidance and mitigation measures including, but not limited to: fence design, specifications, and locations; considerations of access issues (including PRoW if applicable); monitoring and maintenance requirements; and supervised removal. Submission to include proposed timescales and reporting requirements;</p> <p>g. Amphibian Conservation Proposals. Submission of further details concerning on-site compensatory proposals including plans, extent, access, current and proposed tenure. Details shall identify areas of terrestrial and aquatic habitat to be retained, enhanced, and created. Submission to include timescales and reporting requirements;</p> <p>h. Submission of off-site mitigation proposals to mitigate for the temporary loss of terrestrial habitat loss and severance. It is surmised that this is most likely to be addressed by the provision of a commuted sum to specifically target GCN conservation action within 5km of the boundary of the application site;</p> <p>i. It is advised that at least one of the areas to be acquired for compensation is specifically managed for GCN. A long-term management plan for this area will be required. It is advised that component provisions of the management plan include</p> <ul style="list-style-type: none"> defined aims and objectives (including targets that can be used as key performance indicators for monitoring purposes); habitat management prescriptions for aquatic and terrestrial habitats; contingency prescriptions if fish and/or invasive nonnative species (INNS) are detected; 	<p>construction. Pre-construction surveys will be completed in advance of construction commencement, where required, to inform licensing and bespoke mitigation requirements. With regards to cold conditions, whilst every effort was made to avoid cold conditions during surveys, where this occurred, as per paragraph 2.7.5 of Appendix 9.2 – Great Crested Newt Survey Report [APP-094 and CR1-060], bottle trapping was not completed, and three alternative methods (conforming to relevant guidance) were completed. Where a survey was completed in low temperatures, all other surveys at that pond were completed in optimal weather and temperature conditions to allow bottle trapping as one of the three means of survey. As per paragraph 2.7.5, this is not assessed to have negatively affected the overall results.</p> <p>The Applicant recognises NRW's comments regarding a detailed conservation plan. As detailed within Table 3-3 – Issues Related to the Proposed Development – Ecology - NRW 3.3.11 of the SoCG [REP1-023], the Applicant and NRW have discussed the need and means of capturing a conservation/mitigation plan for GCN. The approach to this has been 'Agreed' within NRW, particularly acknowledging that in the absence of a detailed design for the DCO Proposed Development, there is a requirement for a degree of generality about the licence at this time. The Applicant will continue to engage with NRW in respect of the draft EPS licence for GCN with a view to agreeing its content and approach, acknowledging the final application at the detailed design stage will require further refinements. It is envisaged that rather than an accompaniment to the detailed CEMP, any conservation plan would form part of an EPS licence application for GCN.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<ul style="list-style-type: none"> • site liaison, wardening, incident reporting and response arrangements; • detail of the skills and competencies required by those undertaking the works or activities including whether they require European Protected Species licenses for the activities proposed; • provision for periodic review mechanism for the Environmental Management Plan; • contingency measures that are capable of being implemented in the event of failure to undertake or appropriately implement / correct management or surveillance prescriptions including any required actions arising from unforeseen situations; • current and proposed changes to tenure of the ecology area (as informed by the definition of responsible body under Part 7 of the Environment Act 2021, freehold tenure of the ecology area to be approved by the discharging Authority in consultation with Natural Resources Wales to ensure appropriate control over the land is established and the effective targeted delivery of long-term actions; • details of persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; and • reporting requirements associated with species surveillance and habitat management. 	
Q1.4.10	Applicant and IPs, including CWCC and FCC	Bats Comments relevant to the survey work or others deemed necessary are invited.	<p>NRW understands that bat surveys undertaken to date concern potential roosts and foraging and dispersal surveys.</p> <p>Based on results to date, NRW is of the opinion that sufficient survey effort has been undertaken to inform potential bat licensing requirements. Outstanding surveillance relates to bat foraging and dispersal. This information is required for the purposes of informing non-licensed mitigation associated with maintaining bat foraging and dispersal through the construction phase of the proposals.</p>	<p>The Applicant acknowledges NRW's response regarding the satisfactory nature of bat surveys completed.</p> <p>The Applicant submitted revised documents capturing further survey results and information which was accepted by the ExA on 14 March 2023 – see Appendix 9.3 – Bat Activity Survey Report Part 1 & 2 [AS-057 and AS-029] and Appendix 9.4 – Bats and Hedgerows Assessment Part 1 to 6 [AS-031 to 037] ([AS-034] superseded by [AS-059]).</p> <p>The Applicant proposes to include relevant mitigation and monitoring details within required EPS licences for bats and roosts following detailed design. For bats</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<p>In NRW's view the survey effort is satisfactory for the purposes of license regimes associated with identified roosts.</p> <p>NRW understands that further survey in respect of bats is ongoing. This outstanding survey is, in NRW's view, required for the purposes of informing the detail as opposed to the principle of the proposed development. Outstanding detail will inform requirements associated with bat foraging and dispersal during and post-construction of the project. Of note is lesser horseshoe bat activity, particularly hedgerows 419, 1004, 420, 199, 429. 434 and 246.</p> <p>NRW advises that, on completion of outstanding surveys, supplementary conservation plans are completed for each species of bat and submitted as part of the detailed CEMP. Provisions of the plans should include but are not necessarily limited to:</p> <ol style="list-style-type: none"> Species; Current conservation status at county and local spatial scales Roosts likely to be impacted together with functionality (wherever known); Foraging/dispersal routes likely to be impacted; Compensatory roost provision; Mitigation including plans to ensure maintenance of features required by bats for foraging/dispersal during and post construction. Details to include dark route plans; Monitoring methodologies during and post construction; External lighting/internal light spillage and proposal to maintain dark corridors (including plans); Mitigation/compensation actions to be carried out in land purchase areas; and, Ecological compliance audit (ECA) Key Performance indicators (KPI's). 	<p>and hedgerows, given this isn't licensable, appropriate supporting documents containing relevant mitigation, monitoring, management will be captured within a conservation plan (or equivalent) supporting the LEMP. This will be prepared at the detailed design stage.</p>
Q1.4.14	IPs, including CWCC and FCC	<p>Birds</p> <p>Section 4.10 of the Applicant's Appendix 9.8 Bird Survey Report [APP-112] notes that large numbers of Redshank (are recorded in Transect 2) using the banks of the River Dee, near Sealand, through the winter months. The other seven transects, including</p>	<p>NRW has reviewed the 5-year mean peak of Redshank recorded in the Dee Estuary SPA both at site designation and from the most recent data, to inform a condition assessment of the Redshank passage and overwintering features, concluding that the feature was in favourable condition. Based on this</p>	<p>The Applicant acknowledges NRW's response and has no further comments.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		Transect 5 and Transect 7 which are near the River Mersey and Transect 1, near the River Dee did not regularly record Special Protection Area (SPA) qualifying species. Although the River Dee at the crossing point is not within the Dee Estuary SPA, it is directly linked to the SPA further north-west. The population of Redshank using the land along Transect 2 will be part of the population that occurs within the SPA and should be considered as being functionally linked. Do IPs have any further comments to make on the survey findings or functionally linked land matters?	assessment and the nature of the disturbance described by the Applicant NRW has concluded that the project is unlikely to have a significant effect on the Dee Estuary SPA	
Q1.4.16	IPs, including Relevant Planning Authorities, NRW, EA and NE	Aquatic Ecology Are IPs/ Statutory Consultees satisfied with the scope and content of the aquatic surveys provided? If not state why not.	In terms of fish and fisheries, NRW is satisfied with the scope and content of the aquatic surveys provided. NRW has no further comments regarding this matter	The Applicant acknowledges the response and has no further comments.
Q1.4.17	Applicant and IPs, including CWCC, FCC, NRW and NE	Wildlife Corridors At the ExA's Unaccompanied Site Inspections [EV-003] and [EV-004] the probable existence of 'informal' wildlife corridors within nearby surrounding areas was observed which could be potentially used by a wide variety of species. v) Are there any comments/ concerns you wish to raise with respect to the above matters?	v) NRW would welcome the provision of further information being provided to: <ul style="list-style-type: none"> a) Demonstrate that protected species would not be impacted by noise/vibrations; b) The proposed ecological compliance audit includes key performance indicators associated with the assessment of noise/vibration impacts on protected species; and c) Contingency prescriptions that will be enacted in the event of noise/vibration impacts being identified. 	<p>The Applicant refers NRW to its response to Q1.4.17 (iv) (page 42) within the Applicant's Response to ExA's ExQ1 [REP1-044] which responds to queries in respect of noise/vibration considerations and mitigation.</p> <p>The contents of the ecological compliance audit and key performance indicators will be determined at the detailed design stage. However, as per item D-BD-003 of the OCEMP [REP1-017 and CR1-119], the Auditing ECoW will complete checks and report compliance of works on site "...against the ES and Detailed CEMPs, as well as any obtained licenses, permits or assents". This will check compliance against the Noise and Vibration Plan (as secured by item D-NV-001 of the OCEMP). Remedial measures will be implemented where required in response to breaches of the measures contained within the noise and vibration plan as advised by the ECoW/team of ECoWs present during construction. Remedial measures will be site/incident specific but likely to follow the mitigation principles of noise attenuation/reduction/avoidance already captured within the</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
				OCEMP [REP1-017 and CR1-119] (see for example D-NV-004, D-NV-005, D-NV-008, D-NV-009).
Q1.4.19	Applicant and IPs, including CWCC and FCC	Trees v) Relevant Planning Authorities/ IPs: Do you have any further comments on tree planting or landscaping provision?	<p>NRW has no specific comments in relation to tree planting or landscaping provision.</p> <p>However, in respect of areas to be acquired for tree planting (land purchase) by the Applicant, NRW advises the long-term tenure is a critical consideration to ensure the implementation and maintenance of these measures is secure.</p> <p>Any land that needs to be secured for long-term habitat mitigation /restoration/ enhancement should on completion of the project be in the long-term legal interest (ownership) of a body that accords with the definition of "responsible" in part 7 of the Environment Act 2021.</p>	Land required for essential mitigation, including tree planting, has been included in the DCO with powers sought for acquisition of land. This provides surety to ensure that land required for mitigation can be secured. The use of these powers will be subject to the Guidance for compulsory acquisition, and the Crichel Down rules, such that negotiations are ongoing with relevant landowners to secure an agreement to secure this mitigation without implementing compulsory purchase powers, such as via lease. This is not BNG land. There is no requirement as part of the Environment Act 2021 that ownership of this land should be held by a "responsible" body as defined by part 7 of that Act. Further discussions will be ongoing with landowners, responsible bodies, and other parties to agree the maintenance of mitigation in line with the commitments set out in the DCO.
Q1.5.2	Applicant and IPs, including CWCC and FCC	Methodology IPs are invited to make whatever comments they deem to be appropriate.	NRW agrees with the summary text presented by the Examining Authority for Q1.5.2. NRW agrees that overall, the development combined with the other elements of the HyNet project would lead to a cumulative beneficial Greenhouse Gas (GHG) effect through the storage of CO2. In addition, in relation to the pipeline and infrastructure, there is limited potential to reduce the scale of embedded emissions through alternative approaches, so consideration of GHG as scoped out is a reasonable position.	The Applicant welcomes the response from NRW and has no further comments.
Q1.5.3	Applicant and IPs, including CWCC, FCC, NRW and NE	Mitigation IPs are invited to make whatever comments they deem to be appropriate. In particular comments are sought by the ExA on whether a range of nature based mitigation/enhancements available and achievable has been properly considered?	While as referenced above the overall project would result in a cumulative beneficial GHG effect, there would appear to be no reason why the project could not seek to maximise this benefit and minimise the net carbon footprint of the proposed infrastructure through additional nature-based solutions in or around the footprint of the development, including as is suggested particularly woodland creation and saltmarsh restoration that would provide a combination of	Site specific landscape proposals have been developed for individual sites at the permanent AGIs and BVSs [CR1-008]. The proposals include a range of soft landscape elements intended to provide visual assimilation and biodiversity enhancement including: native hedgerows, native woodland and shrub planting and species rich grassland. There is also a requirement in the OLEMP [APP-229] to develop detailed landscape proposals along the Newbuild

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			benefits in terms of carbon, biodiversity and landscape. For example, woodland planted around installations could provide specific landscape benefits in screening the development.	Pipeline route which will provide wider biodiversity and landscape benefits. The Applicant has additionally identified 13 mitigation areas (see Works Plans [CR1-011] across the Order Limits for proposed woodland planting (supported by scrub planting), which will provide a combination of benefits once established.
Q1.6.12	Statutory Undertakers	<p>Many Statutory Undertakers in their RRs have indicated that their primary concerns are to meet their statutory obligations and ensure that any development does not impact in any adverse way upon these statutory obligations. The ExA would ask whether:</p> <ul style="list-style-type: none"> i) they have undertaken any assessment of the Proposed Development's impact on their statutory obligation(s) or are currently doing such an assessment(s); and ii) they have identified any such concerns and, if so, what those concerns are 	NRW has raised concerns in our Written Representations regarding the potential implications of the 24.4m permanent rights corridor and how this could affect our powers in terms of undertaking maintenance works or flood defence improvements works on assets within the corridor. NRW has previously asked the applicant to provide some further information on this so that we can understand the potential implications but have yet to receive this. We are therefore unable to advise on the impact the permanent rights corridor could have on our ability to undertake such works. We are in the process of seeking legal advice on this point, but these discussions are ongoing. Until we have received further information from the Applicant and have received legal advice it is difficult to provide a definitive answer to these questions.	The Applicant acknowledges NRW's concerns on this topic. The SoCG [REP1-023] records the extensive engagement on this issue.
Q1.6.13	Applicant/ Statutory Undertakers	Pursuant to the above question (Q1.6.12), the ExA would ask the Applicant and Statutory Undertakers whether any discussions about the Statutory Undertakers concerns, especially those related to them being able to meet their statutory obligations have occurred and, if so, what progress has been made by these parties with regard to addressing those concerns.	NRW has raised concerns in our Written Representations regarding the potential implications of the 24.4m permanent rights corridor and how this could affect our powers in terms of undertaking maintenance works or flood defence improvements works on assets within the corridor. NRW has previously asked the Applicant to provide some further information on this so that we can understand the potential implications but have yet to receive this. We are therefore unable to advise on the impact the permanent rights corridor could have on our ability to undertake such works. We are in the process of seeking legal advice on this point, but these discussions are ongoing. Until we have received further information from the Applicant and have	The Applicant would like to refer NRW to the response to NRW's answer given to Q1.6.12 above.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			received legal advice it is difficult to provide a definitive answer to these questions.	
Q1.6.23	Applicant, Affected Persons and IPs	Do you consider all potential impediments to the development have been properly identified and addressed? Additionally, are there concerns that any matters, either within or outside the scope of the draft DCO, that would prevent the development becoming operational may not be satisfactorily resolved? This includes matters related to acquisitions, consents, resources or other agreements?	<p>NRW has raised concerns in our Written Representations regarding the potential implications of the 24.4m permanent rights corridor and how this could affect our powers in terms of undertaking maintenance works or flood defence improvements works on assets within the corridor. NRW has previously asked the Applicant to provide some further information on this so that we can understand the potential implications but have yet to receive this. We are therefore unable to advise on the impact the permanent rights corridor could have on our ability to undertake such works. We are in the process of seeking legal advice on this point, but these discussions are ongoing. Until we have received further information from the Applicant and have received legal advice it is difficult to provide a definitive answer to these questions.</p> <p>NRW advises that land required for long-term ecological compensation must be secure.</p> <p>Please note that consideration and evidencing of no satisfactory alternatives is material to European protected species derogation whenever applicable under planning and species licensing regulation regimes (see Article 16 of the Habitats Directive and Reg 55 (9) (a) of the Conservation of Habitats and Species Regulation 2017 (as amended)).</p>	<p>The Applicant would like to refer NRW to the response given to Q1.6.12 above.</p> <p>The Applicant notes and confirms agreement with NRW's comment regarding long-term ecological compensation needing to be secured.</p> <p>The Applicant acknowledges NRW's comment regarding evidencing of no satisfactory alternative as part of any EPS derogation licence.</p>
Q1.9.1	Applicant and IPs, including CWCC and FCC	Are you satisfied with the baseline surveys which inform cumulative impact in the ES? If not say why not.	Broadly, NRW considers the baseline surveys which inform cumulative impact in the ES to be comprehensive. Please note our comments in response to question 1.10.10 and Section 2 of our Written Representation with respect to the potential effects on Alltami Brook associated with the proposed crossing method.	<p>The Applicant acknowledges NRW's comment regarding baseline surveys.</p> <p>The Applicant would also like to refer NRW to the Applicant's response to Q1.10.10 (page 81) in the Applicant's Response to ExA's EXQ1 [REP1-044].</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
Q1.9.3	Applicant, IPs, including FCC and NRW	Provide any comments you wish to make on the implications of The WellBeing of Future Generations (Wales) Act 2015 if you have not already done so.	<p>The Well-being of Future Generations Act requires public bodies in Wales to consider the long-term impact of their decisions, including permitting, licensing or consenting works that potentially pose longterm impacts to the environment that future generations may be encumbered with restoring. To that end, any modification to bedrock required within the open cut Alltami Brook crossing would need to clearly demonstrate how the design would remain watertight for the lifetime of the works. Considering that the Applicant has no current decommissioning plan for the works this evidence would need to show how the interfaces between the concrete and bedrock would remain watertight in perpetuity. NRW's concern is that concrete routinely cracks, particularly at the interface between materials. A loss of water to ground could lead not only to a loss of water to the river habitats downstream, but also cause pollution to other environments within the area as the lost water lost travels through the underlying coal mines before resurfacing in a complex and diffuse manner across a large area. Wales already encounters such issues with Welsh Government funding NRW to remediate old mines. The Well-being of Future Generations Act obliges all public bodies to make decisions that ensures such issues do not reoccur.</p>	<p>The Applicant notes that it does not accept or agree with the interpretation of the WBFGA set out and considers that this approach would act to prevent all development as there would in some way be a resource implication which had to be addressed in future. It is not reasonable to expect any structure to have a design life of 'in perpetuity'. It is also expressly contrary to guidance on applying the WBFGA to look at one aspect of a proposal in isolation and without regard to the broader benefits and impacts. It is irrational to take a position that a development designed to assist in the achievement of net zero, and thereby assist in ensuring future generations inherit an inhabitable planet cannot have any potential adverse impact, no matter how theoretical or minor. This entirely fails to have regard to the explicit guidance that WBFGA should be applied so as to avoid siloed approaches.</p> <p>The Applicant acknowledges NRW's comment and is undertaking ongoing discussions with NRW relating to the Alltami Brook. Further investigation is being undertaken in relation to the hydrogeology and groundwater interactions in relation to the proposed crossing of the Alltami Brook. I</p>
Q1.10.2	Applicant and IPs, including NRW; FCC as Lead Local Flood Authority (LLFA) and Sustainable Drainage Systems Approval Body (SDSAB); Welsh Water	<p>Flood Risk</p> <p>Are indicative local watercourse flow rates available before and after development? Would options to slow local surface water flow/ formation rates in the DCO area, or nearby, with the formation of new ponds/ wetland advantageous to wider sustainability goals be feasible/ possible? If so, could that provision be accommodated?</p>	<p>NRW does not operate any flow gauging stations in the DCO area and therefore has no further comment on local water course flow rates.</p> <p>As this question relates to surface water flood risk and an ordinary watercourse, NRW advises that the Lead Local Flood Authority is best placed to answer</p>	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
	(WW); United Utilities; and CWCC			
Q1.10.3	Applicant and IPs, including NRW; FCC as LLFA and SDSAB; WW; United Utilities; and CWCC	<p>Flood Risk</p> <p>NRW are evidenced to hold one record of a past flood event along the Newbuild CO2 Pipeline (Pipe Reach 4b). The incident occurred along the B5129 Chester Road which is located adjacent to Broughton Brook. FCC's Strategic Flood Consequence Assessment (2018) also indicates that the B5129 Chester Road has had an incidence of historic fluvial flooding although the full details are not known.</p> <p>i) Have any local views come forward/ available giving more details as to the cause or date of this historic flooding event? Is this in the area of Chester Road Brook?</p> <p>ii) The "DG5" flooding register is also referred to in Paragraph 3.3.4 of [APP-168]. Explain the origin, nature and status that register holds for the administrative area.</p> <p>iii) Please make whatever comments you deem applicable on assessing flood risk or any associated survey, mitigation or avoidance matter triggered. Including measures linked to achieving future climate change resilience through potential wetland creation.</p>	NRW's recorded flood extent map layer shows one recorded historical flooding incident along this section of the B5129, which occurred in 1976. The origin of flooding was from the Queensferry Drain system. NRW would not advise any further assessment of flood risk or mitigation measures to be implemented, given that the permanent works at this location (the pipeline) would be below ground.	The Applicant acknowledges this response and has no other comments.
Q1.10.4	The Applicant and IPs, including: NRW; FCC as LLFA and SDSAB; WW; CWCC; and United Utilities.	<p>Flood Risk</p> <p>iv) Significant dewatering is expected adjacent to the River Gowy and the West Central Drain. These are in the Gowy and Ince Marshes WFD surface water bodies. Do IPs have any comments to make on that aspect or any other aspect of the proposal? Can any related ecological benefits be secured in tandem with dealing with flood risk management issues arising?</p>	NRW notes that both rivers mentioned in this question are wholly within England. NRW therefore defers to EA for comment.	The Applicant acknowledges the response and has no further comments.
Q1.10.7	Applicant and IPs, including NRW, NE and EA	<p>Water Environment</p> <p>v) Vegetation clearance is expected to occur within the Mersey, Ince Marshes, Gowy, Stanney Mill Brook, Finchett's Gutter, Garden City Drain, Sandycroft Drain, Wepre Brook, Dee (North Wales), and North</p>	Vegetation clearance works on the banks of or within the vicinity of a main river which include the cutting of vegetation only, do not require a Flood Risk Activity Permit (FRAP) as this work would not be a defined 'activity' under the Environmental Permitting	The Applicant will obtain the necessary Flood Risk Activity Permits (FRAP), as prescribed in the Other Consents and Licences document [REP1-011] , which will be submitted accordingly by the appointed Construction Contractor in line with REAC

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		Wales WFD surface water bodies. In addition, significant dewatering is expected adjacent to the River Gowy and the West Central Drain. These are in the Gowy and Ince Marshes WFD surface water bodies. Please confirm the licensing provision required for the particular works listed above	Regulations 2016. However, work to remove root systems (which could destabilise the banks) or which involves the removal of bed material may be subject to a FRAP.	commitment D-GN-001 and D-PD-010 [REP1-015 and CR1-109] as secured by the CEMP under Requirement 5 of the dDCO [CR1-017], [REP1-004] . Detailed design information is required to progress these permits. Temporary works within 8 m 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 [REP1-011] .
Q1.10.8	Applicant and IPS, including NRW and NE	Water environment Please could: ii) the Applicant and IPs advise whether they consider there to be adequate background information available to gauge subsequent effects to water quality. In addition to the above, the ExA notes sensitive land uses are identified within, or within 250m, of Sections 4, 5 and 6 include a SSSI, and a SAC and designated ancient woodland. Moreover, the local water environment is interconnected. Effects to both surface and groundwater during construction is presently not mitigated as the Applicant indicates that additional targeted site investigation and remediation strategy for point sources would be undertaken if necessary. The ExA asks the Applicant and IPs how that approach ensures the effects and safeguards to European sites are able to meet HRA requirements?	NRW notes that Measure D-GN-002 of the REAC [APP-222] states that “ <i>The Construction Contractor(s) will prepare and implement appropriate measures to control the risk of pollution due to construction activities, materials and extreme weather events</i> ” and D-WR-018 states that “ <i>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</i> ”. Section 4.2 of the Outline CEMP [APP-225] provides further details. Provided that these measures are secured via the detailed CEMP, which is to be approved by the LPA in consultation with NRW prior to works commencing, NRW would be satisfied that adverse effects on the SACs can be avoided.	The Applicant acknowledges the response and has no further comments.
Q1.10.9	Applicant and IPs, including WW, United Utilities and EA	Water environment Applicant: With respect to groundwater resources and quality explain what mechanisms are/ would be in place to ensure that no private water supply can be derogated because of the works or operation of the scheme, even temporarily, without the prior written consent of the owner and the provision of mitigation measures? Regarding potential impacts during construction and any proposed HDD activity. Clarify what investigations, assessments, mechanisms, and consultation requirements are to be secured to ensure	Please refer to NRW's Written Representation (para. 7.2) for our detailed comments regarding this matter.	Please refer to the Applicant's Response to Written Representations (document reference D.7.19).

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		HDD works will not pose a risk to groundwater resources. IPs: Your comments in regard to the above are invited.		
Q1.10.10	IPs, including NRW, WW, United Utilities, CWCC and FCC Applicant	<p>Water environment</p> <p>Accounting for any locally known watercourses, outfalls, or hydrogeological anomalies which may be apparent; do IPs agree the Applicant's approach detailed in [APP-165] and [APP-225] would be possible?</p> <p>Paragraph 7.1.7 of the WFD Assessment [APP-165] states that the DCO Proposed Development has been assessed and concluded to have no impact on the Wirral and West Cheshire Permo-Triassic Sandstone Aquifers, the Dee PermoTriassic Sandstone, the Dee Carboniferous Coal Measures and the Clwyd Carboniferous Limestone Groundwater WFD water bodies. Do IPs agree with that conclusion? If not, please state your reasons. Riparian enhancements are proposed at: East Central Drain; Finchetts Gutter Tributary; Backford Brook; Friars Park Ditch; and Alltami Brook. Should any further areas be considered? if so, state why.</p>	Please refer to NRW's Written Representation (Section 2) and SoCG with the Applicant for our detailed comments on this matter, specifically regarding the proposed open-cut crossing of Alltami Brook.	The Applicant acknowledges NRW's comment and is undertaking ongoing engagement regarding the Alltami Brook. Further investigation is being undertaken in relation to the hydrogeology and groundwater interactions in relation to the proposed crossing of the Alltami Brook. The Applicant considers that the WFD assessment submitted is robust and as demonstrated in that assessment that the proposal is compliant. However, the Applicant is undertaking further work intended to assist in addressing NRW's concerns. The Applicant notes that it does not consider that work is necessary for the ExA to reach a conclusion on WFD.
Q1.10.11	Applicant, NRW and EA	<p>Water Environment</p> <p>It is noted that Section 6 of the Newbuild Infrastructure Boundary proposed by the DCO is not within a groundwater protection zone. Please confirm which sections of the pipeline would be located within ground water protection zones.</p>	<p>NRW understands that this question relates to Groundwater Source Protection Zones. According to NRW's records, none of the pipeline sections within Wales would be located within a Groundwater SPZ.</p> <p>NRW also advises that all groundwater bodies in Wales are designated as Drinking Water Protected Areas.</p>	The Applicant acknowledges the response and has no further comments.
Q1.10.12	Applicant and IPs, including NRW, EA, CWCC and FCC	<p>Licenses</p> <p>The ExA notes that:</p> <ul style="list-style-type: none"> – A transfer licence or impoundment licence may be necessary if a temporary or permanent structure is required that restricts the flow of a waterway/ watercourse. 	Impoundment licences: NRW advises that impoundment licences are required to construct, alter, repair, or remove an impoundment structure. Impoundments can include temporary diversions during construction work. Impoundment licences are site-specific so each impoundment would need to be applied for separately. An impoundment licence is not	The Applicant acknowledges NRW's comment. As set out in the Other Consents and Licences document [REP1-011] , the Applicant will submit appropriate applications after the DCO is made.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<ul style="list-style-type: none"> – An Environmental Permit may be required for the importation and treatment of waste material falling outside the scope or limits detailed in the ES. – With respect to any 'Waste Materials' generated, the consenting authority for certain mobile plant permits (such as concrete crushers) is the relevant local authority, and therefore they should be listed along with the relevant national public body within the draft DCO if such provision is anticipated. <p>Comments in regard to the above are invited.</p>	<p>normally needed for low-risk activities where there is little or no impact on flow or levels of water. There is a check list available on the NRW website for customers to assess if this applies to their proposed impoundment.</p> <p>Abstraction licenses: NRW advises that abstraction licenses are required if water is taken from an inland water or groundwater. There are three types of abstraction license: a full abstraction license, a transfer license, and a temporary abstraction license. There are some exemptions from licensing including if the abstraction is less than 20m3 /day.</p> <p>NRW offers a pre-application advice service to advise whether an abstraction or impoundment licence is needed and/or what type of licence.</p> <p>NRW has no further comments in relation to Environmental Permits and waste materials at this stage.</p>	
Q1.10.14	IPs, including CWCC, FCC, NRW, EA, WW, and United Utilities	<p>Outstanding matters</p> <p>Provide your comments on any outstanding land contamination or pollution control matters arising if you have not already done so.</p>	Please refer to NRW's Written Representation (Section 7: Land and Soils) for our detailed comments regarding this matter.	Please refer to the Applicant's response to the Applicant's Response to Written Representations (document reference D.7.19).
Q1.11.1	NE and NRW	NRW has not highlighted any concerns in respect of the Applicant's assessment of effects on the River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid SAC, Halkyn Mountain/ Mynydd Helygain SAC and Alyn Valley Woods/ Coedwigoedd Dyffryn Alun SAC. Can NRW confirm whether it agrees with the Applicant's conclusions in respect of these sites?	NRW broadly agrees with the conclusions provided in respect of the features of these SACs. The Applicant has also assessed the Dee estuary SAC, SPA and Ramsar sites/features; NRW also agrees with the conclusions for those sites.	The Applicant acknowledges the response and has no further comments.
Q1.11.2	NE and NRW	<p>Does the Applicant's assessment of effects on European sites identify all the relevant sites and qualifying features which could be affected by the Proposed Development?</p> <p>Please confirm if the conservation objectives presented in Appendix A of [APP-226] are the correct</p>	NRW confirms that the Applicant appears to have used the correct conservation objectives.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		ones for the sites covered in the Applicant's assessment of effects on European sites.		
Q1.11.4	Applicant and IPs, including: CWCC; FCC; NE and NRW	Methodology HRA – Information to inform an appropriate assessment [APP-226] indicates that there are 9 European sites within 10km of the DCO proposed development area. Do IPs concur with the list and agree that there are no omissions for the purposes of formal assessment? Have the defining features of all European sites been properly addressed by the Applicant?	NRW concurs with the list and agrees that there are no omissions for the purposes of formal assessment.	The Applicant acknowledges the response and has no further comments.
Q1.11.8	Applicant and IPs, including CWCC and FCC, NRW and NE	Mitigation/ Enhancement Point out within the ES documentation (or elsewhere) where there are local strategic nature improvement or recovery strategies in the geographical area subject to the DCO that could potentially be used for the delivery of further ecological enhancement	NRW advises reference to the Spatial Action Plan for Great Crested Newts in Flintshire (NRW Report No 78) in relation to this question. NRW defers to FCC as the local planning authority to comment on potential local strategic nature improvement or recovery strategies in the geographical area subject to the DCO that could potentially be used for the delivery of further ecological enhancement.	The Applicant acknowledges NRW's comments and can confirm that relevant strategies are being considered in its continued engagement with FCC, particularly in the securing of offsets for BNG.
Q1.19.20	Relevant Statutory Undertakers	DCO Articles The ExA would ask relevant Statutory Undertakers for their comments in regard to the disapplication of the provisions set out in Article 8(1) of the draft DCO, which related to the powers to make bylaws under the Water Resources Act 1991 and the powers to make bylaws, the prohibition of obstructions, etc. in watercourses and authorisation of drainage works in connection with a ditch under the Land Drainage Act 1991.	NRW is seeking legal advice on this question, specifically in relation to the disapplication of provision 8(c), and will be in a position to respond once legal advice has been received.	The Applicant acknowledges the response from NRW and has no further comments.
Q1.20.1	IPs	Lighting Do any IPs have any concerns regarding lighting during proposed construction phases, or arising from any other element of the scheme?	NRW advises that external lighting/internal light spillage plans are prepared and submitted as part of the detailed CEMP and for these to include: <ul style="list-style-type: none"> In respect of construction, detail of the siting and type of external lighting to be used and consideration of internal light spillage; 	The detailed CEMP, secured by Requirement 5 of the dDCO [CR1-017], [REP1-004], will include the details of lighting during construction, including working methods and mitigation measures to ensure the reduction of potential adverse impacts as a result of construction lighting. REAC commitments D-PD-013,

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<ul style="list-style-type: none">• Drawings setting out light spillage (internal and external) in key sensitive areas including bat corridors;• An Environmental Lighting Impact Assessment against conservation requirements for protected species;• Measures to monitor light spillage during development, and,• Assessments as part of ecological compliance auditing and inclusion of specific key performance indicator(s).	D-PD-014, D-BD-015, D-BD-040, and D-LV-021 [REP1-015] provide mitigation measures to avoid and reduce potential adverse impacts arising from lighting during construction which align with best practice guidance. Additionally, the ECoW/team of ECoWs, as committed to through D-BD-001 of the OCEMP [REP1-017] , will oversee and monitor the implementation of mitigation measures during the construction stage, inclusive of items associated with light use and provision. The Applicant has additionally included provision of a Lighting Plan to be prepared detailing operational lighting requirements and associated mitigation (see item D-PD-14 of the REAC [REP1-015]).

Table 2.10 – Comments on the Response to the ExA’s WQ’s from Peel NRE

ExQ1	Question to	Question	Interested Party Comment	Applicant’s Response to Interested Party Comment
1. General and Cross-topic Questions				
Q1.1.8	ES Cumulative Effects Applicant and IPs, including CWCC and FCC	<p>The ExA notes the content of ES Chapter 19 Combined and Cumulative Effects [APP-071] as well as Chapter 19.1 – Inter-Project Effects Assessment Rev A [APP-172] and Chapter 19.2 – Intra-Project Effects Assessment Rev A [APP-173].</p> <ul style="list-style-type: none"> • IPs <p>Are there any projects identified as under construction, which are expected to be completed before construction of the DCO Proposed Development, which have been excluded from the Applicant’s assessment at Stage 2 (see Table 2 in Appendix 19.1 - Inter-Project Effects Assessment, Volume III [APP-172]). Do the Relevant Planning Authorities/ IPs agree with the scope and content of the list applicable for Stage 2?</p> <ul style="list-style-type: none"> • Relevant Planning Authorities <p>Refused planning applications that are not subject to appeal have not been considered by the Applicant on the basis that their implementation is not considered to be reasonably foreseeable. Have any new consents (or planning applications) come to light, or which are expected, which would prevent the Applicant’s stated position from being accepted? Can the Applicant confirm whether the list of developments to be considered in the cumulative assessment were agreed with relevant consultees.</p>	<p>The IP has reviewed the information provided and wishes to make the following comments. Within Appendix 19.1 (Table 2) and on Figure 19.1, three projects have been identified within the Ince Resource Recovery Park (Protos) strategic employment allocation1 , comprising:</p> <ul style="list-style-type: none"> • ID 1e(iii) - TCPA – CWACC: 19/03489/FUL Development of a hydrogen production plant (HPP) and electricity generating plant, comprising of a waste reception and handling building, gasification facility, hydrogen production facility with associated/ ancillary infrastructure which includes access roads, weighbridge, fencing / gates, lighting, surface water drainage, and electricity distribution plant; • ID 54 TCPA - CWACC Reference: 21/04076/FUL: Materials recycling facility, two plastics recycling facilities, a polymer laminate recycling facility and a hydrogen refuelling station (Protos Plastics Village); and • ID 63 TCPA - CWACC Reference: 20/04396/FUL: Resource recovery facility (Plastics Recycling Facility). <p>In addition to the above ‘Other Developments’, there are a number of other extant permissions which have not yet been implemented or are under construction as of Spring 2023 which lie within the land owned by the IP at the strategic safeguarded site “Protos”.</p> <p>These include the following:</p> <ul style="list-style-type: none"> • Plot 1 – Dry Cargo Facility (approved under application ref: 14/02277/S73) – not built. Construction start date tbc. 	<p>A review of the list of applications provided by Peel NRE has identified developments that would meet the criteria for inclusion in the long-list of the Inter-Project Effects Assessment and were publicly listed prior to the submission of the 2022 ES (31 August 2022) (Table 2 of Appendix 19.1 of the 2022 ES [APP-172]). These developments, (references: 14/02277/S73 (including Plots 1-3 and 5-7), 18/04671/WAS (Plot 4), 19/02566/FUL, 17/02683/FUL (Plot 15) and 18/01543/S73 (Plot 8)) have now been assessed and will be included in the updated 2022 ES towards the end of the DCO examination. The result of this assessment is summarised below.</p> <p>All Protos Plots are assessed as related development despite some being small scale in some cases. These individual developments overlap in some cases with the DCO Proposed Development and therefore have the potential for adverse effects in both construction and operation stages. Development 18/04671/WAS would result in mostly Negligible, but some Minor Adverse Inter-Project Effects primarily in the construction stage.</p> <p>The amended permission (CWCC reference 21/02848/S73) would not lead to a change in the significant residual effects of the Inter-Project Effects Assessment of development 1eii due to the nature of the development (the addition of earthworks) not being anticipated to alter any assessment outcomes of the Inter-Project Effects Assessment.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
			<ul style="list-style-type: none"> Plot 2 – Soil Treatment Facility (approved under application ref: 14/02277/S73) – not built. Construction start date tbc. Plot 3 – Timber Recycling Plant (TRP) (approved under application ref. 14/02271/S73, date 26 March 2015) – the Timber plant is built and operational. Plot 4 – Bio-Substitute Natural Gas Renewable Fuels Facility (BioSNG) (approved under application ref. 18/04671/WAS, date 16 March 2022) – construction is anticipated to take 27 months. Construction start date tbc. Plot 5 – Integrated Waste Management Facility (IWMF) – including a In vessel Composting (IVC) Plant, a Materials Recycling Facility (MRF), and a Mechanical Biological Treatment (MBT) Facility (approved under application ref: 14/02277/S73) – not built. Construction start date tbc. Plot 6 – Plastics Recycling Facility (approved under application ref: 14/02277/S73) – not built. Construction start date tbc. Plot 7 – Waste Treatment Plant (approved under application ref: 14/02277/S73) – not built. Construction start date tbc. Plot 8 – Energy from Waste Facility (approved via Appeal APP/A0665/W/18/3213090 (LPA ref. 18/01543/S73) date 3rd May 2019) – the EFW Facility is currently under construction and is anticipated to be operational in 2024. Plot 9 – Biomass Renewable Energy Plant (approved under application ref. 14/02278/S73, date 26 March 2015) – the Biomass Plant is built and operational. Plot 14 – Block Making Facility (approved under application ref: 14/02277/S73) – not built. Construction start date tbc. el NRE Responses 17.4.23 • Plot 15 – Battery Storage (approved under application ref: 17/02683/FUL, date 30 	

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
			<p>August 2017) (this sits outside of the consented RRP boundary, but is operationally linked) – construction commenced but not yet complete.</p> <ul style="list-style-type: none"> • Internal road infrastructure (approved under application ref: 14/02277/S73) – much of the road infrastructure has been built. • Ecological Mitigation Areas A-E (approved under application ref: 14/02277/S73) – Areas A & D have been created. Areas B, C & E are being created. • Full Rail Link (approved under application ref: 14/02277/S73). Not built. Construction start date tbc. • Dry Cargo Berth (approved under application ref: 14/02277/S73). First phase of works complete. Second phase of works tbc. • Substation (132kV/33kV/11kV) (approved under LPA ref. 19/02566/FUL date 21 November 2019) – this is under construction and complete. <p>The location of these Other Developments is provided in Appendix 4 of the Written Representations.</p> <p>Due to the proximity of these developments and potential for inter-project effects due to the presence of common sensitive environmental receptors (specifically in respect to air quality, traffic and transport and biodiversity) due consideration of the Other Developments listed above should be provided as part of the assessment of cumulative effects. The IP also requests clarification that the assessment of cumulative effects with ID 1e(ii) takes account of the amended permission (CWACC reference 21/02848/S73).</p>	
Q1.1.9	ES Cumulative Effects IPs, including CWCC and FCC	The ExA draws the Applicant's/ IPs' attention to the content of Planning Inspectorate Advice Note 9: Rochdale Envelope. This advice note affirms the established principle that: "The ES should not be a series of separate unrelated topic reports. The interrelationship between aspects of the proposed	<p>The IP has comments on two specific issues / effects as follows:</p> <p><u>Chapter 16: Population and Human Health – Development Land and Businesses</u></p> <p>It is acknowledged that the Newbuild Infrastructure Boundary lies within / in proximity to Protos. Protos</p>	The Applicant agrees that Protos energy has been incorrectly identified as 'high' sensitivity and it should be classed as 'very high'. However, given that the effects are still considered by the Applicant to be minor, this would not result in a change to the overall recorded effect of moderate adverse significance. This

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>development should be assessed and careful consideration should be given by the developer to explain how interrelationships have been assessed in order to address the environmental impacts of the proposal as a whole. It need not necessarily follow that the maximum adverse impact in terms of any one topic impact would automatically result in the maximum potential impact when a number of topic impacts are considered collectively. In addition, individual impacts may not be significant but could become significant when their interrelationship is assessed. It will be for the developer to demonstrate that the likely significant impacts of the project have been properly assessed." Do IPs including Relevant Planning Authorities agree that the likely significant impacts of the DCO Proposed Development have been adequately assessed by the ES? If not, please state why not. You may wish to combine the answer to this question with the answer to question Q1.1.6.</p>	<p>and the surrounding land presents a unique opportunity to become a destination for sustainable energy, innovation and industry and it is the ambition of Peel NRE to develop Protos further to cluster together innovative technologies in energy generation and resource management to lead the way on the clean growth agenda. This aim will only be further realised through the development of the land surrounding Protos, including land within the Newbuild Infrastructure Boundary.</p> <p>Effects on Protos itself as a receptor are concluded to be 'Moderate Adverse (Significant)' prior to mitigation, based on a sensitivity of 'High' and magnitude of 'Minor' (Appendix 16.1, Table 3). Effects following mitigation are considered to be 'Minor Adverse (Not significant)'. The categorisation of Protos as 'High' sensitivity does not correlate with the criteria provided (Chapter 16, Table 16.2), which indicates that land allocated for employment (e.g. strategic employment sites) covering >5ha should be considered as 'Very High'. Given the strategic, allocated nature of the Protos site (as allocated within CWACC Local Plan Part 2 – Policy EP6) which is c.130ha, it is considered that the latter category would be more appropriate.</p> <p>The assessment considers 'the potential for temporary disruption to businesses as a result of potential minor access restrictions to roads whilst construction is undertaken. Associated construction traffic could also give rise to amenity effects for employees and customers' (Chapter 16, Paragraph 16.9.6). However, there are additional impacts which have the potential to affect Protos and future expansion, including direct landtake associated with the access road from Grinsome Road roundabout which conflicts with the delivery of the planned Protos Plastic Park (CWACC reference: 21/04076/FUL) and interaction with the Protos Railway Line (CWACC reference: 10/01488/FUL, amended by CWACC reference: 14/02277/S73).</p>	<p>will be updated in the 2022 ES and submitted towards the end of Examination.</p> <p>The Applicant acknowledges the potential for future delivery of the Protos Plastic Park (CWCC reference: 21/04076/FUL) and Protos Railway Line (CWCC reference: 10/01488/FUL, amended by CWCC reference: 14/02277/S73). Protos Plastic Park (CWCC reference: 21/04076/FUL) and its potential effects on population and human health has been assessed within Chapter 19 - Combined and Cumulative Effects of the 2022 ES [APP-071] and of the Environmental Statement Addendum Change Request [CR1-124].</p> <p>The Applicant is aware of the presence of water vole within the Order Limits and wider landscape of the DCO Proposed Development and has completed a suite of surveys (see Chapter 9.6 – Riparian Mammal Survey Report [AS-039] (superseded by [CR1-072] and CR1-073)). The Applicant recognises the potential for impacts to water vole during the course of construction of the DCO Proposed Development and has included mitigation measures to safeguard the species: see items D-BD-034 and D-BD035 within Table 6.6: Construction Management and Mitigation – Biodiversity of the Outline Construction Environmental Management Plan (OCEMP) [REP1-017] and CR1-119]. Where required, protected species licensing will be applied for by the Applicant in advance of construction, as captured by item D-BD-002 within [REP1-017] and CR1-119]. The Applicant will be further supported by the presence of an Ecological Clerk of Works (ECoW)/team of ECoWs during construction who will ensure compliance with relevant legislation and any obtained protected species licenses (as captured by item D-BD-001 within [REP1-017] and CR1-119].</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
			<p>The IP requests the full assessment of these impacts and the development of mitigation to ensure that the delivery of consented developments and future expansion of Protos are not hindered.</p> <p><u>Chapter 9: Biodiversity - Impacts on Water Vole</u></p> <p>It is understood that significant dewatering is proposed at and around the Ince Above Ground Installation (AGI) due to the high groundwater levels in the area (Appendix 18.3, Paragraph 1.3.14). The abstracted water will be treated (if required) and discharged into the watercourse network. There is known to be Water Vole in the Ince Marshes (including on East Central Drain). As such, there are potential impacts on this species. The IP requests that these issues are fully considered and mitigation developed to ensure that impacts to the protected species are mitigated.</p>	
Q1.1.14	Planning applications and appeals FCC and IPs	<p>Mr James Doran [RR-054] has referred to a planning application being relevant determined by FCC (planning reference 061368) and is also mentioned as subject to an appeal alongside references to members of the traveller community.</p> <ul style="list-style-type: none"> • FCC <p>Provide the full details of the planning application documentation inclusive of delegated reports, to inform the Examination.</p> <ul style="list-style-type: none"> • IPs <p>Please make whatever comments you deem necessary if you have not already done so.</p>	This matter is not relevant to the IP.	The Applicant acknowledges the response and has no further comments.
Q1.1.15	Community consultation Applicant and IPs	<p>Having regard to Appendix D Statement of Community Consultation [APP-035] submitted, as well as the submitted DCO Consultation Report (Volume V) [APP-031].</p> <ul style="list-style-type: none"> • Applicant 	No comments from the IP.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>Confirm the Town and Community Councils which have been consulted and those which are applicable to the DCO area.</p> <ul style="list-style-type: none"> • IPs <p>Clarify the Town and Community Council's that wish to have involvement within the Examination, or if necessary, confirm any formal body representing on their behalf.</p>		
2. Assessment of Alternatives				
Q1.2.2	General IPs, including CWCC and FCC	Having regard to the submitted ES - Chapter 4.1 - Guiding Principles Factors and Criteria for Options Rev A [APP-079] . Do IPs agree with, or have any further comments on, the guiding principles stated as a starting point for the development of the scheme details?	The IP notes that under the Guiding Principles in Appendix 4.1 'to minimise the need for compulsory acquisition / To utilise existing infrastructure and routing corridors where possible' major planning permissions/strategic site allocations should be recognised. This to ensure that interactions / overlaps with construction and operation of such sites are managed to minimise disruption.	The Applicant acknowledges Peel NRE's statement and is working with the IP to resolve this objection via commercial discussions.
Q1.2.3	General Applicant	<p>In terms of the pipeline size. Para 4.5.4 of [APP-056] states that the project aims to provide system capacity to enable CO₂ transport and storage of 10 MtCO₂/yr by 2030. The Project philosophy has been to design any new infrastructure to meet this HyNet CO₂ Pipeline system capacity, but to only upgrade/re-use existing infrastructure when there is greater demand certainty.</p> <p>i) Is a larger diameter pipeline following the same new pipeline route a possibility post 2030? (Acknowledging the 20" pipeline from Ince AGI to Stanlow AGI has been sized to provide a capacity of 2.5 MtCO₂/yr based on the number of emitters and with consideration of the future capacity requirements for the pipeline).</p> <p>ii) Would the development be able to be future proofed at this point? (for example, with a larger diameter in parts) to avoid future ecological impacts in sensitive areas?</p>	No comments from the IP.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>iii) In terms of the doing nothing alternative referred to in Section 4.3 of [APP-056] –which relates to the end-of-life decommissioning of the natural gas reserves in the Liverpool Bay Gas Field. What does the full and precise decommissioning of the existing infrastructure involve? Is it mainly shut down processes rather than substantial environmental and construction works to facilitate decommissioning? Explain the nature of the decommissioning which would take place in that do nothing scenario.</p>		
3. Air Quality and Emissions				
Q1.3.1	Mitigation Applicant and IPs, including FCC and CWCC	<p>Submitted application document Appendix 6.2 Impurities Venting [APP082] provides evidence that the CO2 within the pipeline, may also contain impurities including Hydrogen Sulphide. Hydrogen Sulphide is assessed by the ES as being odorous and potentially dangerous to human health, subject to a particular quantum being exceeded.</p> <p>Paragraph 3.1.4 of [APP-082] sets out the results of the modelling indicate that there is no risk of exceedance of the threshold set for the protection of human health (150µg/m3). However, the results show that there is a risk of odours (concentrations above 7µg/m3) during the following activities: Manifold venting at Ince, Stanlow and Flint AGIs; and “Pig launching” at Stanlow AGI. (For the avoidance of doubt. A Pig launcher is a device which uses a pressurized container to shoot a cleaning device (or “pig”) through the pipeline to perform a variety of functions including cleaning, monitoring, and maintaining of the pipe). The largest odour zone of 100m to 160m is located at Ince AGI. There are no sensitive receptors within any odour zone except a residential caravan park located 130m south of the Stanlow AGI. These receptors may be impacted immediately after the gas is released during manifold venting, which is planned to occur once every five years. Do IPs have any comments on the receptors</p>	<p>The IP notes that the odour zone at Ince AGI is located to the south of Protos, with the closest consented development the Protos Plastics Village (CWACC Reference: 21/04076/FUL), approximately 160m from the edge of the H2S Odour Zone for Manifold Venting (shown on Figure 6.3).</p> <p>The assessment shows that the predicted odours fall below the odour detection threshold for most weather conditions, which means that the risk of odour annoyance is reduced. As set out in paragraph 1.2.8 of Appendix 6.2, the threshold used in the assessment (7 µg/m3) is the identification threshold for H2S, odour has been reported at levels significantly lower than this. Also, the risk of odour annoyance remains for stable atmospheric conditions.</p> <p>The Applicant has identified residential areas but has not considered industrial or commercial locations such as the Protos which is close to the Ince AGI. The IP acknowledges that areas which will provide amenity value such as residential or leisure areas are considered to be more sensitive than industrial and commercial locations. However, consideration should be given to relevant receptors within the assessment to demonstrate that odour is unlikely to be an issue.</p> <p>It would be possible to mitigate the risk of odorous impacts by ensuring that venting does not occur at</p>	<p>Although industrial and commercial receptors are not strictly considered in the assessment of effects from hydrogen sulphide, Paragraph 6.9.19 of Chapter 6 Air Quality [APP-058 and CR1-124] states that there is a minor risk of odours during manifold venting at Ince AGI. The venting events will be highly infrequent. The risk of odours at all receptors will be minimised by ensuring whenever possible venting occurs at times of favourable meteorological conditions to facilitate pollutant dispersion (D-AQ-039 of the REAC [CR1-109 and REP1-015]). The implementation of an Odour Management Plan (D-AQ-042 of the REAC, [CR1-109 and REP1-015]) will aim to notify nearby residents (including commercial/industrial receptors). An Outline Odour Management Plan (document reference: D.7.25) has been submitted at Deadline 2.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>identified where odour could result in amenity issues? The assessment also highlights that the risk of odours is removed with a stack height of at least 6m. Do IPs have any comment on the mitigation envisaged or its likely effectiveness?</p> <ul style="list-style-type: none"> Applicant <p>A further issue arises from the expected stack heights impact to the visual appearance of the wider area. Can the Applicant explain/ signpost how the impact of the stack heights have been factored as a likely significant effect on the character of the locality? Also are the stacks detailed on the submitted plans?</p> <p>In addition to the above, please explain the mechanisms associated to the stacks present in the DCO, as the height mentioned above would appear to exceed the limitations set out in Schedule 2, Part 1, Requirement 4 (Scheme design) of the draft DCO [APP-024].</p>	<p>night and to ensure that venting does not occur during stable/very stable conditions (i.e. those identified as having the most significant potential for odour impacts).</p> <p>The management regime for such venting activities should be secured through an Odour Management Plan. This should be provided as part of the application and its implementation secured through the DCO.</p>	
Q1.3.2	Mitigation/ Consultation IPs, including FCC and CWCC	<p>Are IPs satisfied with the monitoring/ mitigation measures proposed by the DCO that deal with air pollution/ emissions and potential odour issues? Is any further consultation provision considered to be necessary and secured within the DCO?</p>	No further comments over those made to Q1.3.1.	The Applicant refers Peel NRE to the Applicant's response to Q1.3.1 above.
4. Biodiversity, Ecology and Natural Environment				
Q1.4.1	Surveys IPs, including Relevant Planning Authorities, Natural Resources Wales (NRW), Environment Agency (EA), Natural England (NE)	<ul style="list-style-type: none"> IPs <p>i) Confirm whether you are satisfied with the range of ecology surveys associated with ES - Chapter 9 - Biodiversity [APP-061];</p> <p>ii) Do you consider the baseline information presented to be a reasonable reflection of the current situation?</p> <p>iii) In respect of i) and ii) if not, why not and what would resolve any residual concerns? The ExA acknowledges that this may be covered by a SoCG. If the answer to these questions is be</p>	<p>Comments from the IP are as follows:</p> <p>i) Yes, a range of ecological surveys proportionate to the development type and habitats/species present or potentially present were undertaken</p> <p>ii) Yes, with the exception of the current baseline for water voles in the East Central Drain and adjacent watercourses. Within Appendix 9.6, no signs of water voles were identified but surveys undertaken by Ecology Consulting Ltd in 2022 identified the presence of water voles in the East Central Drain and adjacent ditches. It is possible this information has since been collected by the</p>	<p>i) The Applicant acknowledges this response and has no further comment.</p> <p>ii) Supplementary Information was submitted to, and accepted by, the ExA on 20 March 2023. Updated survey results in relation to water voles are provided within Appendix 9.6 – Riparian Mammal Survey Report [AS-039] and further updated within ES Addendum Change Request 1 [CR1-072] and CR1-073]. Whilst evidence of water vole was not found on East Central Drain during the Applicant's survey visits, water vole presence was confirmed on adjacent watercourse West Central Drain. As such, as part of the impact assessment,</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		covered by a SoCG please indicate that accordingly.	<p>Applicant and it is understood that this is due to be submitted as supplementary information during the determination of the DCO application.</p> <p>iii) Up to date water vole baseline information should be shared to assess if these measures are adequate and clarification provided if any further mitigation are required (e.g. riparian habitat enhancements).</p>	<p>the Applicant has applied a precautionary approach and water vole presence has been assumed on East Central Drain.</p> <p>iii) The submission of these reports corroborates the original impact assessment and mitigation prescriptions as presented within Chapter 9 – Biodiversity [AS-025]. Mitigation prescriptions in relation to water vole and riparian habitats are detailed in items D-BD-035, D-BD-036, D-BD-048, D-BD-049, D-BD-059, D-BD-060 and D-BD-062 within the Outline CEMP [REP1-017 and CR1-119] and REAC [REP1-015 and CR1-109] and as updated at Deadline 2.</p>
Q1.4.2	Monitoring Applicant and IPs, including Relevant Planning Authorities (CWCC and FCC) and NRW, EA and NE.	<ul style="list-style-type: none"> IPs Confirm whether you are satisfied with the monitoring measures during construction and post construction described within Section 9.13 of ES - Chapter 9 - Biodiversity [APP-061]. In particular, your comments are invited on the monitoring requirements anticipated during construction detailed within Table 9.13 and within Appendices 9.1 - 9.10 (Volume III), in relation to protected species licencing and the Outline Landscape Ecology Management Plan [APP-229]. As well as the post-construction monitoring proposed to be undertaken in accordance with a Landscape Ecology Management Plan (LEMP) [APP-230] developed at Detailed Design. The LEMP is proposed to be included within the Operations and Maintenance Environment Management Plan (OMEMP), provided post-construction. The ExA acknowledges that this may be covered by a SoCG. If the answer to these questions are being covered by a SoCG please indicate that accordingly. Applicant The ExA notes the LEMP is to be developed at what is described as 'Detailed Design', yet a LEMP has been provided [APP-230]. At what design stage is the document currently? Can the Applicant clarify its inclusion? For example, is its present inclusion to 	Yes, the IP is satisfied with the monitoring measures during construction and post construction described within Chapter 9: Biodiversity.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		allow consultee responses to feed into the detailed design version? Paragraph 9.13.4 of [APP-061] refers to a 'HEMP' being developed from the detailed Construction Environmental Management Plan (CEMP) and the LEMP. Confirm what is the HEMP and its role. Sensitive land uses are identified within, or within 250m, of Sections 4, 5 and 6 include; Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and designated ancient woodland. In the event of a pipeline leakage or groundwater impacts arising from the Proposed DCO Development how would watercourses/ groundwater/ ecology be safeguarded in the monitoring controls available? Can potential pollution or acidification of inland water be adequately avoided/ safeguarded? If so, how?		
Q1.4.3	BNG/ Biodiversity Enhancement Applicant and IPs, including FCC, CWCC, NRW and NE	<p>Paragraph's 9.2.33-36 of ES Chapter 9 states that Biodiversity Net Gain (BNG) will be a statutory requirement for most planning applications, as per the new Environment Act (previously Environment Bill), which achieved Royal Assent through Parliament on 9 November 2021. Whilst there is currently a transition period before mandatory requirements come into force (expected to be winter 2023), it will require development to deliver a 10% net gain in biodiversity units (area habitat, hedge and river units where applicable), as determined through the use of a biodiversity metric.</p> <p>Moreover, it is anticipated by the Applicant that the BNG requirement will apply across all terrestrial infrastructure projects, or terrestrial components of projects, accepted for examination by the Planning Inspectorate through the NSIP regime by November 2025 (subject to the provisions of the applicable National Policy Statements or Biodiversity Gain Statement). Projects accepted for examination before the specified commencement date would not be required to deliver mandatory BNG under the terms of the Environment Act.</p>	Although BNG is not yet mandatory, it is the IP's view that BNG should be sought as part of all developments. Whilst a large proportion of the impacts of the proposed project are of a temporary nature, the large-scale nature of this nationally significant infrastructure provides an opportunity to deliver BNG on a regional scale. Therefore, where feasible, this opportunity should be maximised either through habitat creation or restoration of degraded habitats.	The Applicant acknowledges the Peel NRE's response and refers the IP to the BNG Strategy Update Document (document reference D.7.23)

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<ul style="list-style-type: none"> • Applicant <ul style="list-style-type: none"> i) Nevertheless, biodiversity interests and the wider policy/ statutory context those interests sit within, both in England and Wales, remain important and relevant considerations whereby significant enhancement could still potentially be secured irrespective of the BNG statutory provision anticipated. Does the Applicant agree? If not say why. ii) Can the Applicant clarify and set out/ signpost how it intends to secure BNG significantly above the 1% currently detailed in the examination documentation? Confirm the level of BNG the Applicant is committed to providing as the overall aim. Outside of BNG measurement, can the Applicant set out how it could further boost and achieve meaningful overall biodiversity enhancements? iii) Does the Applicant agree that s106 agreement use involving a commuted sum mechanism to facilitate biodiversity enhancements may be a feasible/ suitable option available? iv) To what extent has peatland, wetland or salt marsh creation/ restoration (or similar) been considered as an enhancement that links to shared interests of climate change risk resilience from flooding and enabling nature based forms of carbon capture. If not, why has it not been considered? • IPs <ul style="list-style-type: none"> v) Submit your views on seeking biodiversity enhancement/ facilitating BNG, inclusive of any future proofing. 		

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
Q1.4.4	BNG/ Biodiversity Enhancement/ Habitats Applicant and IPs, including FCC, CWCC, NRW and NE	<p>The ExA notes the submission of BNG Assessment – Part's 1-6 [APP-231] to [APP-236], consecutively.</p> <p>i) The level of BNG overall enhancement outlined as being able to be secured is very low. Can the Applicant further justify the rationale for an overall 1% BNG increase aims rather than seeking the higher thresholds of 5% or 10% (stated in the application submissions) in the first instance which are deemed possible?</p> <p>ii) Paragraph 1.4.2 of [APP-231] highlights that BNG up to 10% across area and river habitats is a feasible opportunity. Outline the progress made with landowners in securing such river habitat or other aquatic habitat improvements, as well as the next steps to be taken along with a likely timeframe to inform the Examination.</p> <p>iii) The ExA acknowledges that the BNG Assessment undertaken is focused on priority habitats. This is believed to be based on the spatial dataset in the Priority Habitats Inventory (England) compiled by NE last updated 13 December 2022 which does not cover Wales. Is that the case? Confirm the data sets which have been utilised for both England and Wales and their age.</p> <p>iv) Further to the above question there is the national list of priority habitats and species in England ('Section 41 habitats and species') for public bodies, landowners and funders to use for biodiversity conservation. The UK BAP priority species and habitats were created between 1995 and 1999, and were subsequently updated in 2007, following a 2-year review of UK BAP processes and priorities, which included a review of the UK priority species and habitats lists. The 'UK Post-2010 Biodiversity Framework', published in July 2012, succeeded the UK BAP. Albeit the UK BAP remains a useful reference point for both 'species' and</p>	See above comments from IP, this question 1.4.4. is directed at the Applicant.	Applicant's response to ExA ExQ1 Question 1.4.4 (page 26) are provided in the Applicant's Response to ExA's EXQ1 [REP1-044] .

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>'habitats'. For the avoidance of any doubt can you confirm the priority habitat list the Applicant is referring to in its assessment for habitat protections and for BNG/ biodiversity interest purposes?</p> <p>v) Explain what scope remains for the scheme to further complement existing ecological and biodiversity initiatives within the local areas the scheme passes through. If relevant local/ regional or national initiatives have not been fully considered to date, provide an update on how potential integration could be achieved.</p> <p>vi) The EA [RR-024] comment that a waterbody 'near Stanlow Refinery' will be permanently lost. Can the Applicant confirm to the Examination the details of adequate compensatory habitat as a result of this loss?</p> <p>vii) The EA [RR-024] also note that in addition to the creation of wood habitat piles and the installation of bat and bird boxes, the completion of nearby Water Framework Directive (WFD) mitigation measures, which enhance riverine habitats for biodiversity, must also be included. This would contribute to BNG and the legal objective of 'good ecological potential' for these waterbodies. Does the Applicant acknowledge these responses? If so, explain/ signpost what provision is to be made.</p>		
Q1.4.5	BNG/ Biodiversity Enhancement Applicant and IPs, including FCC, CWCC and NRW	<p>Section 6 under Part 1 of the Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (the S6 duty) for public authorities in the exercise of functions in relation to Wales. It requires that public authorities must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems.</p> <p>Section 7 of the Act entails biodiversity lists and duty to take steps to maintain and enhance biodiversity.</p>	See comments in 1.4.3 from the IP. No further comments.	The Applicant refers Peel NRE to the Applicant's response to Q1.4.3 above.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>It is noted by the ExA that the Welsh Ministers must also take all reasonable steps to maintain and enhance the living organisms and types of habitat(s) included in any list published under Section 42, and encourage others to take such steps.</p> <ul style="list-style-type: none">• Applicant<ul style="list-style-type: none">i) Signpost in the examination documentation how the above duty would be complied with?ii) The BNG Assessment submitted indicates compliance with the above statutory provision is being pursued during the Examination, in part, through engagement using the off-site compensation scenarios. However, if such an approach is to be utilised how will this be delivered to ensure both legal compliance and robust long-term management?iii) Has the Applicant scoped cross-cutting options available to boost BNG/ biodiversity enhancement with respect to its own scheme in combination with the strategic ecological challenges facing statutory consultees in both England and Wales?iv) The ExA considers that off-site BNG proposals should be more thoroughly explored and encourages early endeavours to achieve off-site BNG and a significantly greater overall value. The ExA requests the Applicant's views of realistically achieving meaningful off-site BNG (for a minimum of 30 years and formally registered) and the net level anticipated after development.v) The Applicant is advised to take a flexible approach to BNG/ meaningful biodiversity enhancement delivery options. This extends to delivery of net gain on both publicly and privately owned land covering green or blue infrastructure features (including new: woodland, wetland creation, seagrass		

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>meadow establishment/ restoration, and saltmarsh establishment/ restoration).</p> <p>vi) The ExA invites such options to be further explored with relevant consultees and landowners as a means to boost overall BNG levels. In that regard the ExA seeks a timetable to be submitted setting out the discussions taking place with relevant landowners/ strategic bodies having regard to local ecological initiatives (either in place or which could be developed) in the vicinity which may be able to be boosted.</p> <p>vii) It is noted by the ExA that the Joint Nature Conservation Committee (JNCC) is the public body that advises the UK Government and devolved administrations on UK-wide and international nature conservation. It includes members from the nature conservation bodies for England, Scotland, Wales and Northern Ireland and independent members appointed by the Secretary of State (SoS) for the Environment, Food and Rural Affairs. JNCC provide a shared scientific nature conservation service for the UK - the mechanism for the UK Government and devolved administrations to pool their resources to obtain evidence and advice on nature conservation and natural capital. Has the advice of JNCC been considered? If not, state why and indicate whether the Applicant is able to procure such advice during the Examination.</p> <p>• IPs</p> <p>viii) Any comments, responding to questions i) to vii) above are welcome.</p>		
Q1.4.7	Habitats/ Biodiversity enhancement	<p>• Applicant</p> <p>The ExA requests the Applicant to acknowledge that river (or other water), hedgerow and area habitats are</p>	It is suggested by the IP that ecological restoration and enhancement delivered by the project should complement ecological nature strategies, for example aligning the proposed restoration/enhancement to	The Applicant refers Peel NRE to the response to Q1.4.7 (page 32) within the Applicant's Response to ExA's ExQ1 [REP1-044] . The Applicant has, and continues to, discuss habitat offsetting with CWCC in

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
	Applicant and IPs, including FCC, CWCC, NRW and NE	<p>considered independently, and are not interchangeable. It must be clearly understood that a loss of one type cannot be addressed by providing another of a different type.</p> <ul style="list-style-type: none"> Applicant/ IPs <p>Signpost the particular local nature strategies (including those entailing nature recovery or related ecologically based methods for carbon sequestration) covered in the geographical area subject to the DCO, or those nearby, that could be used for the delivery of additional ecological enhancement.</p> <p>Suggest the strategies which could be used to secure enhancement and the precise mechanisms to implement the desired improvement.</p>	CWACC environmental policies and developing this with Cheshire Wildlife Trust as part of their Living Landscapes strategy for the area.	England and FCC in Wales. These discussions are ongoing and, where possible, through engagement with both parties, the Applicant will seek to align with relevant strategies and policies of the councils, including CWCC's Ecological Network (part of the Local Plan Part 2 Policy (DM44)).
Q1.4.8	Great Crested Newts Applicant and IPs, including CWCC and FCC	<p>The ExA notes the content of Appendix 9.2 Great Crested Newt Survey Report – Part's 1-4 [APP-094]; [APP-095]; [APP-096]; and [APP-097].</p> <ul style="list-style-type: none"> Applicant <ol style="list-style-type: none"> Clarify and detail whether you believe there is adequate baseline survey information to confirm or discount the potential presence of Great Crested Newts (GCN) as a relevant consideration in all parts of the pipeline route. Confirm/ signpost the details of migration where the GCN would be traveling to/ from? Can the Applicant provide further details as to what mitigation measures would be included if GCNs not already anticipated by relevant survey are subsequently found? Can the Applicant also clarify if there is a need for a separate GCN mitigation plan? IPs: Are there any comments/ concerns you wish to raise with respect to the above matters? 	Two ponds/waterbodies were identified in the vicinity of the Ince AGI; neither of these were surveyed but this is not considered a limitation as surveys undertaken over a number of years across Protos have indicated that great crested newts are likely locally absent. Therefore, no concerns are raised on this.	The Applicant acknowledges the response and has no further comments.
Q1.4.10	Bats	The ExA notes the Applicant's submitted Bat Activity Survey Report work detailed in: [APP-098] ; [APP-	A relatively low level of bat activity was recorded along Elton Lane, a higher level of activity was	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
	Applicant and IPs, including CWCC and FCC	<p>099]; [APP-100]; and [APP-101] as well as Appendix 9.4 Bats and Hedgerows Assessment Parts 1-4 [APP102]; [APP-103]; [APP-104] and [APP-105].</p> <p>Appendix 9.3 Bat Activity Survey Report Part 1 [APP-098], Paragraph 2.7.3 states that Surveys across the Newbuild Infrastructure Boundary are ongoing within 2022. As such, this report has been prepared on the basis of survey results accrued up to 30 June 2022, and further information will be submitted as Supplementary Information following the DCO Application.</p> <p>Moreover Appendix 9.4 Bats and Hedgerows Assessment Part 1 [APP102] Paragraph 2.7.9 states that “Automated static detector assessments are scheduled to be completed by end of October 2022. Conclusions are based on the available data. Once surveys have been completed, the additional data will be collated to confirm the findings. Further data will be published in an updated version of this report and provided as part of the Supplementary Information of the DCO Application”</p> <ul style="list-style-type: none"> • Applicant <p>Can the Applicant confirm when the Supplementary Information will be submitted to the Examination? Are any known impediments arising to obtaining any license necessary?</p> <p>Can the Applicant explain in the absence of full survey results, why should the ExA be confident that the suite of ecological mitigation measures is sufficiently robust to deal with the effects of the Proposed Development?</p> <p>Taking account of NE's and NRW's RRs [RR-065] and [RR-066], can the Applicant confirm whether the proposed “novel” methodology for assessing potential impacts on bats arising from the temporary loss of commuting and foraging habitat due to hedgerow severance during construction of the Proposed</p>	identified along Elton Lane by Ecology Consulting Ltd in 2022 but this was further to east and activity varies seasonally and given the small area affected by the Pipeline no concerns are raised.	

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>Development was agreed with NE and/ or NRW prior to the DCO application submission.</p> <ul style="list-style-type: none"> • IPs <p>Comments relevant to the survey work or others deemed necessary are invited.</p>		
Q1.4.14	Birds IPs, including CWCC and FCC	<p>Section 4.10 of the Applicant's Appendix 9.8 Bird Survey Report [APP112] notes that large numbers of Redshank (are recorded in Transect 2) using the banks of the River Dee, near Sealand, through the winter months. The other seven transects, including Transect 5 and Transect 7 which are near the River Mersey and Transect 1, near the River Dee did not regularly record Special Protection Area (SPA) qualifying species. Although the River Dee at the crossing point is not within the Dee Estuary SPA, it is directly linked to the SPA further north-west. The population of Redshank using the land along Transect 2 will be part of the population that occurs within the SPA and should be considered as being functionally linked.</p> <p>Do IPs have any further comments to make on the survey findings or functionally linked land matters?</p>	No further comments from the IP.	The Applicant acknowledges the response and has no further comments.
Q1.4.16	Aquatic Ecology IPs, including Relevant Planning Authorities, NRW, EA and NE	<p>The ExA acknowledges the content of Appendix 9.9 Aquatic Ecology (Watercourses) Survey Report and Appendix 9.10 Aquatic Ecology (Ponds) Survey Report [APP-113] [APP-114].</p> <p>Are IPs/ Statutory Consultees satisfied with the scope and content of the aquatic surveys provided? If not state why not.</p>	Yes, the IP is satisfied with the scope and content of the surveys undertaken.	The Applicant acknowledges the response and has no further comments.
Q1.4.17	Wildlife Corridors Applicant and IPs, including CWCC, FCC, NRW and NE	<ul style="list-style-type: none"> • Applicant <p>At the ExA's Unaccompanied Site Inspections [EV-003] and [EV-004] the probable existence of 'informal' wildlife corridors within nearby surrounding areas was observed which could be potentially used by a wide variety of species.</p>	As per the response provided in 1.4.3 where it is feasible the project should be considered as an opportunity to deliver ecological benefits on a wide scale and in terms of wildlife corridors this could be creating new corridors, complementing / joining up existing corridors or enhancement of existing corridors along the Newbuild Infrastructure Boundary.	The Applicant refers Peel NRE to the response to Q1.4.3 above. In addition, further information has been provided within the Applicant's response to ExA Q1.4.17 (page 41) provided in the Applicant's response to ExA's ExQ1 [REP1-044] .

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<ul style="list-style-type: none"> i) Clarify how the effect of the proposed development on potential informal wildlife corridors has been considered. ii) Explain the extent of integration of any ecological enhancements/ mitigation with existing informal wildlife corridors and how those elements are to be secured through the DCO. iii) Explain what scope is available within the overall engineering and new landscaping works proposed by the DCO to enable ecological corridors the earliest chance of re-establishment prior to completion of all works. Also explain how such potential provision could be secured formally. Have novel and innovative nature based approaches been sufficiently explored? iv) What mitigation is proposed to ensure protected species and other species are protected from noise and vibration? • IPs v) Are there any comments/ concerns you wish to raise with respect to the above matters? 		
Q1.4.19	Trees Applicant and IPs, including CWCC and FCC	<ul style="list-style-type: none"> • Applicant i) There appears scope for further additional new tree planting (on or off site), above any replacement planting. How would any additional potential tree planting/ related landscaping currently unreferenced in the draft DCO and application documents be secured? ii) Has additional tree planting (or other related landscaping) been considered to further complement local informal nature corridors on the ground? If not, why not? iii) Explain if, and how, the planting/ landscaping schemes envisaged can be coordinated in a 	The IP requests that further information on the locations for tree planting (if proposed) are provided.	The BVS and AGI Landscape Layouts [CR1-008] set out the preliminary landscape designs, including proposed tree locations. Currently the landscape layouts set out the principles of the mitigation; however, flexibility is required at this stage of the design development, and the proposals will be refined further at detailed design stage. With regards tree planting within mitigation areas identified across the Order Limits, these are illustrated within Works Plans [CR1-011] . The mitigation areas have been selected for targeted mitigation tree planting (alongside scrub planting) to mitigate for the loss of trees as a result of construction of the DCO Proposed Development. These locations have been selected on the basis of

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>way to ensure they establish and provide positive links with existing wildlife corridors whilst construction activity takes place.</p> <p>iv) Can larger standards for any replacement tree planting (where it is appropriate) for a more immediate impact be applied? If not, why?</p> <p>v) Relevant Planning Authorities/ IPs: Do you have any further comments on tree planting or landscaping provision?</p>		<p>tying into existing green infrastructure and corridors within the landscape.</p>
5. Climate Change				
Q1.5.2	Methodology Applicant and IPs, including CWCC and FCC	<p>The ExA notes that the assessment of Greenhouse Gas (GHG) has been scoped out of the ES. The Applicant has stated that the impact of GHG emissions (Chapter 10 - GHGs, Volume II), in terms of their contribution to climate change, is global and cumulative in nature, with every tonne contributing to impacts on natural and human systems. As such it is the cumulative effect of all GHG-emitting human activities that cause climate change, and therefore the assessment of the GHGs due to the Project implicitly assesses the cumulative effect of GHG emissions.</p> <p>In addition, the Project as a whole would capture and store CO2 emissions and contribute to the UK's net zero carbon agenda. Therefore, the cumulative benefits of the DCO Proposed Development combined with the other elements of the Project are argued by the Applicant to lead to a cumulative beneficial effect overall.</p> <p>IPs are invited to make whatever comments they deem to be appropriate.</p>	<p>The IP notes that estimated greenhouse gas emissions are presented in Chapter 10: Greenhouse Gas Emissions; however, the underpinning assumptions and calculations are not provided, including the worst-case assumptions applied in respect to manifold venting. These should be provided to evidence the figures presented.</p>	<p>Section 10.5 of Chapter 10: Greenhouse Gases [APP-062] outlines the methodology used for the calculations, including any assumptions and limitations of the assessment. The following venting frequencies have been assumed as a worst case scenario:</p> <ul style="list-style-type: none"> • Manifold venting will occur every five years; and • Pigging will occur every two years over a two week period.
6. Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations				
Q1.6.3	Affected Persons/ IPs	<p>Are any Affected Persons or IPs aware of any inaccuracies in the BoR [APP-030], Statement of Reasons [APP-027] or Land Plans [APP-008]?</p>	<p>We have reviewed the land plans, book of reference and SoR and we are not aware of any inaccuracies.</p>	<p>The Applicant acknowledges the response and has no further comments.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
Q1.6.8	Affected Persons and IPs	<p>Are any 'Affected Persons' and/ or 'IPs' aware of:</p> <p>i) any reasonable alternatives to any CA or Temporary Possession (TP) sought by the Applicant; or</p> <p>ii) any areas of land or rights that the Applicant is seeking the powers to acquire that they consider are not needed?</p>	<p>(i) 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. Peel NRE is in discussions with the Applicant with a view to agreeing Heads of Terms to avoid the need for the Applicant to exercise powers authorising any CA or Temporary Possession on land owned by Peel NRE.</p> <p>(ii) We are not aware of any.</p>	The Applicant acknowledges Peel NRE's statement and confirms they are working with the IP on commercial discussions.
Q1.6.23	Applicant, Affected Persons and IPs	<p>Do you consider all potential impediments to the development have been properly identified and addressed?</p> <p>Additionally, are there concerns that any matters, either within or outside the scope of the draft DCO, that would prevent the development becoming operational may not be satisfactorily resolved? This includes matters related to acquisitions, consents, resources or other agreements?</p>	Peel has lodged an objection to the proposed development on the basis that it conflicts with the ongoing development of the Protos site. Whilst Peel is in discussions with the Applicant to resolve the conflicts between the two developments, the development of the Protos site poses a significant impediment to the development as currently proposed. Please refer to the Written Representations submitted on behalf of Peel for further details dated 17.4.23.	<p>The Applicant notes that the Ince AGI infrastructure is critical for Peel NRE's site development and when installed will be a key site asset.</p> <p>The Applicant acknowledges Peel NRE's statement and is working with the IP to resolve this objection via commercial discussions.</p>
9. Environmental Impact Assessment/ Environmental Statement				
Q1.9.1	Applicant and IPs, including CWCC and FCC	<p>The ExA recognises that some of the baseline survey information included within the ES is of some age. There are also circumstances which have arisen (including from the COVID-19 pandemic) which may or may not had an effect to using the baseline data and any conclusions/ assumptions to be drawn from that.</p> <p>i) The Applicant is requested to set out in a single schedule (with reference to the relevant chapters) any additional baseline data gathering that has taken place or is ongoing, or otherwise set out the reasons why that existing baseline data remains fit for purpose.</p>	<p>The IP welcomes the proposal to for the preparation of a schedule setting out baseline sources of data and where additional information is being collected. It is understood that supplementary ecological information is anticipated to be submitted – the IP requests confirmation of when is information this likely to be submitted.</p> <p>The IP also requests that as part of the submission of supplementary information, the potential impact on the baseline conditions outlined and subsequent changes to assessment and mitigation proposals should be set out.</p>	<p>The Applicant submitted Appendix A - Schedule of Additional Baseline Data [REP1-045] as part of the Applicant's Response to ExA's ExQ1 [REP1-044], Q1.9.1 (page 68), submitted at Deadline 1. Appendix A [REP1-045] contains a schedule of additional baseline data gathered for each of the technical chapters, and shows the following:</p> <ul style="list-style-type: none"> • Type of baseline data collected for the 2022 ES and which documents it was presented in. • Whether additional baseline data / surveys have been gathered since submission of the 2022 ES and which documents it was presented in. • Whether there are currently any ongoing surveys or

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>ii) ii) Can the Applicant also set out their response to any potential impact on any baseline position and their views as to the overall reliability of submitted information taking into account that particular change of circumstance, and any other material change of circumstances anticipated. iii) With respect to cumulative effects related information. Confirm any updates to that. IPs are you satisfied with the baseline surveys which inform cumulative impact in the ES? If not say why not.</p>		<p>data collection.</p> <ul style="list-style-type: none"> Why baseline data is considered to be valid and fit for purpose where it has not been updated and if there are any limitations. <p>Appendix A - Schedule of Additional Baseline Data [REP1-045] sets out timescales for ongoing surveys and baseline data collection. Supplementary ecological information was submitted to the ExA on 3 March 2023 and subsequently accepted by the ExA as part of the Applicant's Section 51 advice response on 20 March 2023. Updated versions of the following documents were accepted by the ExA:</p> <ul style="list-style-type: none"> Appendix 9.3 – Bat Activity Survey Report Part 1 [AS-057] and Bat Survey Report Annex G Part 2 [AS-029] Appendix 9.4 – Bats and Hedgerows Assessment Parts 1 to 7 [AS-032 to 037] (Part 2 superseded by AS-059) Appendix 9.6 – Riparian Mammal Survey Report [AS-039] <p>The submission of these reports corroborates the original impact assessment and mitigation prescriptions as presented Chapter 9 – Biodiversity [AS-025]. A revised version of Chapter 9, OCEMP [AS-055] and REAC [AS-053] was provided to the ExA, capturing minor text amendments in response to the submission of these three revised appendices.</p> <p>A further revised version of Chapter 9 – Biodiversity is provided within Environmental Statement Addendum Change Request 1 [CR1-124] with revised versions of associated appendices [CR1-054-CR1-081].</p>
10. Flood Risk, Hydrology, Water Resources and Contamination				
Q1.10.2	Flood Risk Applicant and IPs, including NRW; FCC as Lead Local	<ul style="list-style-type: none"> Applicant <p>Paragraph 2.5.4 of [APP-168] identifies that Flint AGI has an open watercourse (Lead Brook) approximately north east of the site boundary. The watercourse</p>	Should options to slow local surface water flow in the Newbuild Infrastructure Boundary (or nearby) be considered, these should be discussed and agreed	The Applicant notes that Flint AGI is not located near to Peel NRE's property. The response below refers to Ince AGI.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
	Flood Authority (LLFA) and Sustainable Drainage Systems Approval Body (SDSAB); Welsh Water (WW); United Utilities; and CWCC	<p>flows north where it is culverted beneath Chester Road (A548). Thus, it is suggested that Flint AGI needs to ensure no surface run off water will cause flooding elsewhere given the watercourse it is close to. Paragraph 5.5.5 refers to an overland flow path discharging into a watercourse 50 metres to the east (which is unnamed).</p> <p>Is that the same watercourse as mentioned in paragraph 2.5.4 or a different watercourse? Clarify.</p> <ul style="list-style-type: none"> • Applicant/ IPs <p>Are indicative local watercourse flow rates available before and after development?</p> <p>Would options to slow local surface water flow/ formation rates in the DCO area, or nearby, with the formation of new ponds/ wetland advantageous to wider sustainability goals be feasible/ possible? If so, could that provision be accommodated?</p>	with the IP to ensure that their proposed location does not conflict with any future development ambitions.	<p>The Applicant confirms that watercourse flow rates have not been determined.</p> <p>Surface water will be collected via perforated pipes and stored in a retention pond from Ince AGI. It will then discharge via a limiting discharge rate of 2l/sec to the local watercourse.</p>
Q1.10.3	Flood Risk Applicant and IPs, including NRW; FCC as LLFA and SDSAB; WW; United Utilities; and CWCC	<p>NRW are evidenced to hold one record of a past flood event along the Newbuild CO2 Pipeline (Pipe Reach 4b). The incident occurred along the B5129 Chester Road which is located adjacent to Broughton Brook. FCC's Strategic Flood Consequence Assessment (2018) also indicates that the B5129 Chester Road has had an incidence of historic fluvial flooding although the full details are not known.</p> <ul style="list-style-type: none"> • Applicant and IPs <ol style="list-style-type: none"> Have any local views come forward/ available giving more details as to the cause or date of this historic flooding event? Is this in the area of Chester Road Brook? The "DG5" flooding register is also referred to in Paragraph 3.3.4 of [APP-168]. Explain the origin, nature and status that register holds for the administrative area. <ul style="list-style-type: none"> • IPs <ol style="list-style-type: none"> Please make whatever comments you deem applicable on assessing flood risk or any 	<p>Consultation should be undertaken with the Environment Agency and Local Lead Flood Authority (in respect to the area around the Ince AGI) to identify the appropriate design flood level.</p> <p>Should flood storage compensation be provided in the Newbuild Infrastructure Boundary (or nearby), these should be discussed and agreed with the IP to ensure that their proposed location does not conflict with any future development ambitions.</p>	<p>The Applicant confirms that they are in regular consultation with the EA, as set out in the Applicant's draft SoCG with the EA [REP1-024], as well as the IP, with respect to any necessary facilities.</p> <p>The Applicant notes that, whilst there are noted areas of historical flooding, these are above ground and as the proposed pipeline is buried at those locations, it is unlikely that the proposed pipeline will exacerbate any of the existing flood risk. The proposed CO₂ pipeline alignment will take into account the alignment and the location of the existing drainage assets and the design will avoid clashes with these assets.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		associated survey, mitigation or avoidance matter triggered. Including measures linked to achieving future climate change resilience through potential wetland creation.		
Q1.10.4	Flood Risk The Applicant and IPs, including: NRW; FCC as LLFA and SDSAB; WW; CWCC; and United Utilities.	<ul style="list-style-type: none"> • Applicant: <ol style="list-style-type: none"> i) There is limited information on the groundwater levels at each of the proposed BVS and AGI sites. What groundwater survey information/ monitoring is proposed to understand any potential risk of groundwater flooding to inform the detailed drainage design? ii) The statutory consultation phase highlighted Chester Road, Pentre and Leaches Lane Mancot where both internal and external sewer flood risks due to hydraulic incapacity. In addition, the postcode area CH5 3HJ (Blackbrook Avenue, Hawarden) is an identified risk of external flooding. How have those specific risks been factored/ mitigated by the scheme? iii) Can the Applicant confirm if a Dewatering Management Plan and a Groundwater Management and Monitoring Plan is able to be submitted to inform the Examination? • Applicant and IPs <ol style="list-style-type: none"> iv) Significant dewatering is expected adjacent to the River Gowy and the West Central Drain. These are in the Gowy and Ince Marshes WFD surface water bodies. Do IPs have any comments to make on that aspect or any other aspect of the proposal? Can any related ecological benefits be secured in tandem with dealing with flood risk management issues arising? 	As noted under 1.1.9, further information should be provided on the potential impacts of significant dewatering and impacts from discharge into adjacent watercourses on Water Voles which are known to be present in the drainage network surrounding the Ince AGI.	<p>The Applicant can confirm that any dewatering activity will be subject to a hydrogeological impact assessment (HIA) that considers the effects on sensitive receptors (including adjacent watercourses) from abstraction and associated discharges. This activity will be managed by the appointed Construction Contractor through the Dewatering Management Plans and Groundwater Management and Monitoring Plans secured through Requirement 5 (Construction Environmental Management Plan) of the dDCO [CR1-017], [REP1-004].</p> <p>Impacts to riparian mammals are addressed within Chapter 9; Biodiversity [AS-025] (superseded by [CR1-124]). The mitigation prescriptions presented within the REAC [REP1-015] and CR1-109] are sufficiently robust to mitigate potential impacts to riparian mammals. Also see response to Q.1.4.1 above.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
Q1.10.7	Water Environment Applicant and IPs, including NRW, NE and EA	<ul style="list-style-type: none"> Applicant <ul style="list-style-type: none"> i) Is the principle of achieving significant ecological enhancement or greater BNG using the broader offshore marine environment a feasible option to the Applicant? (i.e., Delivered through the Marine Protected Areas established UK wide which in combination are intended to form an 'ecologically coherent and well-managed network'). ii) Has this approach been explored with JNCC and other statutory consultees? (i.e., for England – NE; and for Wales – NRW but both of those consultees for Marine Protected Areas in territorial waters?) iii) It is noted that NRW have three river basin districts in Wales and each has its own river basin management plan: <ul style="list-style-type: none"> Western Wales District – entirely in Wales; Dee District – cross-border with England; and Severn District - cross-border with England (led by the EA). <p>Does the Applicant acknowledge and agree there may be scope available to support river basin management plans through potential enhancement? Has further dialogue been undertaken with NRW or the EA to support river basin management interests?</p> <ul style="list-style-type: none"> iv) The Appendix 18.3 WFD Assessment states that Riparian vegetation clearance would be limited as far as practicable to the immediate areas of construction to permit the execution of works. Vegetation would be reinstated post-construction as far as practicable. Confirm the DCO mechanism which would ensure that. 	Consultation with the IP is also required prior to agreement of any dewatering discharge rates or locations as the landowner.	The Applicant can confirm that dewatering activities will be subject to appropriate assessment, mitigation and monitoring, through the Dewatering Management Plans and Groundwater Management and Monitoring Plans. These will include details of location and rates of any abstractions and discharges which will be subject to consultation and agreement with the regulator and landowner. The appointed Construction Contractor will be responsible for developing and implementing these Plans secured through Requirement 5 (Construction Environmental Management Plan) of the dDCO [CR1-017], [REP1-004] .

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<ul style="list-style-type: none"> • Applicant and IPs <ul style="list-style-type: none"> v) Vegetation clearance is expected to occur within the Mersey, Ince Marshes, Gowy, Stanney Mill Brook, Finchetts Gutter, Garden City Drain, Sandycroft Drain, Wepre Brook, Dee (North Wales), and North Wales WFD surface water bodies. In addition, significant dewatering is expected adjacent to the River Gowy and the West Central Drain. These are in the Gowy and Ince Marshes WFD surface water bodies. Please confirm the licensing provision required for the particular works listed above. 		
Q1.10.8	Water environment Applicant and IPS, including NRW and NE	<p>As context to the Examination The Water Resources (Control of Agricultural Pollution)(Wales) Regulations 2021 replaced the Nitrate Vulnerable Zone requirements. The regulations indicate that a new or substantially changed store must:</p> <ul style="list-style-type: none"> • follow the specific rules for the type of substance stored. • have an expected lifespan of at least 20 years with maintenance (any part of a silage effluent system that is underground must be designed and constructed to last at least 20 years without maintenance). • not be within 10 metres of any inland and coastal waters e.g., streams, ditches, ponds or any pipes or culverts. • not be within 50 metres of any borehole, well or spring. • not be within a groundwater source protection zone 1 unless sitespecific mitigation measures that minimise the risk to drinking water supplies have been agreed in writing with NRW. <p>The ExA also notes that NE has recently updated its advice (16 March 2022) in relation to nutrient level pollution in a number of existing and new river basin</p>	No further comments from the IP.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>catchments. The advice finds that an increasing number of waterbodies, in or linked with European Sites, are now deemed to be in 'unfavourable' conservation status for the purposes of the Habitats Regulations. This is likely to result in even more plans and projects, in relevant river basin catchment areas and proximate to a European site, needing to be screened in accordance with the Habitats Regulations. The likely result will be a need for more Appropriate Assessments and consideration of relevant information. The advice from NE also confirms that the tools available to inform the assessment of effects have been updated. The advice is also relevant to NRW (for cross border sites).</p> <p>The ExA further notes that competent authorities will need to carefully justify how further inputs from new plans or projects, either alone or in combination, will not adversely affect the integrity of the site in view of the conservation objectives.</p> <ul style="list-style-type: none">• Applicant and IPs Please could:<ul style="list-style-type: none">i) the Applicant confirm it acknowledges the updated advice of NRW/ NE;ii) the Applicant and IPs advise whether they consider there to be adequate background information available to gauge subsequent effects to water quality. <p>In addition to the above, the ExA notes sensitive land uses are identified within, or within 250m, of Sections 4, 5 and 6 include a SSSI, and a SAC and designated ancient woodland. Moreover, the local water environment is interconnected. Effects to both surface and groundwater during construction is presently not mitigated as the Applicant indicates that additional targeted site investigation and remediation strategy for point sources would be undertaken if necessary. The ExA asks the Applicant and IPs how that</p>		

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		approach ensures the effects and safeguards to European sites are able to meet HRA requirements?		
Q1.10.9	Water environment Applicant and IPs, including WW, United Utilities and EA	<ul style="list-style-type: none"> • Applicant <p>With respect to groundwater resources and quality explain what mechanisms are/ would be in place to ensure that no private water supply can be derogated because of the works or operation of the scheme, even temporarily, without the prior written consent of the owner and the provision of mitigation measures? Regarding potential impacts during construction and any proposed HDD activity. Clarify what investigations, assessments, mechanisms, and consultation requirements are to be secured to ensure HDD works will not pose a risk to groundwater resources.</p> <ul style="list-style-type: none"> • IPs <p>Your comments in regard to the above are invited</p>	No further comments from the IP.	The Applicant acknowledges the response and has no further comments.
Q1.10.10	Water environment IPs, including NRW, WW, United Utilities, CWCC and FCC Applicant	<p>The submitted WFD Assessment [APP-165] and Outline Construction Environmental Management Plan [APP-225] indicate that all new permanent structures would be set-back from watercourses, including outfalls, to avoid modifications to watercourses themselves.</p> <ul style="list-style-type: none"> • IPs <p>Accounting for any locally known watercourses, outfalls, or hydrogeological anomalies which may be apparent; do IPs agree the Applicant's approach detailed in [APP-165] and [APP-225] would be possible?</p> <p>Paragraph 7.1.7 of the WFD Assessment [APP-165] states that the DCO Proposed Development has been assessed and concluded to have no impact on the Wirral and West Cheshire Permo-Triassic Sandstone Aquifers, the Dee Permo-Triassic Sandstone, the Dee Carboniferous Coal Measures and the Clwyd Carboniferous Limestone Groundwater WFD water</p>	<p>The IP agrees with the approach detailed in the WFD Assessment [APP165] and Outline Construction Environmental Management Plan [APP225].</p> <p>The IP requests further information on the proposed outfall to the East Central Drain and proposed riparian enhancements. These aspects should be discussed and agreed with the IP to ensure there are no conflicts with future development ambitions.</p>	The Applicant acknowledges that the IP agrees with the approach within the Water Framework Directive assessment [APP-165] . The riparian enhancements proposed by the Applicant are provided within the landscape plans [CR1-008] . The Applicant will continue to engage with the IP on these matters through SoCG discussions.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>bodies. Do IPs agree with that conclusion? If not, please state your reasons.</p> <p>The Applicant states the objectives of the DCO Proposed Development is to reinstate habitats where practicable. Where watercourses and riparian vegetation would be impacted, they would be reinstated postconstruction and most watercourses would recover within two years. The exception would be where mature tree cover in the riparian zone is removed. Therefore, riparian enhancements are proposed to mitigate those impacts. Riparian enhancements are proposed at: East Central Drain; Finchetts Gutter Tributary; Backford Brook; Friars Park Ditch; and Alltami Brook. Should any further areas be considered? if so, state why.</p> <ul style="list-style-type: none"> • Applicant <p>Paragraph 7.14 of the WFD Assessment [APP-165] states that the riparian enhancements may result in improvement in the River Condition Score for those watercourses once the tree cover is established. In addition, gravel augmentation is proposed on the Alltami Brook to off-set the potential reduction in spawning habitat and introduction of artificial bed material.</p> <p>Can the Applicant further explain what is meant by gravel augmentation and its implications to the management of watercourse silt? And how much artificial bed material is anticipated? Indicate the volume and the length of the brook impacted as well as the materials anticipated to be used.</p> <p>Has the inclusion of additional natural carbon sinks or water oxygen regeneration zones (or similar) to boost flora and fauna been considered at positions along watercourses? If not, state why not.</p> <p>The EA [RR-024] support the production of a Dewatering Management Plan and a Groundwater Management and Monitoring Plan. They wish to be a consultee on the approval of these plans. Can the</p>		

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		Applicant confirm the provision within the DCO where the EAs request has been secured.		
Q1.10.12	Licenses Applicant and IPs, including NRW EA, CWCC and FCC	<p>The ExA notes that:</p> <ul style="list-style-type: none"> • A transfer licence or impoundment licence may be necessary if a temporary or permanent structure is required that restricts the flow of a waterway/ watercourse. • An Environmental Permit may be required for the importation and treatment of waste material falling outside the scope or limits detailed in the ES. • With respect to any 'Waste Materials' generated, the consenting authority for certain mobile plant permits (such as concrete crushers) is the relevant local authority, and therefore they should be listed along with the relevant national public body within the draft DCO if such provision is anticipated. <p>Applicant: Please provide clarification and an update on these matters, where applicable;</p> <p>IPs: Comments in regard to the above are invited.</p>	The IP acknowledges that appropriate licenses will be obtained for works in proximity to watercourses at the Ince AGI (including East Central Drain) and that temporary structures / drainage channels may be implemented. Further engagement with the IP on the location and duration of such measures should be undertaken to ensure there are no conflicts with future development ambitions.	With respect to water and waste generation, the Applicant's appointed Construction Contractor will be responsible for obtaining all necessary licences and permits prior to the commencement of relevant works as set out in the Other Consents and Licences document [REP1-011] . The Applicant will continue to engage with the IP on these matters.
Q1.10.14	Outstanding matters IPs, including CWCC, FCC, NRW, EA, WW and United Utilities	Provide your comments on any outstanding land contamination or pollution control matters arising if you have not already done so.	The IP acknowledges that land contamination and pollution matters have been considered within the ES arising from construction and operation of the Ince AGI. Appropriate measures should be in place to prevent pollution events, including ongoing monitoring. Landowners should be engaged.	The Applicant acknowledges that the IP is satisfied with regard to contamination and pollution matters. D-WR-070 of the REAC [REP1-015 and CR1-109] commits the Applicant to developing a Surface Water Management and Monitoring Plan for before, during and after construction. D-WR-044 of the REAC [REP1-015 and CR1-109] commits the Applicant to turbidity monitoring during the construction phase.
11. Habitat Regulations Assessment				
Q1.11.6	Mitigation Applicant and IPs, including CWCC and FCC	Measures are referred to in the ES that aim to avoid entrapment of otters in pipes. How will these measures be made compatible with the mitigations suggested for general safety and drainage technical details? Additionally, are there any further technical constraints anticipated in light of this added provision?	No further comments.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
Q1.11.7	Mitigation/ Enhancement Applicant and IPs, including CWCC and FCC	The ExA notes that Biodiversity Enhancements Planning Policy Wales 10 sets out that “planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. This policy and subsequent policies in Chapter 6 of Planning Policy Wales 10 respond to the Section 6 Duty of the Environment (Wales) Act 2016. In line with that what options are available to provide ecological enhancements in offsite locations for Priority Habitats or other habitats including both terrestrial and aquatic environments?	See response to 1.4.3. No further comments.	The Applicant refers Peel NRE to the response to Q1.4.3 above.
Q1.11.8	Mitigation/ Enhancement Applicant and IPs, including CWCC and FCC, NRW and NE	Point out within the ES documentation (or elsewhere) where there are local strategic nature improvement or recovery strategies in the geographical area subject to the DCO that could potentially be used for the delivery of further ecological enhancement.	See response to 1.4.3. No further comments.	The Applicant refers Peel NRE to the response to Q1.4.3 above.
12. Landscape and Visual				
Q1.12.1	Update Applicant and IPs, including CWCC and FCC	Have there been any changes to the built environment in the vicinity of the land subject to scheme improvement currently submitted? If so, please identify where, and consider if the plans and statements would need to be updated/ amended.	The in-combination effects on landscape and views should consider all consented schemes at Protos, as listed at 1.1.8.	The Applicant refers Peel NRE to the response to Q1.1.8 above.
Q1.12.3	Update Applicant and IPs, including CWCC and FCC	<p>Applicant and IPs</p> <p>i) Please confirm if a local ‘Design Review’ (or any Conservation/ Heritage Working Party decision or similar) process anticipated to be undertaken for any aspect of the DCO scheme proposed?</p> <p>Applicant</p> <p>ii) Explain how any working change or modification to the scheme as a result of local</p>	No further comments.	The Applicant acknowledges the response and has no further comments.

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		design considerations/ representations could be accommodated if necessary.		
15. Planning Policy				
Q1.15.1	Applicant and IPs	<p>The Levelling-up and Regeneration Bill: reforms to national planning policy open consultation which opened in December 2022 is currently running to 2 March 2023, run by the Department for Levelling Up, Housing and Communities. A raft of reforms is being considered.</p> <p>The Applicant is requested to acknowledge that changes to national planning policy during the examination period would fall within the definition of important and relevant considerations in regard to the consideration of the DCO application made. Secondly, the Applicant is asked to address any of the policy changes currently anticipated, as they would be relevant to this DCO Application.</p> <p>IPs comments in regard to the above mentioned potential changes to national planning policy are invited.</p>	The IP welcomes the request to consider the proposed changes to national planning policy.	The Applicant's Response to Q1.15.1 (page 105) is provided in the Applicant's Response to ExA's EXQ1 [REP1-044] submitted at Deadline 1.
17. Transportation and Traffic				
Q1.17.1	Traffic Management IPs, including the Relevant Highway Authorities (Welsh Government, National Highways, CWCC, Etc.)	<p>Having regard to the Outline Construction Traffic Management Plan (OCTMP) [APP-224] submitted. The measures are indicative and there are several traffic management concerns being raised by IPs through relevant representations. Considering those concerns as well as the characteristics of the local road network the ExA requests that traffic management issues are resolved during the examination as far as possible.</p> <ul style="list-style-type: none"> • Relevant Highway Authorities What are your views in relation to the scope and content of the Outline Traffic Management Plan? Please explain your reasoning in relation to preferred options and any suggested inclusions or amendments. 	<p>The IP wishes to make the following comments.</p> <p>For AGI CTR 1 (the Ince AGI) it is noted that there would be an increase in construction traffic on local roads, including Ash Road and Grinsome Road via Pool Road and advanced hazard warning signage along Ash Road is proposed (OCTMP Annex A). Given Grinsome Road is the access road for Protos, further consideration should be undertaken on the interaction with vehicles (including HGVs and Abnormal Loads) along Grinsome Road with measures to reduce delays / restrictions and engagement with Peel NRE and operators to minimise disruption.</p>	The Applicant welcomes further dialogue with Peel NRE over the implementation of proposed mitigation measures along Grinsome Road, noting the interface with Protos and the desire to mitigate any potential disruption. A Statement of Common Ground is being progressed with Peel NRE [REP1-027] .

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<ul style="list-style-type: none"> IPs Comment on the content of the OCTMP are invited. 		
Q1.17.2	Parking/ Access Applicant and IPs, including the Relevant Highway Authorities	<ul style="list-style-type: none"> Applicant Construction operatives are assumed to be parking at the main compound(s) during construction. However, the ExA would ask you to confirm whether the above assumption is correct and, if not to provide details of construction operative parking. The ExA would also request full details of the location and design parameters of the parking provision for construction operative's vehicles to demonstrate that parking areas would include sufficient capacity to avoid "fly parking" on nearby local roads or other parking facilities in the vicinity. Clarify how would "fly parking" be prevented. Relevant Highway Authorities/ Ips The ExA notes the content of ES - Figure 17.5 [APP-215] which provides proposed Access Locations envisaged; ES- Figure 17.4 Construction Traffic Routes [APP-214]; ES- Figure 17.7 Road Diversions [APP-217]; and the submitted OCTMP [APP-224]. However, the ExA would ask: <ul style="list-style-type: none"> i) Are there any further comments on the access locations or road diversions expected which would have a bearing on the content of the OCTMP at this stage? ii) Do parties agree the OCTMP is suitable? If not, state why not. iii) Other comments on the content of the above mentioned documents are invited. 	<p>The IP notes that the access from Grinsome Road roundabout crosses the consented Protos Plastics Village. An alternative means of access should be identified by the Applicant to avoid conflicting with planned development at Protos and avoid conflicting with the strategic ambitions established by CWACC in their adopted Local Plan; or negotiations should continue with the IP as part of the property terms to reach agreement on the access arrangement, as set out in the SoCG.</p> <p>As noted under Q1.17.1, consideration should be given to measures to reduce delays / restrictions for vehicles travelling to / from Protos along the routes to the Ince AGI and engagement should be undertaken with Peel NRE and operators to minimise disruption.</p>	<p>The Applicant is committed to working with all IPs to ensure the most appropriate means of access to the DCO Proposed Development are identified for the use of construction traffic. The Applicant acknowledges complexities around this in this specific location and is in discussion with the IP on access arrangements which will not compromise the delivery of the approved Protos Plastics Village.</p> <p>As noted in the Applicant's Response to EXA's EXQ1 [REP1-044], Q1.17.1 (page 115) the Applicant welcomes ongoing dialogue to determine mitigation measures for all routes to the Ince AGI.</p>
20. Other				
Q1.20.1	Lighting IPs	The ExA notes that changes to light levels in the immediate area through artificial lighting during construction periods or subsequent operation has the	The IP acknowledges that lighting is proposed during construction and operation of the Ince AGI. Appropriate measures should be put in place to	The detailed CEMP, secured by Requirement 5 of the dDCO [CR1-017] , [REP1-004] , will include the details of lighting during construction, including working

ExQ1	Question to	Question	Interested Party Comment	Applicant's Response to Interested Party Comment
		<p>potential to alter amenity conditions for existing nearby properties and/ or have potential impacts to wildlife and the wider local environment. Considering the scheme as a whole:-</p> <p>Do any IPs have any concerns regarding lighting during proposed construction phases, or arising from any other element of the scheme?</p>	<p>minimise disturbance to wildlife on and around the facility during both these phases of the project.</p>	<p>methods and mitigation measures to ensure the reduction/removal of potential adverse impacts as a result of construction lighting. REAC commitments D-PD-013, D-PD-014, D-BD-015, D-BD-040, and D-LV-021 [REP1-015 and CR1-109] provide mitigation measures to avoid and reduce potential adverse impacts arising from lighting during construction which align with best practice guidance. Additionally, the ECoW/team of ECoWs, as committed to through D-BD-001 of the OCEMP [REP1-017 and CR1-119], will oversee and monitor the implementation of mitigation measures during the construction stage, inclusive of items associated with light use and provision. The Applicant has additionally included provision of a Lighting Plan to be prepared detailing operational lighting requirements and associated mitigation (see item D-PD-14 of the REAC [REP1-015 and CR1-109]).</p>

Table 2.11 – Comments on the Response to the ExA’s WQ’s from United Utilities Water Limited [AS-62]

ExQ1	Question to	Question	Interested Party Comment	Applicant’s response to Interested Party Comment
4. Biodiversity, Ecology and Natural Environments				
Q1.4.3	IPs	v) Submit your views on seeking biodiversity enhancement/ facilitating BNG, inclusive of any future proofing.	<p>As noted in our submission dated 08 April 2022 to the EIA Preliminary Environmental Information Report, ecological mitigation and the delivery of areas for biodiversity net gain should not be located on top of our apparatus or restrict access to our assets, for example, any riparian enhancement should ensure that we can continue to access our outfalls. This is because we require unrestricted access for maintenance, repair and replacement to discharge our statutory duties. Similarly, we would request that any vegetation removal in the vicinity of our assets should be first agreed with UUW to ensure that our assets are not damaged.</p> <p>The latest GIS shp file information that we have received does not include specific details of ecological mitigation and therefore we have not been able to confirm if such proposed features are located on, or near to, our apparatus.</p>	A Statement of Common Ground (SoCG) is being progressed with UUW [REP1-035] . This comment has been added to the SoCG and the Applicant will seek to resolve it through associated discussions prior to the end of Examination.
Q1.4.19	Applicant/ Statutory Undertakers	v) Relevant Planning Authorities/ IPs: Do you have any further comments on tree planting or landscaping provision?	We request that any landscaping provision / vegetation removal in the vicinity of our assets is first agreed with UUW to ensure that our assets are not damaged.	The Applicant acknowledges the submission by UUW regarding the protection of assets during any vegetation removal. The Applicant confirms that they are engaging with UUW on this matter, a record of such engagement can be found in the draft SoCG [REP1-035] .
6. CA and Temporary Possession				
Q.1.6.5		<p>The BoR [APP-030] includes a number of Statutory Undertakers with interests in land. The ExA would ask the Applicant to:</p> <p>i) Provide a progress report on negotiations with each of the Statutory Undertakers listed in the BoR, with an estimate of the timescale for securing agreement with them;</p>	At the current time, the impact on UUW land interests is not clear because the applicant has not instructed UUW to undertake a detailed engineering assessment of the impact on our assets, which is considered in further detail below.	<p>The Applicant defers to the draft SoCG [REP1-035], as shared with UUW, which notes the following points under discussion:</p> <p><i>The Applicant commits to compliance with United Utilities Standard Conditions for Works Adjacent to Pipelines, Document Ref. 90048 for safe working in vicinity of United Utilities Assets.</i></p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>ii) State whether there are any envisaged impediments to the securing of such agreements; and</p> <p>iii) State whether any additional Statutory Undertakers have been identified since the submission of the BoR</p>	<p>Following completion of the development we would wish to be afforded land rights which are at least equal to those in existence at the current time. At the current time we do not have sufficient information to confirm that this will be the case.</p>	<p><i>UUW have confirmed they 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.</i></p> <p><i>The Applicant notes UUW's concerns related to protection of assets due to proposed development and need of protective provisions and will continue engagement.</i></p>
Q1.6.10	Statutory Undertakers	<p>Protective Provisions - A number of Statutory Undertakers, including Cadent Gas Ltd; the Canal and River Trust (CRT); National Grid Electricity Transmission PLC; National Grid Gas PLC; National Highways Ltd (NH); Network Rail Infrastructure Ltd (NR); SP Energy Networks and United Utilities Water Ltd, have noted that:</p> <p>i) Protective Provisions in their favour have not been included within the draft DCO;</p> <p>ii) their standard Protective Provision wording has not been used; and iii) site specific circumstances in regard to Protective Provisions have not been taken into account.</p> <p>The ExA would ask all Statutory Undertakers to:</p> <p>a) provide copies of their preferred wording or, if they have previously provided wording to the Applicant, explain why the wording in the current version of the draft DCO should not be used;</p> <p>b) where relevant, advise what site-specific circumstances, in regard to Protective Provisions, have not been taken into account; and</p> <p>c) provide confirmation that the parties are willing to enter into a side agreement, or has commenced preparation of such a side agreement, or already entered into such a side agreement to the satisfaction of the relevant parties.</p>	<p>UUW does not currently have an agreed set of Protective Provisions or an associated side agreement with the applicant. We are in the process of preparing draft documents for consideration with the applicant and for submission to the Examining Authority. UUW requests the inclusion of a specific set of Protective Provisions relating to UUW assets. We are in process of preparing this document and note the Protective Provisions prepared on behalf of other Statutory Undertakers such as Cadent which form a useful basis for the Protective Provisions which we would request. In addition, we would also request that the</p> <p>Protective Provisions in our favour address a range of other matters including (inter alia):</p> <ul style="list-style-type: none"> - the need for the detail of all drainage proposals to be first approved; - the need for the details of water supply requirements to be confirmed and submitted for approval; - the need for the applicant to comply with our Standard Conditions for Works Adjacent to Our Assets; - the need to agree the details of ecological mitigation / enhancement when proposed in proximity to our assets; 	<p>The Applicant has no objection in principle to including a set of protective provisions in favour of UUW.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		Please note that the above information will be published on our website, so commercial and/ or confidential details need not be given.	<p>- the need to agree the details of landscaping provision /removal when proposed in proximity to our assets; and</p> <p>- the need for UUW to be involved in any process to agree the details of any works to watercourses to ensure no detrimental impact on the operation of our outfalls; and</p> <p>- the need for UUW to be involved in any proposed works in areas of contaminated land to ensure that the proposed works are not detrimental to our assets / delivery of our statutory obligations.</p> <p>For information, our next meeting with the applicant is scheduled for 21 April.</p>	
Q1.6.12		<p>Many Statutory Undertakers in their RRs have indicated that their primary concerns are to meet their statutory obligations and ensure that any development does not impact in any adverse way upon these statutory obligations. The ExA would ask whether:</p> <p>i) they have undertaken any assessment of the Proposed Development's impact on their statutory obligation(s) or are currently doing such an assessment(s); and ii) they have identified any such concerns and, if so, what those concerns are.</p>	<p>UUW has undertaken an initial assessment of the impact on our statutory obligations and the outcome of this assessment has informed our previous consultation responses and the dialogue which we have had with the applicant. We have not repeated these points as part of this submission, however, we can provide some brief comments to update our position below.</p> <p>Asset Protection</p> <p>In consideration of asset protection matters, we have highlighted the need for the applicant to have full regard to our Standard Conditions for Works Adjacent to Pipelines and we would expect this to be addressed in the Protective Provisions we are preparing.</p> <p>Importantly we have highlighted to the applicant that a more detailed engineering assessment of the impact on our assets is required. The applicant has chosen to not instruct UUW to undertake this more detailed work at this point in time and therefore the applicant</p>	<p>The Applicant notes UUW's comment. The Applicant has so far not identified any requirement to divert UUW apparatus, but it cannot be confirmed at this stage that no diversions will be required.</p> <p>The Applicant also refers UUW to the response to 1.6.5 above and has no objection in principle to including a set of protective provisions in favour of UUW.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<p>carries the risk of not knowing the measures that will be necessary to ensure that the impact on our assets is managed, what works will be acceptable / unacceptable, the cost of any works, the land required and the lead in time for delivery of the works. For example, we do not know if any diversion of our assets will be necessary. This engineering assessment of the detail of any design of the proposals is therefore critical. The applicant should note that the lead in time for diversions / works to our assets can be significant and this could affect any future construction programme.</p>	
			<p>Drainage</p> <p>In our previous consultation response we identified the need for any water arising from the proposed development to be managed by sustainable means. This continues to be our position. It is imperative that no surface water discharges to the existing public sewer.</p> <p>We have reviewed the outline surface water drainage strategy Rev A (Document Reference Number D.6.5.13) and note that for those above ground installations which are located in England, there is no intention to connect surface water to the public sewer. We request that the applicant confirms that the extent of land covered by the Order would facilitate the necessary rights to allow the applicant to discharge to these alternative receiving bodies.</p> <p>We also note that each of the drainage strategies will be subject to further intrusive site surveys to confirm the topographies, condition of the development sites and feasibility of connections at detailed design stage.</p>	<p>The Applicant can confirm there are no proposals to connect to the public sewer. Proposals are to discharge to alternative receiving bodies as the most sustainable solution in line with the Drainage Hierarchy as set out in the Outline Surface Management Plan [CR1-111].</p> <p>There are no alternative means of discharge for each site, so the proposals are unlikely to change at detailed design.</p> <p>There are no proposals for dewatering to the public sewer. It is expected that all excavation dewatering water would be discharged into the nearest surface water course, or if no watercourse is present, to a soakaway (following any required pre-treatment e.g., for turbidity). Final details surrounding dewatering will be presented in the Dewatering Management Plan secured within Requirement 5 of the dDCO [CR1-017], [REP1-004].</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<p>In addition we note the Draft Development Consider Order Revision B (Document reference D.3.1 Rev B) which includes 'Article 19 Discharge of Water', which affords the applicant the right to discharge water to a range of receiving bodies including public sewer.</p> <p>We wish to ensure that the intentions set out in the outline drainage strategy (insofar as it relates to water drainage in England) is an approved document and that future detailed design should be in accordance with the outline surface water drainage strategy and the hierarchy for managing surface water. In the event that the applicant choses to change their proposals for surface water drainage, we would wish to be involved in the approval process.</p> <p>We also request clarity on:</p> <ul style="list-style-type: none"> - any dewatering proposals which should not be discharged to public sewer; - any proposals for hazardous fluids, which was noted in our response dated 08 April 2022 to the Preliminary Environmental Information Report; and - any other drainage proposals which are necessitated as a result of the development including any foul drainage, which may be necessary, either during construction or during the operational life of the development. <p>With respect to all drainage proposals, it is not clear how this will be addressed as part of any approval process and therefore we request clarity on this point via the Protective Provisions which we proposed to submit.</p>	There are no requirements for foul water drainage at each site.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
Q1.6.13	Applicant/ Statutory Undertakers	Pursuant to the above question (Q1.6.12), the ExA would ask the Applicant and Statutory Undertakers whether any discussions about the Statutory Undertakers concerns, especially those related to them being able to meet their statutory obligations have occurred and, if so, what progress has been made by these parties with regard to addressing those concerns	See our answer to Q1.6.12.	U UW is referred to the Applicant's response to U UW's answer to Q1.6.12 above.
Q1.6.14	Applicant	<p>Where a representation is made by a Statutory Undertaker under section 127 of the Planning Act 2008 (PA2008) and has not been withdrawn, the SoS would be unable to authorise powers relating to the statutory undertaker land unless satisfied of specified matters set out in section 127. If the representation is not withdrawn by the end of the examination confirmation would be needed that the "expedience" test is met.</p> <p>The SoS would also be unable to authorise removal or repositioning of apparatus unless satisfied that the extinguishment or removal would be necessary for the purpose of carrying out the development to which the Order relates in accordance with section 138 of the PA2008. Justification would be needed to show that extinguishment or removal would be necessary. Please indicate when, if the objections from Statutory Undertakers are not withdrawn, this information would be submitted into the Examination.</p>	In response to this question please note our answer to Q1.6.12. In the absence of the more detailed engineering assessment, it is not clear what impact will be had on the assets of U UW or our associated land interests, which appear to be easements associated with our assets. As a result of the proposed development, we would wish to be afforded land rights which are at least equal to those in existence at the current time. At the current time we do not have sufficient information to confirm that this will be the case.	U UW is referred to the Applicant's response to U UW's answer to Q1.6.12 above.
Q1.10.2	Applicant/ IPs	<p>Are indicative local watercourse flow rates available before and after development?</p> <p>Would options to slow local surface water flow/ formation rates in the DCO area, or nearby, with the formation of new ponds/ wetland advantageous to wider sustainability goals be feasible/ possible? If so, could that provision be accommodated?</p>	In our response dated 8 April 2022 to the EIA Preliminary Environmental Information Report, we expressed our desire to fully understand the impact on Watercourses as result of the development proposals. We noted paragraph 18.6.4 of Chapter 18: Water Resources and Flood Risk which stated that minor watercourses would be crossed via trenched crossings. In such occurrences, the hydrological regime would be maintained through temporary diversion or pumping. U UW wishes to confirm the impact on any watercourses that interact with our assets to ensure that there are no detrimental consequences of these works in terms of asset	The Applicant can confirm that the potential changes to the hydrological regime and fluvial geomorphological processes as a result of the proposed trenched crossings has been assessed within Chapter 18.3 - Water Framework Directive assessment [APP-165] of the ES and Chapter 18 - Water Resources and Flood Risk [APP-070] and [CR1-124] of the ES. No adverse impacts are anticipated. The Applicant welcomes opportunity for further engagement with U UW to discuss any particular concerns with regard to potential effects to their assets.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<p>operation, flood risk and changes to fluvial geomorphological processes. This is particularly with reference to any watercourses where we have assets that outfall into the affected watercourses.</p> <p>We would therefore wish to be consulted on any proposals that affect a watercourse as part of the proposed development and on the detail of any drainage proposals so that we can provide our comment.</p> <p>As noted above, our previous consultation responses identified the need for any water arising from the proposed development to be managed by the sustainable means. This continues to be our position. It is imperative that no surface water discharges to the existing public sewer.</p>	
10. Flood Risk, Hydrology, Water Resource and Contamination				
Q1.10.3	Applicant and IPs	<p>i) Have any local views come forward/ available giving more details as to the cause or date of this historic flooding event? Is this in the area of Chester Road Brook?</p> <p>ii) The “DG5” flooding register is also referred to in Paragraph 3.3.4 of [APP-168]. Explain the origin, nature and status that register holds for the administrative area.</p> <p>IPs</p> <p>iii) Please make whatever comments you deem applicable on assessing flood risk or any associated survey, mitigation or avoidance matter triggered. Including measures linked to achieving future climate change resilience through potential wetland creation.</p>	<p>In our response dated 8 April 2022 to the EIA Preliminary Environmental Information Report, we identified the need for a range of flood risk matters to be fully considered by the proposed development. The content of our representation continues to be relevant.</p> <p>We have provided the applicant with initial information on modelled sewer flood risk. In our response dated 8 April 2022, we specifically noted a potential exceedance path from modelled sewer flood risk which impacts on the proposed works at approximate grid reference SJ 44583 74797. This has been highlighted to the applicant and we request that they confirm how this has been / will be addressed in their proposals. At the current time we are concerned that an installation is proposed at this location which could</p>	<p>The Applicant can confirm that all responses to the PEIR (found in the HyNet DCO Consultation Report [APP-031]), have been taken into account within the 2022 ES where relevant.</p> <p>The Applicant notes that the responses received have been taken into consideration in the assessment of flood risk to the Proposed Newbuild CO₂ pipeline. Given that the proposed Carbon Dioxide pipeline is buried, it is unlikely to be affected by any existing or future sewer flood risk issues or exceedance flows from existing drainage features.</p> <p>The proposed alignment and levels of the Carbon Dioxide pipeline will take into consideration the existing drainage assets to avoid clashes and adverse impacts.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
			<p>be at risk of exceedance flows from existing drainage features.</p> <p>When considering any works to our public sewerage assets, it is critical that flood risk is not increased as a result of the proposed works, for example, as a result of any diversion or changes to levels on top of or near to the sewer. The applicant should not assume that such works to or near to our assets will be acceptable.</p>	
Q1.10.4	Applicant and IPs	iv) Significant dewatering is expected adjacent to the River Gowy and the West Central Drain. These are in the Gowy and Ince Marshes WFD surface water bodies. Do IPs have any comments to make on that aspect or any other aspect of the proposal? Can any related ecological benefits be secured in tandem with dealing with flood risk management issues arising?	As noted above, it is critical that any water from dewatering proposals is managed in a sustainable manner. It will not be allowed to discharge to the public sewer.	The Applicant acknowledges UUW's comments and notes that no discharges will be allowed to public sewer. There are no proposals to connect to public sewer.
Q1.10.9	Applicant/ IPs	<p>With respect to groundwater resources and quality explain what mechanisms are/ would be in place to ensure that no private water supply can be derogated because of the works or operation of the scheme, even temporarily, without the prior written consent of the owner and the provision of mitigation measures?</p> <p>Regarding potential impacts during construction and any proposed HDD activity. Clarify what investigations, assessments, mechanisms, and consultation requirements are to be secured to ensure HDD works will not pose a risk to groundwater resources.</p> <p>Your comments in regard to the above are invited.</p>	In our submission dated 08 April 2022, we requested that the approach to the assessment of the impact on the groundwater environment is considered and agreed with UUW. The applicant has not engaged with UUW in this regard. We would wish to be engaged with as part of the process to ensure that any necessary risk assessment of the impact on the groundwater environment is undertaken and appropriate mitigating measures included.	<p>The Applicant can confirm that the approach to the assessment of likely impacts to groundwater is set out in Chapter 18 Water Resources and Flood Risk [APP-70 and CRT-124].</p> <p>The Applicant is currently engaging with UUW through the SoCG [REP1-035].</p> <p>Specifically, the SoCG notes the following point as under discussion:</p> <p><i>UUW have raised concern with the assessment of the impact on the groundwater environment and that any development should be considered as part of the DCO application and agreed with UUW.</i></p> <p><i>The Applicant acknowledges UUW's request to understand approach to the assessment of the impact on the groundwater environment and has submitted relevant documents as part of the DCO submission. The Applicant has provided an assessment within Chapters</i></p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
				<i>11 Land and Soils [APP-063] and Chapter 18 Water Resources and Flood Risk [APP-070].</i>
Q1.10.10	IPs	Accounting for any locally known watercourses, outfalls, or hydrogeological anomalies which may be apparent; do IPs agree the Applicant's approach detailed in [APP-165] and [APP-225] would be possible? Paragraph 7.1.7 of the WFD Assessment [APP-165] states that the DCO Proposed Development has been assessed and concluded to have no impact on the Wirral and West Cheshire Permo-Triassic Sandstone Aquifers, the Dee Permo-Triassic Sandstone, the Dee Carboniferous Coal Measures and the Clwyd Carboniferous Limestone Groundwater WFD water bodies. Do IPs agree with that conclusion? If not, please state your reasons.	As noted above, the applicant has not engaged with us on groundwater matters and therefore we have not been able to assess this point.	U UW is referred to the Applicant's response to U UW's answer to Q1.10.9.
		<p>The Applicant states the objectives of the DCO Proposed Development is to reinstate habitats where practicable. Where watercourses and riparian vegetation would be impacted, they would be reinstated post-construction and most watercourses would recover within two years. The exception would be where mature tree cover in the riparian zone is removed. Therefore, riparian enhancements are proposed to mitigate those impacts. Riparian enhancements are proposed at: East Central Drain; Finchetts Gutter Tributary; Backford Brook; Friars Park Ditch; and Alltami Brook. Should any further areas be considered? if so, state why.</p> <p>The EA [RR-024] support the production of a Dewatering Management Plan and a Groundwater Management and Monitoring Plan. They wish to be a consultee on the approval of these plans. Can the Applicant confirm the provision within the DCO where the EAs request has been secured.</p>	As per the EA, we would wish to be consulted on any groundwater matters in our area of operation. With regards to dewatering proposals, this should not discharge to public sewer	<p>The Applicant defers U UW to the response to Q1.10.4 above.</p> <p>The Applicant is currently engaging with U UW through the SoCG [REP1-035].</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
Q1.10.14	IPs	Provide your comments on any outstanding land contamination or pollution control matters arising if you have not already done so.	In the event of the proposals passing through contaminated land, it is critical that appropriate protective measures are in place so that there is no detriment to our existing assets or the water environment. In the event that our assets passed through an area of contaminated land that was due to be proposed, we would wish to be consulted so that we can provide comment and review.	The Applicant acknowledges the comment and is currently engaging with UUW through the SoCG [REP1-035] .
12. Landscape and Visual				
Q1.12.4	IPs, including Statutory Undertakers	Chapter 12 Landscape and Visual, Table 12.2 lists the elements scoped out of the assessment. This includes recognition each AGI, BVS and control cabinet will require a connection to the local electricity network at the nearest practicable connection points. For the EIA, it is assumed that would be via the closest adopted highway. Any connection works up to that point would be undertaken via the respective statutory undertakers so are not included as part of the DCO Proposed Development. Do statutory undertakers agree the use of the highway is feasible? Do IPs agree with the elements scoped out? If not state why not.	<p>Notwithstanding the fact that this matter relates to electricity connections, in our submission dated 8 April 2022, we requested that the applicant provides details of any foul and surface water drainage proposals and details of any water supply requirements. We are not in receipt of this information and request that we are provided with early information on any connections, including rates, that may be required. The applicant should not assume that the nearest point of connection for water supply or any foul water drainage will be acceptable.</p> <p>With regards to drainage, no surface water will be allowed to discharge to the public sewer.</p> <p>For clarity, it is normally the applicant's responsibility to connect to the nearest point on our network rather than UUW (subject to certain provisions).</p>	The Applicant notes that no discharge to sewers is currently anticipated. The permanent drainage proposed is of surface water only (no foul) and would be attenuated and discharged to watercourses.
Q1.14.1	Applicant and IPs, including FCC and CWCC	<p>Applicant</p> <p>i) Outline how monitoring thresholds would be identified and implemented, and indicate whether the DCO should include a commitment to secure remedial measures should monitoring identify higher than predicted noise and vibration levels?</p> <p>ii) Can the Applicant explain if monitoring (and appropriate trigger levels) would be required to determine whether measures need to be implemented</p>	In accordance with our submission dated 8 April 2022, UUW requests that the impact of the proposed development includes an assessment of any potential settlement and vibration on UUW's assets. Similarly, any loading on UUW's assets during operation or during construction requires further consideration with UUW. Any approach would need to accord with UUW Standard Conditions for Works Adjacent to Pipelines. We have not seen the latest version of the Noise and	<p>The Applicant will prepare an Outline Noise and Vibration Management Plan for submission before the end of Examination.</p> <p>The Applicant welcomes continued engagement though the SoCG [REP1-035] with respect to the potential vibration impact on UUW's assets.</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		<p>to further reduce noise? If so, how would these and any requisite remedial measures be secured? iii) How can noise/ vibration mitigation for ecology be relied upon as being suitable based on the information presently known? Or is further information expected?</p> <p>iv) Proved an update where necessary.</p> <p>Relevant Planning Authorities/ IPs:</p> <p>v) Comment on the need for monitoring of construction/ operational phase noise and mitigation.</p>	<p>Vibration Management Plan and we are in the process of reviewing the latest Construction Environmental Management Plans. We would wish to liaise with the applicant on these points in more detail. We would expect any vibration / settlement matters and the impact on our assets to be addressed via our proposed protective provisions / any associated side agreement.</p>	
Q1.14.2	Applicant	<p>The residual noise and vibration effects identified during construction (moderate and major) and decommissioning (moderate) are described as significant subject to the mitigation that would be contained in the Noise and Vibration Management Plan, which is required by draft DCO [APP-024] Requirement 5 to be included in the CEMP. Please can the Applicant: i) Clarify whether it is anticipated that the effects would remain significant following the implementation of the Plan; and</p> <p>ii) Explain how such a plan is secured for the decommissioning phase, given that the draft DCO only secures it for the construction phase.</p>	<p>UUW wishes to be appropriately involved in any matters relating to vibration arising as a result of the development to ensure our assets are protected and that there is no risk to meeting our statutory obligations including any risk of discoloration to public water supply. We therefore request the opportunity to be involved in the finalisation of any construction management plan and Noise and Vibration Management Plan.</p> <p>Similarly, with respect to any future decommissioning phase, UUW would wish to be involved in the detail of the proposals to ensure no unacceptable impact on our assets or meeting our statutory obligations.</p>	<p>The Applicant will prepare an Outline Noise and Vibration Management Plan for submission before the end of Examination.</p> <p>The Applicant welcomes continued engagement though the SoCG [REP1-035] with respect to the potential vibration impact on UUW's assets.</p>
Q1.14.4	Applicant and Relevant Local Authorities (CWCC and FCC)	<p>The ExA notes the Applicants decision not to submit an Operational Vibration Assessment and that no discussions, in regard to this matter, were held with the relevant Local Authorities (CWCC and FCC). However, the ExA would ask:</p> <p>i) the Applicant for a fuller explanation as to why it considered such an assessment was not required; and</p> <p>ii) whether the Relevant Local Authorities (CWCC and FCC) agree with the Applicant's decision that such an assessment was not required and, if not, why they do not agree.</p>	<p>Please refer to our answer to Q.1.14.1.</p>	<p>The Applicant refers the IP to the response to Q1.14.1 (page 103) in the Applicant's Response to ExA's ExQ1 [REP1-044].</p>

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
19. dDCO				
Q1.19.20	Relevant Statutory Undertakers	The ExA would ask relevant Statutory Undertakers for their comments in regard to the disapplication of the provisions set out in Article 8(1) of the draft DCO, which related to the powers to make bylaws under the Water Resources Act 1991 and the powers to make bylaws, the prohibition of obstructions, etc. in watercourses and authorisation of drainage works in connection with a ditch under the Land Drainage Act 1991.	<p>As noted above, UUW would wish to be involved in any works to watercourses to ensure that the impact on our assets, including our outfalls, is appropriately considered and managed in the decision making process.</p> <p>The applicant should ensure that the DCO facilitates the necessary rights to discharge surface water to local watercourses so that it is not necessary to discharge surface water to the public sewer.</p>	The Applicant notes that no discharge to sewers is currently anticipated. The permanent drainage proposed is of surface water only (no foul) and would be attenuated and discharged to watercourses.
Q1.19.23	Relevant Local Authorities/ Statutory Undertaker	<p>Article 10 (Street works)</p> <p>Article 10(5) refers to the consequences of a failure to notify the undertaker (Applicant/ developer) of a decision within a fixed period of time. In this instance it is 42 days, but there are some incidents of 28 days (see Articles 19(9) and 21(7)) . The need to provide a decision within a fixed period, and the consequence of the failure to do so, occurs throughout the draft DCO generally (eg Articles 11(5), 14(7), 18(7), Etc.). The ExA would ask whether the Relevant Local Authorities/ Statutory Undertakers are satisfied in regard to the time limits specified and if not what alternative would be considered acceptable?</p>	We are not satisfied with the time limits outlined and would request that this is reconsidered and lengthened. We would request that the applicant provides us with a greater notice period that is agreed with the statutory undertaker in respect of each asset to be affected as part of the submission of proposed detailed design as soon as possible. We wish to emphasise that the notice period in question may need to be followed by an engineering assessment of whether the proposed works is acceptable. This will identify the lead in time for delivery of the proposed works. The applicant should note that this lead in time could be significant. We wish to emphasise that the applicant should not assume that any works to our assets including diversion or changes in ground levels will be acceptable. Ultimately it is critical that the applicant engages in early dialogue with us to enable us to continue to maintain our statutory obligations during construction of the pipeline, as such, it is critical that the applicant instructs us to undertake the engineering assessment of the impact on our individual assets to inform their detailed design as soon as possible so that the detail of any designs can be assessed well in advance of any construction commencing.	The Applicant notes that the periods in Articles 10, 11, 14, 18 and 21 relate to the issue by authorities of consents to various forms of street works, not consent of statutory undertakers. These Articles do not set time periods for notice to undertakers. Article 19 concerns seeking consent to discharge from the owner as a land right, as noted above, the Applicant does not intend to connect to a sewer. These Articles do not concern approval of detailed design. The relevant provisions for engaging with statutory undertakers are in the protective provisions (currently the generic ones but as above the Applicant is happy to progress bespoke provisions for UUW) not these Articles.

ExQ1	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment
		In addition to the above, in regard to all Articles that express a consequence for failure to notify, the ExA would ask whether such articles should also specify the procedure to follow in the event of the Relevant Local Authority/ Statutory Undertaker making a negative decision which is received by the undertaker within the relevant period?	Yes there should be a procedure clearly outlined that identifies the process in the event of a negative decision. We would expect this to be outlined in protective provisions / any separate side agreement.	The Applicant does not agree and refers U UW to its answer to this question (page 127) in the Applicant's Response to ExA's ExQ1 [REP1-044] .
		Should there be some form of cross reference to Article 47 (Requirements, Appeals, etc.) and Schedule 2, Part 2, Etc. of the draft DCO for example? If not please explain your reasoning in full.	Yes.	