

HyNet North West

APPLICANT'S RESPONSE TO DEADLINE 1 SUBMISSIONS

HyNet North West Carbon Dioxide Pipeline

Planning Act 2008

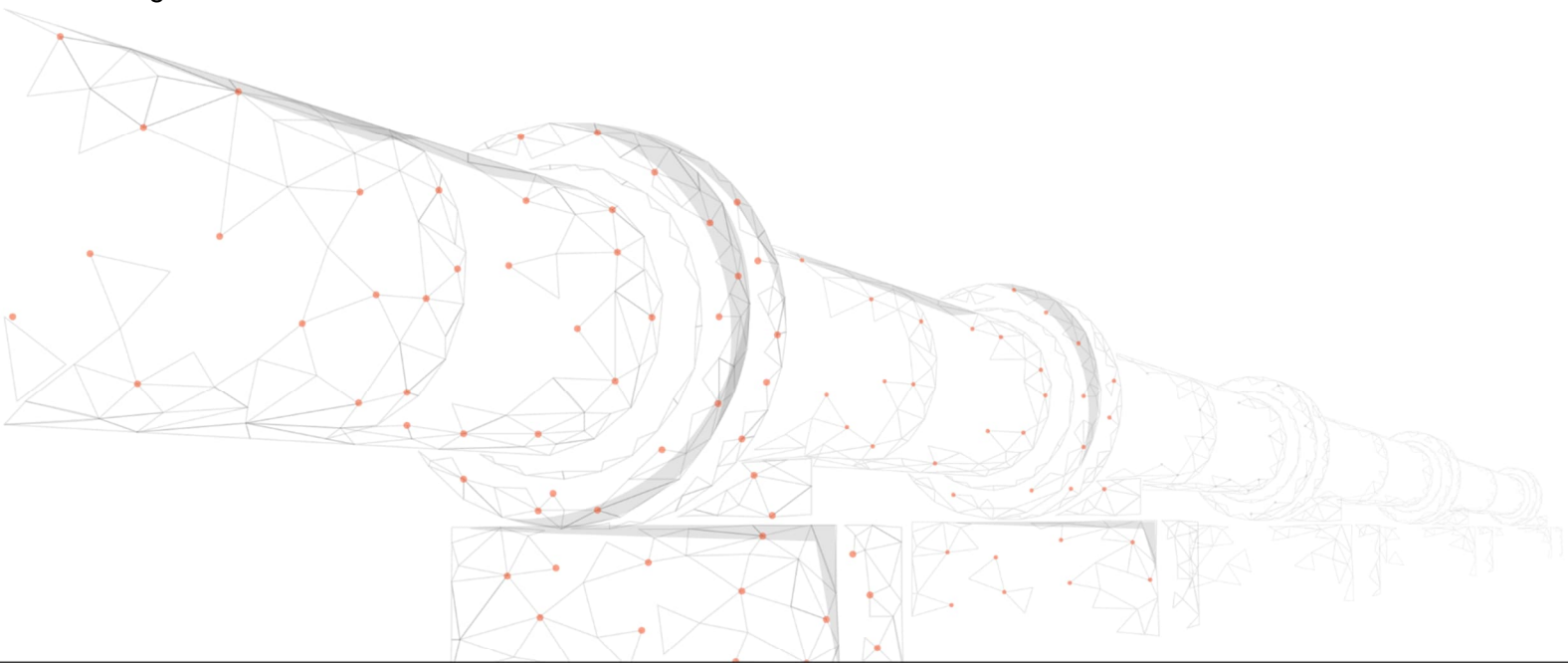
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1. INTRODUCTION

1.1. PURPOSE OF THIS DOCUMENT

- 1.1.1. This document has been prepared on behalf of Liverpool Bay CCS Limited ('the Applicant') and relates to an application ('the Application') for a Development Consent Order (DCO) that has been submitted to the Secretary of State (SoS) for Energy Security & 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 document provides the Applicant's response to representations made by Interested Parties at Deadline 1 and any late submissions accepted at the discretion of the Examining Authority (ExA).

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. 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 response to representations made by Interested Parties at Deadline 1 and any late submissions accepted at the discretion of the ExA.
- 2.1.2. The Applicant has not provided a response to the following submissions:
- Cadent Gas **[REP1-052]**
 - Canal and River Trust **[REP1-057]**
 - National Gas Transmission Plc **[REP1-066]**
 - National Grid Electricity Transmission **[REP1-067]**
 - National Highways **[REP1-069]**
- 2.1.3. The Applicant has not responded to the above submission as they all relate specifically to the wording of specific Protective Provisions within the DCO **[REP1-004]** which are subject to ongoing negotiations but not yet agreed and a record of engagement on these matters is recorded in the relevant Statement of Common Ground (SoCG) with each Interested Party.
- 2.1.4. The Applicant has not responded to the submission by the Ministry of Defence **[REP1-065]** as they have confirmed they have no safeguarding concerns for the DCO Proposed Development.

Table 2.1 – Not used

Table 2.2 – Comments on Deadline 1 Submission from Canal and River Trust [REP1-054]

Reference	Comment	Applicant's Response
2.2.1	<p><i>Trust's Role as an Interested Party</i></p> <p>The Trust responded on 13th January 2023 to register and comment as an Interested Party for the Examination relating to the HyNet Carbon Dioxide Pipeline Project and made Relevant Representations. The Trust's Written Representations (Appendix B) elaborate on concerns raised at that stage in more detail, including a summary of outstanding matters. The Written Representations also provide comments on the Additional Submissions from the applicant, which have been accepted by the ExA.</p>	<p>The Applicant's response to the Trust's Written Representation [REP1-055] are included in the Applicant's response to Deadline 1 Written Representations (document reference: D.7.19) submitted at Deadline 2.</p>
2.2.2	<p><i>Statement of Common Ground</i></p> <p>The Trust is in the process of negotiating a draft SOCG with the applicant. The applicant shared a first draft of the SoCG with the Trust on 6th February 2023. The Trust responded to this document, with a number of suggested edits, on 3rd March 2023. No further drafts have been exchanged. The Trust are keen to work with the applicant towards the early resolution of issues which remain outstanding. We understand that the applicant is due to send the latest version of the draft SOCG with their Deadline One response.</p>	<p>The Applicant is engaging with the Trust regarding protective provisions and a draft Statement of Common Ground (SoCG) [REP1-030] with the Trust was submitted at Deadline 1.</p>
2.2.3	<p><i>Confirmation of wish to Speak at Issue Specific Hearing</i></p> <p>The Trust intends, at this stage, to make representations at an Open Floor Hearing in relation to the draft Development Consent Order (ISH2), including the wording of the Protective Provisions for the Trust to be provided within the draft DCO. This includes the works being carried out in accordance with the Trust's Code of Practice in relation to where the works interface with the Shropshire Union Canal.</p> <p>The Trust is seeking to discuss and reach agreement on these matters with the applicant, prior to the hearing dates. Should agreement be made, the Trust would likely be able to withdraw our intention to speak at the Hearing and save examination time.</p> <p>The Trust do not intend to speak at the Hearing on Environmental Matters (ISH1), unless the ExA considers it necessary for the Trust to attend to aid the Examination.</p>	<p>The Applicant is engaging with the Trust regarding protective provisions and an updated SoCG [REP1-030] with the Trust will be submitted at Deadline 3.</p> <p>The Applicant has agreed and as stated under Trust 3.5.3 in the draft SoCG with the Trust [REP1-030] that any works that interface with its waterways would be carried out in accordance with the Canal and River Trust Third Party Works Code of Practice and that the requirement will be secured by way of a Protective Provision in the draft DCO [REP1-004].</p>
2.2.4	<p><i>Confirmation of wish to speak at the Compulsory Acquisition Hearing</i></p> <p>The Trust intends, at this stage, to speak at the Compulsory Acquisition Hearing.</p> <p>We would wish to make representations in respect of plots 8-03 and 9-06 as shown on land plans [APP-008] (sheets 8 and 9) As set out in our Relevant Representation and in our Written Representation (Appendix B to this letter), the Trust is concerned that the applicant is seeking the permanent appropriation of rights and ownership over Trust land, without any further detail being provided as to what rights are being sought. We note that this approach is in conflict with the "Guidance on Compulsory Purchase Process and the Crichel Down Rules" published by the Department of Levelling Up, Housing & Communities. We are also seeking to agree terms with the applicant in relation to the use of Trust owned land where the Trust's requirements can be accommodated.</p>	<p>The Applicant wishes to confirm the rights sought as follows:</p> <p>It is agreed that the Canal & River Trust is listed in the Book of Reference in plots 8-03 (The Shropshire 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.</p> <p>The Applicant has demonstrated that there is a compelling case in the public interests 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].</p>

Reference	Comment	Applicant's Response
	The Trust is seeking to discuss these matters with the applicant further prior to the hearing dates. Should we reach agreement with the applicant, the Trust would likely be able to withdraw our intention to speak at the Hearing and save examination time.	
2.2.5	<p><i>Protective Provisions for the Trust</i></p> <p>The draft DCO, as submitted, did not contain any specific protective provisions for the Trust as a statutory undertaker. To aid the Examination we provided the applicant with a set of protective provisions which would resolve and satisfy our principal concerns. The protective provisions have been adapted from the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 (made 7 December 2022), being the most recent NSIP to be examined and which contains provisions relevant to Trust land and assets. The Trust reserves the ability to add to and amend the draft protective provisions as part of the examination process as may be required.</p> <p>Since providing the applicant a copy of these suggested protective provisions on 13th January 2023, no comment has been received in response. To avoid further delay and cost to the Trust, it would be useful to have the applicants' comments on the Trust's suggested protective provisions. We look forward to receiving the applicants' response to our Relevant Representation, as required as part of the ExA Questions, including comments on our protective provisions. Getting these protective provisions for the Trust agreed would go a long way to address our concerns/objection and save Examination time.</p> <p>The Trust will update the ExA on the progress made in relation to the SoCG, protective provisions and other matters at each relevant deadline.</p>	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.
Register for Issue Specific Hearing (ISH2) [AS-065]		
2.2.6	<p>As set out within Annex C to Rule 8 letter associated with the Hynet CO2 Pipeline DCO, there is a requirement to register to participate at the Issue Specific Hearings. This email is to confirm the attendance of the Canal & River Trust at the Issue Specific Hearing 2 (ISH2)</p> <ul style="list-style-type: none"> • Tim Bettany-Simmons (MRTPI) – (contact details below) • Canal & River Trust – Unique reference number HYCO-EIA071 • Preference to participate virtually at the Issue Specific Hearing on the draft DCO (ISH2). 	The Applicant acknowledges the response from the Trust and has no further comments at this time.
2.2.7	Unfortunately, the applicant has made no further attempt to progress the concerns raised by the Canal & River Trust. As such the Trust intends, at this stage, to make representations at an Open Floor Hearing in relation to the draft Development Consent Order (ISH2), including the wording of the Protective Provisions for the Trust to be provided within the draft DCO. This includes the works being carried out in accordance with the Trust's Code of Practice in relation to where the works interface with the Shropshire Union Canal.	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.
2.2.8	We wish to particulate due to the draft Order [APP-024) not containing any protective provision for the Canal & River Trust as a statutory undertaker, at Schedule 10, Part 2. Although the amended draft DCO [AS-017] does now appear to contain the intention to include protective provisions for the Trust, no progress has been made on the inclusion of these to protect our	

Reference	Comment	Applicant's Response
	undertakings. This is despite the Trust providing the Applicant with a set of protective provisions on 13th January 2023, which would resolve and satisfy our principal concerns. The protective provisions have been adapted from the Keadby 3 (Carbon Capture Equipped Gas Fired Generating Station) Order 2022 (made 7 December 2022), being the most recent NSIP to be examined and which contains provisions relevant to the Trust land and assets.	
2.2.9	Furthermore, the Trust have concerns with the drafting of DCO in relation to Article 6 (limits of deviation); Article 19 (discharge of water); Article 21 (survey and investigate land); Part 5 powers of acquisition and Article 24 (compulsory acquisition of land); Article 26 (compulsory acquisition of rights and restrictive covenants); Article 29 (private rights); Article 31 (acquisition of subsoil); Article 34 (temporary use of land); Article 36 (statutory undertakers) and Article 39 (removal of hedgerows) of the draft DCO. Our full concerns in relation to the DCO are set out within our Written Representation (Appendix B) submitted within our Deadline 1 response.	<p>On articles 6, 19, the Applicant has responded to these points in detail in its response to the Trust's Deadline 1 Written Representation [REP1-059]. Please see sections 2.1.3 and 2.1.6 in the Applicant's Response to Deadline 1 Written Representations (document reference: D.7.19).</p> <p>On the CA powers, the Applicant notes the objection in principle and continues to seek to agree protective provisions to resolve this.</p> <p>On Articles 21, 31 and 34 the Applicant cannot find any detail of the concern with the drafting and would be grateful if the Trust could elaborate.</p>
2.2.10	The Trust is seeking to discuss and reach agreement on these matters with the applicant, prior to the hearing dates. Should agreement be made, the Trust would likely be able to withdraw our intention to speak at the Hearing and save examination time.	The Applicant acknowledges the response from the Trust and has no further comments at this time.
2.2.11	The Trust do not intend to speak at the Hearing on Environmental Matters (ISH1), unless the ExA considers it necessary for the Trust to attend to aid the Examination. We would however wish to observe the proceedings.	

Table 2.3 – Not used

Table 2.4 – Comments on Deadline 1 Submission from Cheshire West and Chester Council (CWCC) [REP1-060]

Reference	Comment	Applicant’s Response
REP1-060	Deadline 1 Submission – Responses to ExA’s ExQ1 – Appendix 1 applications 500m of the pipeline (pending or decided since Nov 2022)	<p>The Applicant acknowledges the submission of Appendix 1 for ExA WQ1 (Applications 500m of the pipeline) since November 2022 by CWCC [REP1-060].</p> <p>The Applicant updated the Planning Statement for Deadline 1 [REP1-013]. Appendix A identifies the relevant planning history for land within and adjacent to the Order Limits and considers planning history up to 31 March 2023. The Applicant has updated the Planning Statement for Deadline 2 and has updated Appendix A accordingly based on the submission by CWCC as required.</p> <p>The methodology for the search criteria is associated with ES Chapter 19 [APP-071], Appendix 19.1 Inter-Project Effects Assessment [APP-172].</p>

Table 2.5 – Not used

Table 2.6 – Not used

Table 2.7 - Not used

Table 2.8 – Comments on Deadline 1 Submission from Peel NRE [REP1-073]

Reference	Comment	Applicant’s Response
2.8.1	Peel NRE is supportive of the Applicant’s proposal to include the site of the Ince AGI as part of the ASI (as identified in the draft itinerary (provided by the Applicant at document reference number D.7.6 published on 10 March 2023). (PDA-002)	The Applicant acknowledges PEEL NRE’s response and notes that the Ince AGI site is listed in the Applicant’s draft itinerary for an Accompanied Site Inspection [REP1-040] as issued at Deadline1.

Table 2.9 – Comments on Deadline 1 Submission from Royal Mail [REP1-076]

Reference	Comment	Applicant's Response
2.9.1	<p>Royal Mail supports this proposed Hynet Carbon Dioxide Pipeline, but is seeking to secure reasonable mitigations to protect its road based operations during the construction phase. Royal Mail and its advisor BNP Paribas Real Estate have reviewed the Outline Construction Traffic Management Plan (OCTMP) Revision A document dated September 2022 as included within the Environmental Statement (Volume III).</p> <p>Royal Mail has 4 operational properties within 8 miles of the proposed HyNet Carbon Dioxide Pipeline:</p> <ul style="list-style-type: none"> • BE 2472 Flint DO; • BE 2475 Chester MC; • BE 2454 Chester DO; and • BE BE2528 Ellesmere Port DO. <p>The draft OCTMP 2022 states construction traffic will use the M53, A55, A494, B roads, and other adjacent local roads. In exercising its statutory duties, Royal Mail vehicles use all of these roads on a daily basis for access to the Delivery Offices and for deliveries. Any periods of road congestion, disruption / closure, night or day, on or to the roads immediately connected to the Pipeline or the surrounding highway network will have the potential to adversely impact Royal Mail operations.</p>	<p>The Applicant invites Royal Mail and its advisors to review Chapter 17 Traffic and Transport of the 2022 Environmental Statement (ES) [APP-069], the Environmental Statement Addendum Change Request [CR1-124], and Appendix 17.13 Transport Assessment [CR1-042]. The conclusions of those assessments are that, with the implementation of appropriate mitigation measures outlined in those documents and the Outline Construction Traffic Management Plan (OCTMP) [CR1-117], and as submitted at Deadline 2, the construction traffic associated with the DCO Proposed Development can be accommodated without compromising the safe and efficient operation of the local and strategic transport networks.</p>
2.9.2	<p>As indicated above, Royal Mail's performance of the Universal Service Provider obligations is in the public interest and should not be affected detrimentally by any statutorily authorised project. Accordingly, Royal Mail seeks to take all reasonable steps to protect its assets and operational interests from any potentially adverse impacts of proposed development.</p>	<p>The Applicant acknowledges Royal Mail's obligations set out in their representation at Deadline 1 [REP1-076].</p>
2.9.3	<p>Royal Mail does not wish to stop or delay the HyNet Carbon Dioxide Pipeline from coming forward for development. However, Royal Mail does wish to ensure the protection of its future ability to provide an efficient mail sorting and delivering service to the public from and to the above identified operational facilities in accordance with its statutory obligations. In order to achieve this Royal Mail request that:</p> <p>1. the CTMP includes specific requirements that during the construction phase Royal Mail is notified by Liverpool Bay CCS Limited or its contractors at least one month in advance on any proposed road closures / diversions / alternative access arrangements, hours of working,</p>	<p>Section 6.2 of Appendix 17.13 Transport Assessment [CR1-042] refers to open trench road crossings which will necessitate the closure of roads and implementation of diversion routes. Road closures are anticipated to last a maximum of two weeks. Figure 17.7 [CR1-095] of the ES shows a number of identified road closures and proposed diversion routes. The Applicant is committed to communicating requirements for road closures and diversions to all IPs as part of the further development of the Construction Traffic Management Plan secured by Requirement 6 of the dDCO [REP1-004].</p> <p>The Applicant has updated the Outline Construction Traffic Management Plan [CR1-117], as submitted at Deadline 2, to include a section on communications. This section references Royal Mail and commits the Applicant or its contractors to consult Royal Mail on the details of any proposed road closures, diversions and/or alternative access arrangements at least one month in advance.</p>

2.9.4	2. where road closures / diversions are proposed, Liverpool Bay CCS Limited or its contractors liaise with Royal Mail at least one month in advance to identify and make available alternative highway routes for operational use, where possible, and	Please see response to 2.9.3 above.
2.9.5	3. the CTMP includes a mechanism that informs Royal Mail about works affecting the local highways network (with particular regard to Royal Mail's distribution facilities near the DCO application boundary as identified above).	
2.9.6	Whilst it is noted from the OCTMP that a Transport Review Group would be put in place, it is requested that Royal Mail is included as a Stakeholder and provided with named contacts at Liverpool Bay CCS Limited or its contractor/s for all consultations and notifications during the construction period at least two months before any works commence.	<p>The Applicant welcomes the interest from Royal Mail and would be happy to include Royal Mail as a stakeholder of the Transport Review Group referenced in the OCTMP [CR1-117], and as submitted at Deadline 2.</p> <p>Royal Mail will be pre-consulted by the Applicant or its Construction Contractor(s) on the content of the final Construction Traffic Management Plan secured by Requirement 6 of the dDCO [REP1-004]. Not less than two months before the date on which the first of any construction activity resulting in road closures/diversions will commence the Applicant will advise of appropriate contacts and the details of the Transport Review Group.</p>

Table 2.10 – Comments on Deadline 1 Submission from Steven Andrew [REP1-083]

Reference	Comment	Applicant's Response
2.10.1	<p>My name is Steven Andrew I am the Owner of the Sealand Golf Driving range, golf course site on Sealand Road.</p> <p>I have had several conversations regarding the above pipeline project, initially you wanted to come through a corner of my property but I was then advised by phone call that this was no longer the case and you were proposing going down an adjoining field that would not be encroaching on my land.</p>	<p>This is correct. Land owned by Mr Andrew was identified during consultation as being required but was removed following design refinement prior to the submission of the DCO Application. As such, the Land Plans (sheet 12) [CR1-009] show the land required in the vicinity of Sealand Golf Driving Range, and excludes any land owned by Mr Andrew. However, it is understood that the driving range enjoys rights over Deeside Lane (plots 12-21 and 13-01), over which the Applicant is seeking rights of permanent access. It is not anticipated that the rights held by Mr Andrew will be interfered with, but he has been included as a Category 2 and 3 party in Parts 1, 2 and 3 of the Book of Reference [CR1-022] and notified accordingly.</p>
2.10.2	<p>I have had several letters in the post regarding the planning applications etc. I know the inspection period is due to finish on 20-09-23, my concerns are as follows:</p> <p>Will this project in its new phase be requiring any use of my land be that of access or easement or actually pipeline thoroughfare?</p>	<p>No land owned by Mr Andrew will be required for pipeline, easement or access works. No land owned by Mr Andrew is within the Order Limits of the Proposed DCO Development.</p>
2.10.3	<p>Will there be disruption to Sealand Road causing access issues to my customers?</p>	<p>The Carbon Dioxide Pipeline will cross Sealand Road by a trenchless crossing. There is no expected disruption to access between Mr Andrew's property and Sealand Road and the construction phase of the DCO Proposed Development should not cause access issues to his customers.</p>
2.10.4	<p>Will there be any disruption to Deeside Lane as this is the Access to our customer car park?</p>	<p>Deeside Lane is within the Order Limits and proposed to be used for access for the DCO Proposed Development. There is expected to be a temporary increased level of traffic due to the proposed Construction Compound. This is assessed in Chapter 17 - Traffic and Transport of the 2022 Environment Statement [APP-069] and considered in the Outline Construction Traffic Management Plan [CR1-117], and as submitted at Deadline 2. There is no expected disruption to the access to Deeside Lane and the construction phase of the DCO Proposed Development is not anticipated to cause access issues to customers.</p>
2.10.5	<p>In essence we employ 10 to 14 people through the site and I want to know what impact this project may have on the running of the companies that occupy our land.</p>	<p>It is not expected that the DCO Proposed Development will impact any running of the driving range or any companies that occupy the IP's land. However, the Applicant will continue to engage with landowners and businesses in the lead up to, and during, construction to ensure landowners are kept informed.</p>
2.10.6	<p>If so what action can I take to avoid disruption to trade.</p>	<p>It is not anticipated that there will be disruption to trade. In any instance where this happens, the Applicant will engage with the landowner and compensation will be assessed on a case-by-case basis in accordance with the Compensation Code.</p>

Table 2.11 – Comments on Deadline 1 Submission from Environment Agency [REP1-084]

Reference	Comment	Applicant's Response
2.11.1	<p>Further to the Environment Agency's Deadline 1 submission to the Hynet Carbon Dioxide Pipeline DCO Examination, we wish to raise an additional matter for the ExA / applicant's consideration.</p> <p>Specifically, it is not clear at this time whether the decommissioning proposals are acceptable without the additional ground investigation / assessment work being undertaken. The acceptability of the pipeline being left 'in-situ' post-operation may also be determined by the method of construction and depths of the pipeline below ground (please note, we have raised a query in regard to the proposed pipeline depths under 'Section 2' of our Deadline 1 response with regards to the Draft Development Consent Order [APP-024]).</p> <p>In our Written Representation ('Section 2' of our letter ref. SO/2023/123043/01-L01), we raised that additional ground investigation and assessment will be pertinent in determining the necessity for site specific remedial work and any additional considerations for permitting / consenting requirements. This additional work will also determine the acceptability of the decommissioning proposals to leave the pipeline 'in-situ' once operations cease.</p>	<p>The Applicant refers the Environment Agency to the Applicant's Responses to Deadline 1 Written Representations (document reference: D.7.19).</p> <p>The Applicant assumes that the IP refers to the decommissioning of the underground pipeline at end of its operational life. In general, the depth is sufficient to allow agricultural use to resume. Decommissioning proposals will be developed in regard to environmental legislation in force at the time. The Decommissioning Environmental Management Plan secured by Requirement 17 of the dDCO [REP1-004] will be subject to approval by the Local Planning Authority in consultation with other regulators (as required) prior to any decommissioning works commencing.</p>

Table 2.12 – Not used

Table 2.13 – Comments on Deadline 1 Submission from United Utilities Water Limited (U UW) [AS-061]

Reference	Additional Submission Reference	Comment	Applicant's Response
1. Our Assets and Property			
2.13.1	1.1	<p><u>United Utilities will not allow building over or in close proximity to a water main and we will not normally allow building over or in close proximity to a public sewer.</u></p> <p>We would expect to see plans showing the proposals in relation to any existing United Utilities' assets and infrastructure as part of the DCO. We would be grateful if you can provide the latest information of the proposed route and any associated development in a shp file format.</p>	<p>The Applicant notes this response. Detailed proposals are to be shared by the Applicant's Construction Contractor at Detailed Design stage; the Applicant is happy to secure this commitment through Protective Provisions.</p> <p>Various files have been shared by the Applicant, as documented in the draft SoCG with U UW [REP1-035] and to be further updated during the examination.</p>
2.13.2	1.2	<p>Water Mains and Public Sewers</p> <p>As discussed at our meeting on 5 April 2022, there are a range of water mains including large diameter trunk mains, water supply mains and raw water mains within the proposed draft Order Limits. These assets include the Dee Aqueduct. There are also a range of public sewers including large diameter rising main sewers and gravity sewers. Further dialogue and agreement in respect of these assets is required.</p> <p>We require access as detailed in our 'Standard Conditions for Works Adjacent to Pipelines', (a copy of which has been sent to you under separate cover). You must comply with our Standard Conditions document. This should be taken into account in the final proposals, or a diversion may be necessary. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion required as a result of any development will be at the applicant's expense.</p> <p>It is the applicant's responsibility to demonstrate the exact relationship between any United Utilities' assets and the proposed development. You should investigate the existence and the precise location of water and wastewater pipelines as soon as possible as this could significantly impact the preferred site layout and/or diversion of the asset(s) may be required. Where United Utilities' assets cross the proposed draft Order Limits, you must contact United Utilities prior to commencing any works on site, including trial holes, groundworks or demolition.</p> <p>If considering a diversion, the applicant should contact United Utilities at their earliest opportunity as they may find that a diversion is not possible. In some circumstances, usually related to the size and nature of the assets impacted by proposals, developers may discover that the cost of a diversion is prohibitive in</p>	<p>The Applicant notes U UW's comment. U UW confirmed the location of their assets within the Order Limits on 18 January 2023, as set out in the U UW SoCG [REP1-035] to be updated at a future deadline. This information has been updated to the Applicant's crossings database and site specific drawings and method statements to support installation will be developed by the Applicant's Construction Contractor at the Detailed Design stage.</p> <p>No diversion of U UW assets is currently envisaged by the Applicant.</p> <p>The Applicant will comply with U UW's Standard Conditions for Works Adjacent to Pipelines. The Applicant can agree to secure this commitment through Protective Provisions.</p>

Reference	Additional Submission Reference	Comment	Applicant's Response
		<p>the context of their development scheme. Unless there is specific provision within the title of the property or an associated easement, any necessary disconnection or diversion of assets to accommodate development, will be at the applicant's/developer's expense.</p> <p>Where United Utilities' assets exist, the level of cover to our pipelines and apparatus must not be compromised either during or after construction and there should be no additional load bearing capacity on our assets without prior agreement with United Utilities. This would include earth movement and the transport and position of construction equipment and vehicles. The applicant should therefore give careful consideration to the implications of any changes in proposed land levels. Any such changes will need to be agreed with United Utilities.</p> <p>Our Standard Conditions document includes details of trees and shrubbery suitable for planting in the vicinity of our assets. Deep rooted shrubs and trees should not be planted near to our apparatus.</p> <p>Consideration should also be applied to United Utilities' assets which may be located outside the draft Order Limits. Any construction activities in the vicinity of our assets must comply with our 'Standard Conditions for Works Adjacent to Pipelines' and national building standards.</p> <p>The applicant or developer should contact United Utilities for advice if their proposal is in the vicinity of water or wastewater pipelines and apparatus. It is their responsibility to ensure that United Utilities' required access is provided within their layout and that our infrastructure is appropriately protected. The developer would be liable for the cost of any damage to United Utilities' assets resulting from their activity. See 'Contacts' section below.</p>	
2.13.3	1.3	<p>Vibration, Loading and Settlement</p> <p>United Utilities requests that the impact of the proposed development includes an assessment of any potential settlement and vibration on United Utilities' assets. Similarly, any loading on United Utilities' assets during operation or during construction requires further consideration with United Utilities.</p>	<p>The Applicant notes UUW's requirements as stated in UUW's Standard Conditions for Works Adjacent to Pipelines. The Applicant can agree to secure a commitment to follow these Standard Conditions for Works in Protective Provisions within the dDCO [REP1-004] which are currently under discussion.</p>

Reference	Additional Submission Reference	Comment	Applicant's Response
2.13.4	1.4	<p>Storage of Equipment and Materials within Easements / Offset Areas for Access and Maintenance</p> <p>United Utilities has not undertaken a detailed assessment of where equipment and/or materials are proposed to be stored within a United Utilities' easement / area required for access and maintenance. However, based on an initial review of the drawings provided within the PEIR, United Utilities notes that in certain locations facilities are proposed to be located on top of our assets which is not acceptable. As a general requirement, United Utilities does not usually allow the easement area, easement width or the necessary offset distance from our assets to be obstructed or impeded in any way. This is due to, but not limited to:</p> <ul style="list-style-type: none"> - loading implications of the asset and probability of asset failure; - implications on access and maintenance of the asset, especially for critical assets; - security of supply; and - health and safety implications. <p>United Utilities reserves the right to instruct the removal of the equipment and materials located within the easement / access and maintenance offset area. United Utilities requires further consultation and supplementary information to discuss any affected assets</p>	<p>The Applicant notes U UW's requirements as stated in U UW's Standard Conditions for Works Adjacent to Pipelines. The Applicant can agree to secure a commitment to follow these Standard Conditions for Works in Protective Provisions within the dDCO [REP1-004] which are currently under discussion.</p>
2.13.5	1.5	<p>Construction Compounds / Construction Traffic</p> <p>We wish to emphasise that construction compounds should not be located on top of our apparatus. This is because we require unrestricted access for maintenance, repair and replacement to discharge our statutory duties. Similarly, detailed consideration will need to be given to any proposed construction traffic routes to assess the impact on our assets. It will be necessary to ensure that any approach to construction is the subject of a construction management plan to address a range of issues including the protection of our assets as well as any wider impact on our operations</p>	<p>The Applicant notes U UW's requirements as stated in U UW's Standard Conditions for Works Adjacent to Pipelines. The Applicant can agree to secure a commitment to follow these Standard Conditions for Works in Protective Provisions within the dDCO [REP1-004] which are currently under discussion.</p>
2.13.6	1.6	<p>Ecological Mitigation and Biodiversity Net Gain</p> <p>We wish to emphasise that ecological mitigation and the delivery of areas for biodiversity net gain should not be located on top of our apparatus. This is because we require unrestricted access for maintenance, repair and replacement to discharge our statutory duties.</p>	<p>The Applicant notes U UW's requirements as stated in U UW's Standard Conditions for Works Adjacent to Pipelines. The Applicant can agree to secure a commitment to follow these Standard Conditions for Works in Protective Provisions within the dDCO [REP1-004] which are currently under discussion.</p>

Reference	Additional Submission Reference	Comment	Applicant's Response
2.13.7	1.7	<p>Property Interests</p> <p>Within the draft Order Limits, we have a range of property interests which include land in the ownership of United Utilities, easements and a right of way. We wish to discuss with you the implications for our land interests.</p> <p>Land within the ownership of United Utilities is located at approximate grid reference SJ 39195 71036 which we discussed at our recent meeting.</p> <p>The right of way appears to be associated with Elton Wastewater Treatment Works off Ash Road.</p> <p>According to our records some of our assets referred are also subject to legal easements. These are in addition to our statutory rights for inspection, maintenance and repair. The easements have restrictive covenants that must be adhered to. It is the responsibility of the developer to obtain a copy of the document, available from United Utilities Legal Services or Land Registry and to comply with the provisions stated within the document. Under no circumstances should anything be stored, planted or erected on the easement width. Nor should anything occur that may affect the integrity of the pipes or the legal right of United Utilities to 24 hour access. The applicant should contact our Property team to discuss how the proposals affect our land interests and to ensure no detrimental impact. United Utilities Property Services can be contacted at XXXXXXXX</p>	<p>The Applicant notes the points raised regarding property interests and easement and considers that these can in principle be dealt with through Protective Provisions. The Applicant is not aware of any case where it is proposing to remove or extinguish any right held by U UW.</p> <p>The access off Ash Road sought by the Applicant is not intended to be exclusive and the Applicant would not seek to exclude U UW from using it.</p>
2.13.8	2	<p>Flood Risk</p> <p>Existing drainage systems are often dominated by combined sewers. This method of sewer infrastructure is a result of the time it was constructed, with combined sewers taking both foul and surface water. If there is a consistent approach to surface water management, it will help to manage and reduce surface water entering the sewer network, decreasing the likelihood of flooding from sewers, the impact on residents and businesses, and the impact on the environment.</p> <p>Whilst we do all that we can to reduce the risk of sewer flooding, there remains a residual risk, which is a source of flooding that should be considered in your Environmental Statement (ES). National policy is clear that flood risk from all sources, including sewers, must be considered in the delivery of new development. As such, it is important to ensure that the assessment of flood risk includes sewer flood risk. It should be ensured that your proposed development does not result in an increase in flood risk from the public sewer as a result of:</p> <p>i) any proposed new drainage connections to the public sewer. This is considered in further detail below;</p>	<p>The Applicant notes the response from U UW, which is in line with the pre-application responses given by U UW and taken into consideration by the Applicant in the assessment of Flood Risk from sewers.</p> <p>The design of the DCO Proposed Development has also taken into consideration the presence of the U UW asset location to ensure that there is no clash or impact on the existing sewers.</p> <p>The AGIs and BVSs are not proposed in areas at risk of sewer flooding. As the Carbon Dioxide Pipeline is buried it is unlikely to be affected by risk of flooding from sewers and exceedance paths.</p> <p>There are no proposed surface water discharges into the existing U UW sewer asset network and as such the proposed development is unlikely to increase risk of sewer flooding.</p> <p>The Outline Drainage Strategy [CR1-111] describes the key surface water principles for the DCO Proposed Development and provides monitoring, management, operation and maintenance plan.</p>

Reference	Additional Submission Reference	Comment	Applicant's Response
		<p>ii) by altering any existing exceedance flood paths of losses from the public sewer;</p> <p>iii) as a result of any diversions / works to watercourses or existing sewers which could materially affect hydraulic performance and therefore change / increase any risk of flooding;</p> <p>iv) as a result of any changes in ground levels which could materially change existing sewer flood risk; or</p> <p>v) as a result of any changes to land or property currently affected by existing hydraulic sewer flooding incidents.</p> <p>We therefore request that the ES considers flood risk from the public sewerage system in liaison with United Utilities so that the above matters are fully considered.</p> <p>In our recent meeting, we noted that the exceedance paths of any modelled sewer flood risk should not be affected by the proposed development. We specifically noted a potential exceedance path which impacts on your proposed works at approximate grid reference SJ 44583 74797. This requires further consideration in liaison with United Utilities.</p>	
2.13.9		<p>Impact on Watercourses</p> <p>We note paragraph 18.6.4 of Chapter 18: Water Resources and Flood Risk states that minor watercourses would be crossed via trenched crossings. In such occurrences, the hydrological regime would be maintained through temporary diversion or pumping.</p> <p>United Utilities wishes to liaise with you 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 operation, flood risk and changes to fluvial geomorphological processes.</p>	<p>The Applicant welcomes the opportunity to engage further with U UW.</p> <p>The Applicant has assessed potential impacts to fluvial geomorphological processes caused by trenched crossings within the Water Framework Directive Assessment [APP-165] and via an assessment of potential impacts to hydromorphology within Chapter 18: Water Resources and Flood Risk of the 2022 Environmental Statement [APP-070].</p> <p>Given that the proposed Carbon Dioxide Pipeline is buried below the bed of the watercourses to be crossed, it is unlikely to impact on the hydrology, hydraulics, flow and therefore flood risk to these watercourses and any other assets owned by U UW.</p> <p>The Applicant will continue to engage with U UW regarding watercourse interactions affecting U UW's assets and will address any concerns, if there are any further to the information provided in the above references as part of the ongoing SoCG [REP1-035] discussions.</p>

Reference	Additional Submission Reference	Comment	Applicant's Response
2.13.10	3	<p>Drainage - Foul and Surface Water</p> <p>We would be grateful if you can provide details of any drainage proposals in respect of both foul and surface water. This should include details of any drainage proposals during the construction period. In doing so, you should note that United Utilities only supplies water and wastewater services for some areas of your proposed development.</p> <p>We note paragraph 18.6.5 of Chapter 18: Water Resources and Flood Risk, which states:</p> <p><i>‘A closed drain system at the AGIs and BVSs is likely to be installed for hazardous fluids. In addition, the disposal of unwanted liquid effluents would be managed in accordance with a management plan agreed with the local planning authority. This would avoid impact to water quality of nearby surface water and groundwater receptors.’</i></p> <p>We request further details of this approach. We wish to understand whether there is any intention to connect such flows to our public sewerage network and to ensure any potential impact on water supply assets is fully considered and mitigated.</p>	<p>The Applicant acknowledges the comments from UUW. The details of indicative surface water drainage design for the AGIs and BVSs are included in the Outline Surface Water Drainage Strategy [CR1-111]. The strategy and the indicative drainage design will be developed at the detailed design stage by the Construction Contractor(s) and secured through Requirement 8 (Surface Water Drainage) in the dDCO [REP1-004]. The surface water drainage plan for AGIs and BVSs will be submitted to and approved by the relevant planning authority, and, where applicable, the Environment Agency and/or NRW and/or the Lead Local Flood Authority.</p> <p>Design development since Chapter 18 of the PEIR was written has confirmed that there is no requirement for a closed drains system for hazardous fluids.</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.</p>
2.13.11	3.1	<p>Surface Water Management Hierarchy</p> <p>We wish to emphasise that consistent with the principles of the hierarchy for the management of surface water in national planning policy and the obligations of the Environment Act 2021, no surface water will be allowed to discharge to the existing public sewerage system. Surface water should instead discharge to more sustainable alternatives as outlined in the surface water management hierarchy. This will ensure the impact of development on public wastewater infrastructure, both in terms of the wastewater network and wastewater treatment works, is minimised. We adopt this position as surface water flows are very large when compared with foul flows. By ensuring that no surface water enters the public sewerage system, the impact on customers, watercourses and the environment will be minimised.</p> <p>Please note, United Utilities is not responsible for advising on rates of discharge to the local watercourse system. This is a matter for discussion with the Lead Local Flood Authority and / or the Environment Agency (if the watercourse is classified as main river).</p>	<p>The Applicant acknowledges the comments from UUW and confirms that the hierarchy for surface water disposal has been applied to the surface water drainage design. Further details can be found in the Outline Surface Water Drainage Strategy [CR1-111].</p>

Reference	Additional Submission Reference	Comment	Applicant's Response
		There should be no land drainage, including dewatering proposals, discharged to the public sewer.	
2.13.12	3.2	<p>Rights to Discharge to Watercourse or Other Receiving Water Body</p> <p>Given the importance of surface water discharging to an alternative to the public sewer, we request that all land that is necessary to facilitate a discharge to a watercourse is fully identified within the Order Limits. This will ensure the Order benefits from the requisite rights of discharge to more sustainable alternatives than the public sewer for the management of surface water, e.g., a right to discharge to a watercourse or other water body. For clarity, the extent of land should be sufficient to facilitate a surface water discharge to a watercourse / water body for all elements of the pipeline route. Ensuring that the extent of land within the Order Limits and the supporting ES is sufficient for the purposes of the discharge of surface water is important as a sewerage company has no power to acquire the right to discharge surface water to a water body under the Water Industry Act.</p> <p>It is equally important to ensure that any existing outfalls that it may be necessary to relocate as a result of any watercourse / culvert diversion are delivered under the powers of the Order.</p>	The Applicant acknowledges the comments from UUW and confirms that all land that is necessary to facilitate a discharge to a watercourse is fully identified within the Order Limits.
2.13.13	3.3	<p>Multi-functional Sustainable Drainage Systems</p> <p>We request that surface water is only managed via sustainable drainage systems which are multi-functional and at the surface level in preference to conventional underground piped and tanked storage systems.</p> <p>Wherever practicable, Sustainable Drainage Systems (SuDS) should be implemented in accordance with the CIRIA SuDS manual. Managing surface water through the use of SuDS can provide benefits in water quantity, water quality, amenity and biodiversity.</p> <p>If the applicant intends to offer wastewater assets forward for adoption by United Utilities, their proposed detailed design will be subject to a technical appraisal by our Developer Services team and must meet the requirements outlined in 'Sewers for Adoption and United Utilities' Asset Standards'. This is important as drainage design can be a key determining factor of site levels and layout.</p> <p>Acceptance of a drainage strategy does not infer that a detailed drainage design will meet the requirements for a successful adoption application. We strongly recommend that no construction commences until the detailed drainage design, has been assessed and accepted in writing by United Utilities. Any work carried</p>	<p>The Applicant acknowledges the comments from UUW and confirms that no surface water drainage is offered for adoption by UUW.</p> <p>SuDS treatment methods have been identified, implemented and optimised to satisfy the pollution control, amenity and biodiversity requirements.</p> <p>The current drainage proposal has followed Simple Index Approach (SIA) suggested by The SuDS Manual CIRIA C753 to evaluate the water quality. The designed total pollution mitigation index has exceeded the pollution hazard index. Further details can be found in the Outline Surface Water Drainage Strategy [CR1-111].</p>

Reference	Additional Submission Reference	Comment	Applicant's Response
		out prior to the technical assessment being approved is done entirely at the developer's own risk and could be subject to change.	
2.13.14	3.4	<p>Management and Maintenance of Sustainable Drainage Systems</p> <p>Without effective management and maintenance, sustainable drainage systems can fail or become ineffective. As a provider of wastewater services, we believe we have a duty to advise the determining authority of this potential risk to ensure the longevity of the surface water drainage system and the service it provides to people. We also wish to minimise the risk of a sustainable drainage system having a detrimental impact on the public sewer network should the two systems interact. We therefore recommend that you include details of a management and maintenance regime for any sustainable drainage system that is included as part of the proposed development.</p> <p>Please note United Utilities cannot provide comment on the management and maintenance of an asset that is owned by a third party management and maintenance company. We would not be involved in the approval of the management and maintenance arrangements in these circumstances.</p>	The Applicant acknowledges the comments from UUW and confirms that the details of management and maintenance of Sustainable Drainage Systems are included under Section 8 of the Outline Surface Water Drainage Strategy [CR1-111] .
4. Geo Environmental / Geotechnical			
2.13.15	4.1	<p>Groundwater Environment and Water Resources</p> <p>We request that the approach to the assessment of the impact on the groundwater environment is considered and agreed with United Utilities. In this regard, we note paragraph 6.13.6 of the Non-Technical Summary of the Preliminary Environmental Information Report which states 'During operation, it is possible that there would be significant permanent effects on groundwater. This is to be confirmed once detailed design information is available.'</p> <p>The River Dee catchment is of strategic importance to United Utilities and supplies approximately one third of customers in the North West. The way that land is managed and used in this area is critical to ensure that the public water supply resource is not compromised. In this context, you will need to ensure that there is no unacceptable impact on the River Dee catchment and associated water resources.</p>	<p>The Applicant can confirm that the design of the DCO Proposed Development has moved on since the PEIR report. There will not be any significant permanent effects upon groundwater as a result of the DCO Proposed Development, as reported in Chapter 18 – Water Resources and Flood Risk [APP-070] and [CR1-124].</p> <p>The Applicant confirms that where dewatering activities are proposed, then a hydrogeological impact assessment (HIA) will be undertaken that considers the potential effects on sensitive receptors.</p> <p>The Dewatering Management Plans and Groundwater Management and Monitoring Plans secured through Requirement 5 (Construction Environmental Management Plan) of the dDCO [REP1-004] will be the primary mechanisms to implement the assessment. UUW will be consulted on this matter as appropriate.</p>
2.13.16	4.2	<p>Contaminated Land</p> <p>United Utilities requests that the assessment of potential environmental impact from contamination fully considers the impact on our assets, water resources and water quality as a result of construction of the proposed development.</p>	The Applicant notes the points raised and directs UUW to the following commitments made in the REAC [REP1-015] and CR1-109] , as secured by the CEMP through Requirement 5 of the DCO [REP1-004] , which relate to the mitigation of potential impact from contamination to the water environment; D-LS-015, D-LS-024 and D-WR-018.

Reference	Additional Submission Reference	Comment	Applicant's Response
2.13.17	5	<p>Water Supply Requirements</p> <p>We request that you provide details of any water supply requirements for both construction and during operation as soon as possible. This should include details on rates of water supply required in litres per second and anticipated points of connection to the public water supply network. The details of water supply required should include details for any fire response purposes that may be necessary. For temporary related activities, such as construction compounds and workers accommodation, early consideration of any water supply requirements will also be required. If reinforcement of the water network is required to meet potential demand, this could be a significant project and the design and construction period should be accounted for.</p>	<p>The Applicant notes this response. No permanent water supplies are required as a part of this Application. Temporary water supply requirements shall be confirmed by the Applicant's Construction Contractor at detailed design stage where required.</p>
2.13.18	6	<p>General Advice</p> <p>If you intend to request water and/or wastewater services from United Utilities, you should visit our website for advice. This includes seeking confirmation of the required metering arrangements for the proposed development.</p> <p>If the proposed development site benefits from existing water and wastewater connections, the applicant should not assume that the arrangements will be suitable for the new proposal.</p> <p>In some circumstances we may require a compulsory meter is fitted. For detailed guidance on whether the development will require a compulsory meter please visit XXXXXXX and go to section 7.7 for compulsory metering.</p> <p>To avoid any unnecessary costs and delays being incurred by the applicant or any subsequent developer, we strongly recommend the applicant seeks advice regarding water and wastewater services, and metering arrangements, at the earliest opportunity. Please see 'Contacts' section below</p>	<p>The Applicant notes this point and has no further comments at this time.</p>

Table 2.14 – Comments on Deadline 1 Submission from Stephen Gibbons [REP1-064]

Reference	Comment	Applicant's Response
2.14.1	<p>I am writing to you in connection with the proposals by Hynet for a Carbon Dioxide Pipeline Development Consent Order.</p> <p>We have consulted with Hynet on many occasions and have made several representations on their proposed routes and in particular their proposal for a pipeline along a Northern Corridor route. This route was discounted in the earlier consultation process and Hynet preferred two optional routes shown in orange and blue on the plan below.</p> <p>I attach for your information our response "Response to Hynet Consultation.pdf..</p>	<p>The Applicant acknowledges Mr Gibbins's multiple submissions in 2021 and 2022. The Applicant received Mr Gibbins's proposal for a Northern Corridor route prior to Statutory Consultation. Following Mr Gibbins' first submission, the Applicant responded in July 2021 setting out the reasons for not proceeding with his proposal.</p> <p>The Applicant also refers to the content of Chapter 4 Consideration of Alternatives of the 2022 Environmental Statement [APP-056] which provides the assessment of alternatives for the DCO Proposed Development, including pipeline route options. Route options are illustrated on Figure 4-1 [APP-179] and Figure 4-2 [APP-180].</p>
2.14.2	<p>We proposed a much shorter route to the north of Deeside Industrial Park to run parallel with the A548 as shown by the yellow line on the plan below.</p> <p>Our Response gives details why we consider our alternative route is a better proposition to the route Hynet are proposing. To briefly summarise our response:-</p> <ul style="list-style-type: none"> • The route does not pass close to residential areas and therefore less likely to have an impact; • The route is through open countryside and easily accessible for construction from the A548; • The alternative route is 7.2kms shorter which would lead to significant cost savings; and • A shorter route minimises interference with the rights of private land owners. 	<p>The Applicant set out the reasons for not proceeding with Mr Gibbins' alternative route on 8 July 2021 as follows:</p> <ul style="list-style-type: none"> • The corridor contains a number of engineering-related constraints including the presence of an existing natural gas pipeline and high voltage cables, the locations of which offer little or no flexibility to re-route compared to the southern corridor; • The land adjacent to the eastern bank of the River Dee contains a landfill site of unknown provenance; • The crossing itself is understood to be shifting sands, implying the need for a very deep tunnel to ensure stable geology; • The land of the western bank is similarly unsuitable; • Constructing the final part of the route past the power station itself would result in significant disruption from a closure of several weeks; and • The land either side of the River Dee within the corridor is internationally designated for its biodiversity importance and the works associated with the pipeline would have a greater environmental impact than the southern corridor.
2.14.3	<p>The attachment, 22-03-23 Hynet- Central Routes- Map, is our submission map giving more details of the alternative route for your information.</p> <p>We have been in discussion with Hynet from the outset of their consultation from 2021 making several representations on their proposals and why they should not drop the Northern Corridor route. Our exchange of emails is embedded in our response dated 22nd March 2022.</p> <p>I hope this information is of benefit to be included in your local impact report representing the views of a local land owner.</p>	<p>This response was sent prior to the statutory consultation so is not recorded in the Consultation Report [APP-031].</p>
2.14.4	<p>Appendices to the letter regarding consultation</p>	