

Planning Act 2008 – Section 91 and The Infrastructure Planning (Examination Procedures) Rules 2010 – Rule 14

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

Agenda and arrangements for the Issue Specific Hearing on Environmental Matters

In its letter dated 27 March 2023, the Examining Authority (ExA) notified Interested Parties (IP) of its decision to hold an Issue Specific Hearing on Environmental Matters into the above matter. It is being held as a blended event on the following date:

Hearing	Date and Time	Location
Issue Specific Hearing on Environmental Matters (ISH1)	Tuesday 6 June 2023 (Meeting start time 10.00am ¹) Arrangement Conference starts: 9.30am ²	Village Hotel, St David's Park, Ewloe, Flintshire, CH5 3YB & Blended Virtual Meeting, via Microsoft Teams

Attendees: Invited Parties who have pre-registered.

(This Hearing will also be available for people to observe live online via a link which will be advertised on the project page of the National Infrastructure website shortly before the Hearing is due to start).

Issue Specific Hearings

The Hearing will be a blended event, whereby the principal means of conducting the Hearing will be face-to-face within the venue cited above. Participants may join online if they wish using the Microsoft Teams platform. However, should you wish to participate in this Hearing virtually, please see the information below about registering to speak prior to the Hearing in order for joining invitations to be issued. Should you wish to observe only, observers may attend in person or can watch remotely via the livestream of the event, the link for which will be published on the project page of the National Infrastructure website on the day of the Hearing. The Examining Authority will not accept representations at the Hearing in the form of video or audio recordings.

¹ Full instructions on how to join online or by telephone will be provided in advance of the meeting to those who register to participate

² If you are joining as an active participant, please follow the joining instructions for the virtual event carefully and connect to the Hearing in good time. In common with traditional Hearings, the event will start on time irrespective of any late arrivals, for whom access may not be possible.

The virtual event will be open 30 minutes prior to the start of the Hearing to enable a prompt start. Hearings will finish as soon as the Examining Authority deems that all those present have had their say and that all matters have been covered.

The agenda is for guidance only. It is not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. Should the consideration of these issues take less time than anticipated, the ExA may conclude the Hearing as soon as all relevant contributions have been made and all questions asked and responded to.

If there are additional matters to be dealt with or there are submissions that take a considerable amount of time, there may be a need to continue the session for longer on the day. Alternatively, it may be necessary to prioritise matters and defer others to further written questions.

Attendees:

The ExA requests that the following attendees to participate in ISH1:

- Liverpool Bay CCS Limited (the Applicant) - including representatives of the Applicant who are in a position to discuss the matters on the agenda;
- Flintshire County Council (FCC);
- Cheshire West and Chester Council (CWCC);
- Environment Agency (EA);
- Natural Resources Wales (NRW);
- Natural England; and
- Woodland Trust.

For those not attending ISH1 they can watch the live-stream or digital recording and respond to any matters raised in writing by Deadline 4 (Tuesday 20 June 2023).

Purpose

The main purpose of ISH1 is to undertake facilitate questioning of certain topics, including matters arising from the application documentation and representations relating to:

- the assessment of alternatives and cross cutting issues;
- biodiversity interests including biodiversity enhancement;
- tree impacts;
- water environment/ landscape/ design related matters; and other construction impacts.

Contingencies

The ExA will endeavour to hear all participants. If the Hearing, or parts of it, are unable to proceed, for example for technical reasons, then the ExA may adjourn for any incomplete business to be dealt with at hearings or written representations later in the Examination Timetable. Notice of any adjournments will be provided on the project page of the National Infrastructure Planning website.

Please Note: In order to ensure timely publication of the agenda, this has been drafted shortly after the receipt of submissions for Deadline 2 (10 May 2023) consequently the ExA may need to adjust the agenda at the meeting to allow for responses or additional submission received after this deadline.

Agenda

Title of Meeting Environmental Matters Hearing (ISH1) **Date**
Tuesday 6 June 2023 **Time** 10:00 **Venue** Village
Hotel, St David's Park, Ewloe, Flintshire, CH5 3YB & Blended Virtual Meeting via
Microsoft Teams Virtually via Microsoft Teams
Attendees Invitees

The main purpose of the ISH1 is:

- To consider the environmental effects of the development and related provisions within the Development Consent Order (DCO);
- To consider whether the requirements relating to the purpose for which consent may be authorised would be met;
- To hear the applicant's/other relevant persons views on specific technical issues.

1. Welcome, introductions, arrangements for the hearing

2. Assessment of Alternatives & Cross Topic Issues

- The Applicant will be invited to give brief introduction/ overview/ outline of the application with respect to its overarching need, tackling climate change and assessing cumulative effects to set the scene for discussion.

Alternatives

- Applicant to run through relevant alternatives informing the preferred route.
- Some discussion and questions on the scope and extent of alternatives considered factoring representations. The specific reasons for discounting other alternatives relative to the application scheme proposals.

Cumulative impacts

- Acknowledgement of the cumulative considerations raised by CWCC for other developments.

3. Biodiversity

Biodiversity Net Gain/Enhancement

- Applicant will be asked to briefly set out its most up to date position on facilitating Biodiversity Net Gain (BNG) and enhancement/benefits having regard to local and national policy and current legislative provision.
- The appropriateness of the BNG calculation carried out on priority habitats only (rather than all habitats). Views invited from CWCC and FCC) on BNG/enhancement.

- Discussion/questions. Including the relevance of the 'CWCC Ecological Network' in any existing calculation alluding to an overall enhancement and whether the scheme is achieving a net gain/enhancement or benefit currently.
- Other wider local strategy availability implications/options.

Habitat connectivity

- CWCC to explain 'habitat connections' relevant to supporting the 'Cheshire West and Chester Ecological Network' referred to by Cheshire West & Chester Local Plan Part 2 Policy DM44. As well as the policy objectives.
- FCC invited to explain role and aims of recently adopted local plan policy (January 2023) as well as other recent strategy.
- Discussion/ questions of how the development seeks to addresses habitat connectivity bearing in mind local and national policy for both England and Wales (PPW11), alongside the duties set out in the Environment (Wales) Act and other relevant legislation.

Survey's

- The Applicant to give an overview on the biodiversity surveys including their underpinning strategy/extent.
- Discussion/questions whether surveys beyond the DCO limits for Barn Owls and Badgers are warranted considering consultee advice.
- Clarifications on the survey strategy for wildlife receptors including barn owls, birds, fish, and badgers. Ecological disturbance baseline distances.
- The scope and extent of surveys in respect of Bats and Riparian mammals.
- Whether additional survey is needed for the aquatic environment.
- Outline of the applicant's commitments for any additional survey work (where applicable/relevant). Likely timetabling if further information is to be added to the examination documentation.
- Wider acknowledgement and the Applicant's response towards any potential discrepancy in ecological data, additional information needs and local consultation requirements.

4. Trees

- The Applicant to briefly clarify most up to date position as to what trees would be impacted upon, the plot numbers/areas being referred to. The trees intended for removal and those intended for retention including any ancient woodland or veteran trees subject to proposed removal damage or loss.
- The Applicant also will be asked to reaffirm steps taken in the scheme design to avoid tree loss acknowledging the iterative process involved.
- FCC/CWCC will be invited to give summary of their responses/views concerning tree related matters.
- Discussion of possible choices to include or exclude ecological impacts from permanent losses of trees within the planting exclusion zone over the pipeline and the resulting impacts upon the connectivity between Local Wildlife Sites and habitats.

- The compensatory habitats possible within the 'Ecological Network' and elsewhere.

Overall ecological/tree mitigation & monitoring

- Outline Landscape Environmental Management Plan (OLEMP) consideration/questions. Including clarification of meaning of 3 for 1 replacement of woodland as opposed to area.
- Adequacy of the Register of Environmental Actions and Commitments (REAC) and discussion on scope for incorporating any further survey, reporting, and monitoring strategy.
- Consideration of any modifications to the OLEMP and REAC or requirements (if needed).

5. Water Environment/ Water Framework Directive (WFD)/ Flood Risk/ Decommissioning/ Landscape & Design Matters/ Other responses to ExA's Written Questions 1 (if required)

WFD/Flood Risk/Decommissioning

- NRW to explain /Applicant asked to give a summary of WFD concerns received to date and the range of solutions available.
- Discussion on the Alltami Brook open-cut crossing as a potential pathway for surface water to be lost to the ground/contaminated mine workings; water courses drying downstream/deterioration of Wepre Brook water body.
- Flood risk management. The crossing details of Alltami Brook – scope for encased pipe bridge inclusion and how it would be formally secured.
- The possible impacts on private water supply wells (at least seven) presented in Chapter 18 of the ES.
- The degree to which excavation dewatering could interact with landfill sites, a scrapyards, and a service station.
- Discussion of the EA's views. Having regard to WFD and whether decommissioning proposals are acceptable without the additional ground investigation / assessment work being undertaken. EA recommend additional ground investigation and assessment will be pertinent in determining the necessity for site specific remedial work.

Landscape/Design

- The Applicant to give a short account of any good design measures incorporated into the scheme design for above ground aspects given their function.
- Discussion on scope to improve scheme aesthetics where possible.
- Aston Hill Blocking Valve Station siting and the local policy provision referred to by FCC.

Community benefit

- FCC will be asked to give a short account of their views to date with some questions from the ExA.

- Any other discussion allowed by the ExA on responses not covered in the above topics, including mineral safeguarding provision.

6. AOB

7. Action Points & Close