



**Flintshire County Council's response to the  
to the Applicant's comments to the Flintshire County Council's Final Local Impact Report (25 April 2023) [REP1A-005]**

**Submitted at Deadline 3 – Tuesday 23 May 2023**

This document represents a table of responses to Liverpool Bay CCC Limited ("the Applicants") response to Flintshire County Council's ("the Council") Local Impact Report, in respect of the Applicant's application for development consent for the Hynet Carbon Dioxide Pipeline DCO ("the Project").

The Council's comments for Deadline 3 are entered in the right-hand column and relate to the matters addressed to the Council directly.

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)	Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
2.1.1	<b>PART A</b>	<b>BACKGROUND AND CONTEXT</b> <b>1. Introduction</b> (text not copied from original document)	The Applicant acknowledges this section from FCC and has no further comments.	
2.1.2		<b>2. Description of the proposed DCO development</b> (text not copied from original document)	The Applicant acknowledges the comments from FCC and reiterates that a full description of the DCO Proposed Development can be found within the Planning Statement Section 1.3 <b>[REP1-013]</b> .	
2.1.3		<b>3. Description of the proposed DCO development site and surroundings</b> (text not copied from original document)	The Applicant acknowledges the comments from FCC and reiterates that a full description of the DCO Proposed Development can be found within the Planning Statement Section 2 <b>[REP1-013]</b> .	
	<b>4</b>	<b>Relevant planning history and committed development</b>		
2.1.4	<b>4.1</b>	Planning applications which are extant or pending determination within the DCO order limit, are set out below. It is noted that the majority of these proposals have not been identified within the applicant's planning statement:	The Applicant acknowledges the submission by FCC.  The Applicant updated the Planning Statement for Deadline 1 <b>[REP1-013]</b> . 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 FCC as required.	Noted.
2.1.5	<b>4.2</b>	Planning applications pending determination that lie within the DCO Order limit: - Reference: FUL/000111/23 - Newbridge Farm, Holywell Road, Ewloe, Deeside, CH5 3BS; (RETROSPECTIVE) Construction of a slurry tower with cover. Status – pending. It is understood that this slurry tank has been constructed and therefore the above planning application is retrospective. The slurry tower is sited where the proposed DCO CO2 pipeline is proposed to be located. Liverpool Bay CCS is aware of this existing structure and the pending planning application and has included solutions to resolve this within the change request submitted to the Examining Authority.  -Reference: FUL/000073/23 – Land at Mold Road, Ewloe Green, Ewloe, Flintshire, CH5 3BP; Erection of 5 no Holiday Pods. Status; Pending – consultation period open. The above planning application site for 5 holiday pods lies within the DCO application boundary.  -Reference: FUL/000719/22 - Beeches Farm, Flint Road, Saltney Ferry, CH4 0BW; Construction of a 42m x 13m silage pit with associated apron yards and effluent drainage.		Noted

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		The application site for the above proposal intersects the DCO application boundary. However, it is understood that the proposed location of the structure lies outside of the DCO application boundary. - Reference: 064210 - Holywell Grid Substation to Point of Ayr, Talacre; Overhead lines from Holywell Grid Station through Lloc to Talacre; pending decision.		
2.1.6	4.3	Planning applications approved within the last 5 years (extant permissions) (to March 2018) that lie within the DCO Order limit are detailed in the table below.	The Applicant acknowledges this list from FCC. The Applicant has not recreated the table in this document for the purpose of clarity in the document. However, this can be found at paragraph 4.3 in the FCC LIR [REP1A-005].	Noted
2.1.7	4.4	Relevant applications refused and under appeal which may be of relevance to the examination of this Application for a DCO is:  - Reference: 062820 - 1 Liverpool Road, CH5 3AR; 'Erection of 130no. Dwellings'. 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.	The Applicant acknowledges the response from FCC and confirms any refused application would not be included in the Planning Statement Appendix A [REP1-013] but welcomes updates from FCC regarding the status of relevant committed developments.	Noted
	<b>Part B</b>	<b>Relevant Planning Policies and Guidance</b>		
2.1.8	5	UK Government Planning Policy and Legislation	The Applicant acknowledges the submission from FCC and confirms that a full assessment of UK Government Planning Policy and Legislation can be found within the Planning Statement Section 3 and Section 4 and Appendix B [REP1-013].	Noted
2.1.9	6	Welsh Government Planning Policy and Legislation	The Applicant acknowledges the submission from FCC and confirms that a full assessment of Welsh Government Planning Policy and Legislation can be found within the Planning Statement Section 3 [REP1-013].	Noted
2.1.10	7	Local Planning Policy	The Applicant acknowledges the submission from FCC and confirms that a full assessment of Local Planning Policy can be found within the Planning Statement Section 3.3.8 and Appendix B [REP1-013].	Noted for the avoidance of doubt, for former Flintshire Unitary Development Plan no longer forms part of the Development Plan for Flintshire.
2.1.11	8	Supplementary Planning Guidance Notes	The Applicant has given consideration to the relevant Supplementary Planning Guidance (SPG) Notes within the updated Planning Statement [REP1-013] submitted for Deadline 2.  The SPG's were adopted by FCC in accordance with the extant UDP and aligned with Planning Policy Wales. The Applicant has considered compliance against Planning Policy Wales in Appendix B of the Planning Statement [REP1-013].	Noted

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2.1.12	9	Other Material Considerations	The Applicant acknowledges the submission from FCC and has no further comments at this time.	Noted
	<b>Part C</b>	<b>Assessment Of Impacts</b>		
	<b>10.</b>	<b>Principle of Development/ Climate Change</b>		
2.1.13	10.1.	The Environment (Wales) Act 2016 (Amendment of 2050 Emissions Target) Regulations 2021 has set an amended target of reducing carbon emissions in Wales to net zero by 2050.	The Applicant acknowledges the net zero targets set by the Environment (Wales) Act 2016. The Planning Statement [REP1-013] provides an overview of compliance with legislation whilst the Environmental Statement Chapter 7 [APP-059] and Chapter 10 [APP-062] assess impact to climate change.	Noted
2.1.14	10.2.	PPW provides strategic policy support for renewable energy developments of all scales. At 5.7.14 it states the Welsh Government has set targets for the generation of renewable energy, which includes a target of 70% of electricity consumption in Wales to be generated from renewable energy by 2030.	The Applicant has considered the compliance of the DCO Proposed Development with Chapter 5 of the PPW in the Planning Statement [REP1-013] Appendix B.	Noted
2.1.15	10.3.	Future Wales, the National Plan 2040 forms part of the adopted development plan for all local planning authority areas in Wales.	The Applicant has considered the compliance of the DCO Proposed Development with Future Wales, the National Plan 2040 in Chapter 3 of the Planning Statement [REP1-013].	Noted
2.1.16	10.4.	Future Wales Policy 17 sets out strong support to the principle of developing renewable and low carbon energy from all technologies and at all scales to meet our future energy needs. It states that, in determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the need to meet Wales' international commitments and the Welsh Government target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency.	The Applicant has considered the compliance of the DCO Proposed Development with Future Wales, the National Plan 2040, Policy 17 in Chapter 3 of the Planning Statement [REP1-013].	Noted
2.1.17	10.5.	Policy 1 drives the delivery of the Future Wales Outcomes and ensures Future Wales' policies and the planning system in general are committed to achievement. Key issues listed include decarbonisation.	The Applicant has considered the compliance of the DCO Proposed Development with Future Wales, the National Plan 2040, Policy 1 in Chapter 3 of the Planning Statement [REP1-013].	Noted
2.1.18	10.6.	LDP Policy EN13: Renewable and Low Carbon Energy Development states that: <i>"All renewable or low carbon energy proposals will be permitted provided that:</i> i. <i>the development does not prejudice the purpose of the ILSAs [indicative local search areas] to maximise opportunities for large scale solar PV development;</i> ii. <i>the siting, design, layout, type of installation and materials used do not have a significant adverse effect on the character and features of the proposed location;</i>	The Applicant has considered the compliance of the DCO Proposed Development with EN13 of the LDP in the Planning Statement [REP1-013] Appendix B.	Noted

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		<ul style="list-style-type: none"> <li>iii. <i>there would not be unacceptable loss of public amenity or accessibility to the area;</i></li> <li>iv. <i>the impact of the development upon agriculture, forestry, recreation and other land uses is minimised to permit existing uses to continue unhindered;</i></li> <li>v. <i>there would be no individual or cumulative significant adverse effect on the landscape, particularly the AONB and its setting;</i></li> <li>vi. <i>any associated ancillary buildings or structures are sensitively sited and designed to minimize their impact on the character and quality of the locality;</i></li> <li>vii. <i>in sensitive areas where above ground connections will have an unacceptable adverse effect on the landscape, connection lines and pipes should be located underground;</i></li> <li>viii. <i>adequate provision has been made in the scheme for the restoration and aftercare of the site on the cessation of use</i></li> </ul>		
2.1.19	10.7	Of relevance, the explanatory text that accompanies Policy EN13 states: " <i>The Council is aware that the energy sector is going through significant changes in the light of the need to de-carbonise energy production. Innovative new energy sources such as hydrogen are being developed and there may be opportunities for such development within the County given its long standing energy production role</i> '.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.20	10.8	Welsh Government has declared a climate emergency in Wales and has set plans for the public sector to be carbon neutral by 2030 (Welsh Government, 2019). As a result, FCC has set the target date of 2030 to decarbonise Council operations and promote the protection and enhancement of the county's natural environment. FCC has published a Climate Strategy – 2029/30) to help meet this goal (Flintshire County Council, 2021).	The Applicant welcomes the position of Welsh Government and FCC and acknowledges this response and has no further comments at this time.	Noted
2.1.21	10.9	The applicant's 'Needs Case' [APP-049] and the Planning Statement [APP-048] considers the Energy and Planning Policy and Legislative context for this proposed development. The documents set out general conformity with NPS EN-1 and NPS EN-4.	The Applicant acknowledges the response of FCC and has no further comments at this time.	
2.1.22	10.10	From a carbon reduction perspective, the Council are supportive of the proposal due to the anticipated carbon emissions savings that would be prevented from entering the atmosphere. As such, the HyNet project would contribute to carbon reduction and, in turn aid the UK in its target to be net zero carbon by 2050.	The Applicant welcomes the position of FCC as supportive from a carbon reduction perspective and has no further comments at this time.	Noted

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2.1.23	10.11	The wider HyNet project would also contribute to relieving the strain on the national electricity grid, as it is understood that some of the Hydrogen produced would be used in energy generation to supply domestic buildings.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.24	10.12	The decarbonisation of heat within the UK's housing stock will largely be met by the installation of heat pumps, with targets of 600,000 per year installed by 2028. Combined with the introduction of electric vehicles and their associated charging infrastructure, this represents a significant increase in demand on the country's electricity network, the reinforcement of which, to cope with the aforementioned increased demand, will no doubt come at a significant cost.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.25	10.13	A significant proportion of the area covered by the HyNet network is largely industrial, currently emitting large amounts of carbon emissions, and if a proportion of this can be captured this would be beneficial, not just for the immediate areas in which the Hydrogen production plant is proposed in Cheshire, but also for Flintshire and beyond. Furthermore, should the DCO application for a carbon dioxide pipeline be consented, this would provide opportunities in the future (subject to separate consenting) for large CO2 emitting industries to capture their carbon and connect and 'tie-in' to the proposed HyNet CO2 pipeline for offshore storage.	The Applicant welcomes the position of FCC and acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.26	10.14	The project therefore would contribute to the reduction of CO2 in the atmosphere and would make a significant contribution to the national and local effort to alleviate the climate change emergency. The Council agree that the proposal would deliver clear and substantial benefits on a local, regional and national level.	The Applicant welcomes the position of FCC as supportive from a carbon reduction perspective and has no further comments at this time.	Noted
2.1.27	10.15	However, from a 'green' perspective there are a number of constraints and drawbacks with the wider HyNet project. HyNet proposes the production of what is known as 'Blue' Hydrogen; using natural gas (a fossil fuel) in order to accelerate the move to a zero carbon energy network. This appears to be somewhat counter intuitive as it does not represent an avoidance of emissions and it may further encourage investment into natural gas industries and potentially away from the renewable energy sector. Whilst it can be noted that 'Blue' Hydrogen represents somewhat of a stop gap, if hydrogen networks are to be developed then ultimately these need to switch to renewable energy enabled 'Green' Hydrogen in order to truly reach net zero	The DCO Proposed Development is for the Transportation and Storage of CO <sub>2</sub> and is being developed for multiple emitters. Currently five emitters, (one of which is located in Flintshire) were announced to be as part of the Cluster sequencing Phase-2: Track-1 project negotiation list, March 2023 and will be provided with support from DESNZ (Department of Energy Security and Net Zero) to proceed to the next design stages. The Applicant is in detailed commercial discussions with all of these emitters and is aware that each has provided justification of their proposed development to the relevant regulatory authorities.	Noted

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		<p>carbon, which is currently not particularly feasible at scale, although this is being further developed as part of UK Government's 'twin track' approach.</p>	<p>The Applicant notes that these 5 emitters are as follows:</p> <ul style="list-style-type: none"> <li>• Hanson Padeswood Cement Works Carbon Capture and Storage Project</li> <li>• Viridor Runcorn Industrial CCS</li> <li>• Protos Energy Recovery Facility</li> <li>• Buxton Lime Net Zero</li> <li>• HyNet Hydrogen Production Plant 1 (HPP1)</li> </ul> <p>The Cluster sequencing Phase-2: Track-1 project negotiation list (March 2023) is available to view on the following webpage:  <a href="https://www.gov.uk/government/publications/cluster-sequencing-phase-2-eligible-projects-power-ccus-hydrogen-and-icc/cluster-sequencing-phase-2-track-1-project-negotiation-list-march-2023">https://www.gov.uk/government/publications/cluster-sequencing-phase-2-eligible-projects-power-ccus-hydrogen-and-icc/cluster-sequencing-phase-2-track-1-project-negotiation-list-march-2023</a></p> <p>The Applicant notes that out of the five selected CO<sub>2</sub> emitters, one of them is a Hydrogen Production Plant, with the other four capturing emissions for other key industrial sectors such as cement production and energy from waste.</p> <p>The Applicant is aware that the wider HyNet network has plans to bring in electrolytic or "green" hydrogen users and it is envisaged the contribution of which will grow over time. The Applicant is also aware that any "blue" hydrogen plant connecting to the HyNet CO<sub>2</sub> Transport and Storage system will need to demonstrate compliance with the Government's Low Carbon Hydrogen Standard (LCHS) to be commercially viable and recover at least 97% of all CO<sub>2</sub> generated as part of this standard.</p> <p>The Government's LCHS guidance is available to view on this following webpage:  <a href="https://www.gov.uk/government/publications/uk-low-carbon-hydrogen-standard-emissions-reporting-and-sustainability-criteria">https://www.gov.uk/government/publications/uk-low-carbon-hydrogen-standard-emissions-reporting-and-sustainability-criteria</a></p>	
2.1.28	10.16	<p>Conclusion on assessment of impact:</p> <ul style="list-style-type: none"> <li>• Construction Phase: NEUTRAL</li> <li>• Operational Phase: POSITIVE</li> </ul>	<p>The Applicant acknowledges the position of FCC and has no further comments at this time.</p>	Noted

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	11.	<b>PLANNING ASSESSMENT FOR THE IMPACT ON THE GREEN WEDGE</b>												
2.1.29	11.1.	Paragraph 4.3.62 of the applicant's Planning Statement [APP-048] states that the Order Limits do not conflict with any land designated as 'green wedge'. However, the Council does not agree with this statement. Within the application documents, the applicant has failed to identify that a large proportion of the proposed development would potentially affect a number of green wedges that are designated in the adopted Flintshire LDP under Policy EN11.	<p>The Applicant has further considered the potential impacts upon land designated under policy EN11 as a Green Wedge and clarifies that the land intersects and conflicts with designated Green Wedges.</p> <p>The Applicant has therefore updated the Planning Statement and a full assessment against EN11 can be found in Chapter 5 of the Planning Statement <b>[REP1-013]</b> and Appendix B.</p>	Noted and welcomed however, it is noted that the Applicant's Planning Statements makes very little reference to the policy context set out in PPW with regards to inappropriate development in the green wedge and places a reliance on NPPF which does not apply in Wales.										
2.1.30	11.2.	<p>The following table lists the green wedges that would potentially be affected by the proposed development with corresponding project 'Works Nos' noted. FCC LIR Appendix 5 – 'HyNet DCO and Green Wedge' provides a map of the locations of green wedge and its relationship with the Order Limits.</p> <table border="1"> <thead> <tr> <th>Green Wedge Areas - Policy EN11</th> <th>Works No's affected</th> </tr> </thead> <tbody> <tr> <td>11. Connah's Quay – Northop Hall / Ewloe / Shotton</td> <td>Works Nos 40B – 43A affected</td> </tr> <tr> <td>12. Shotton – Mancot – Hawarden – Ewloe</td> <td>Works Nos 34 – 39 affected Including Aston Hill BVS</td> </tr> <tr> <td>13. Hawarden – Mancot – Hawarden Airport – Saltney (S of R. Dee)</td> <td>Works Nos 33 – 34 affected</td> </tr> <tr> <td>15. Sealand – Cheshire Border (N of R. Dee)</td> <td>Works Nos 29 – 31C affected</td> </tr> </tbody> </table>	Green Wedge Areas - Policy EN11	Works No's affected	11. Connah's Quay – Northop Hall / Ewloe / Shotton	Works Nos 40B – 43A affected	12. Shotton – Mancot – Hawarden – Ewloe	Works Nos 34 – 39 affected Including Aston Hill BVS	13. Hawarden – Mancot – Hawarden Airport – Saltney (S of R. Dee)	Works Nos 33 – 34 affected	15. Sealand – Cheshire Border (N of R. Dee)	Works Nos 29 – 31C affected	<p>Due to the linear nature of the DCO Proposed Development it is necessary for the pipeline and associated infrastructure to pass through the FCC Green Wedges to avoid settlements and unnecessary conflicts with other developments.</p> <p>The Applicant acknowledges that the Order Limits transect the Green Wedges provided by FCC, to also include the BVS at Aston Hill.</p> <p>A full assessment against EN11 can be found in Chapter 5 of the Planning Statement <b>[REP1-013]</b> and Appendix B.</p>	Noted
Green Wedge Areas - Policy EN11	Works No's affected													
11. Connah's Quay – Northop Hall / Ewloe / Shotton	Works Nos 40B – 43A affected													
12. Shotton – Mancot – Hawarden – Ewloe	Works Nos 34 – 39 affected Including Aston Hill BVS													
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15. Sealand – Cheshire Border (N of R. Dee)	Works Nos 29 – 31C affected													
2.1.31	11.3.	Paragraph 5.10.1 of EN-1 states that an energy infrastructure project will have direct effects on the existing use of the proposed site and may have indirect effects on the use, or planned use, of land in the vicinity of other types of development. Specifically, regarding Green Belts, paragraph 5.10.4 explains that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the most important attribute of Green Belts is their openness. Paragraph 5.10.18 states that in Wales, 'green wedges' may be designated locally. These enjoy the same protection as Green Belt in Wales and the Secretary of State should adopt a similar approach.	The Applicant acknowledges the comments of FCC regarding Green Wedge Policy and confirms this has been incorporated into an updated version of the Planning Statement <b>[REP1-013]</b> and Appendix B.	Noted										
2.1.32	11.4.	PPW (2021) states at paragraph 3.68 " <i>Green wedges are local designations which essentially have the same purpose as Green Belts. They may be used to provide a buffer between the settlement edge and statutory designations and safeguard important views into and out of the area. Green wedges should be proposed and be subject to review as part of the LDP process.</i> "												



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2.1.33	11.5.	Paragraph 3.71 continues, "To maintain openness, development within a Green Belt and green wedge must be strictly controlled". Paragraph 3.73 states "When considering applications for planning permission in Green Belts or green wedges, a presumption against inappropriate development will apply. Substantial weight should be attached to any harmful impact which a development would have on the purposes of Green Belt or green wedge designation."		
2.1.34	11.6.	Paragraph 3.74 states that "Inappropriate development should not be granted planning permission except in very exceptional circumstances where other considerations clearly outweigh the harm which such development would do to the Green Belt or green wedge."		
2.1.35	11.7.	The general planning policy presumption against 'inappropriate development' applies with equal force in relation nationally significant energy infrastructure projects.	The Applicant acknowledges the comments of FCC and has no further comments at this time.	Noted
2.1.36	11.8.	Construction of new buildings in a Green Belt or Green Wedge is considered to be inappropriate development unless it meets the criteria as set out in PPW paragraph 3.75. Certain other forms of development may be appropriate in the Green Belt or Green Wedge provided they preserve its openness and do not conflict with the purposes of including land within it. PPW paragraph 3.77 lists low carbon energy generation and engineering operations as other development that may be appropriate, provided they preserve its openness.	The Applicant acknowledges the comments of FCC regarding Green Wedge Policy and confirms this has been incorporated into an updated version of the Planning Statement [REP1-013] and Appendix B.	Noted
2.1.37	11.9.	Policy EN11 of the adopted Flintshire LDP echoes this policy stance and states: <i>Within the designated green wedges development will only be permitted for:</i> <i>a) justified rural enterprise needs;</i> <i>b) essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the green wedge and which do not conflict with the purpose of including land within it;</i> <i>c) limited extension, alteration or replacement of existing dwellings;</i> <i>d) small scale diversification within farm complexes where this is run as part of the farm business; or</i> <i>e) the re-use of buildings provided that:</i> <i>i. the original building is substantial, permanent and capable of conversion without major reconstruction;</i> <i>ii. the new use will not have a greater impact on the openness of the green wedge and the purposes of including land within it; and</i> <i>iii. the building is in keeping with its surroundings.</i>	The Applicant acknowledges the comments of FCC regarding Green Wedge Policy and confirms this has been incorporated into an updated version of the Planning Statement [REP1-013] and Appendix B.  The BVS at Aston Hill is the only permanent above ground structure which falls within a Green Wedge. It is considered by the Applicant to be designated as an <i>engineering operation</i> essential to the operation of the DCO Proposed Development. Whilst these elements are considered to impact the open character of the Green Wedge, as the development being proposed is necessary to efficiently and safely operate a gas pipeline, the presence of these elements within the Green Wedge is not considered to conflict with EN-11.	Noted and welcomed

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		<i>Certain other forms of development may be appropriate in the green wedge provided they preserve its openness and do not conflict with the purposes of including land within it. These are: mineral extraction; renewable and low carbon energy generation; engineering operations; and local transport infrastructure. Other forms of development would be inappropriate development unless they maintain the openness of the green wedge and do not conflict with the purposes of including land within it.</i>		
2.1.38	11.10.	Whilst the applicant has not identified that the proposal would potentially affect the green wedges within Flintshire, the Order Limits also fall within land designated for the Cheshire West and Chester Green Belt. Chapter 5 of the applicant's Planning Statement [APP-048] provides a detailed assessment of Green Belt Policy. This assessment is considered transferable in the consideration of the impact the proposed development would have on the green wedge within Flintshire	The Applicant acknowledges the comments of FCC regarding Green Wedge Policy and confirms this has been incorporated into an updated version of the Planning Statement [REP1-013] and Appendix B.	Noted
2.1.39	11.11.	It is noted that due to the strategic, linear nature of the DCO Proposed Development, the applicant has stated that it is necessary for the pipeline and associated infrastructure to pass through the Cheshire West and Chester Green Belt to avoid settlements and unnecessary conflict with other development. The same justification would apply for the pipeline crossing through the green wedges of Flintshire.		
2.1.40	11.12.	Within the Flintshire green wedges, the proposal would comprise a permanent underground pipeline and a permanent BVS at Aston Hill. The table above and appended plan shows the DCO limits in relation to the Flintshire Green Wedges and respective 'Works Nos'. There would also be a total of four temporary construction compounds to facilitate the construction.		
2.1.41	11.13.	Paragraph 5.2.5 onwards of the applicant's Planning Statement [APP-488] discusses the nature of the elements of the DCO Proposed Development within the Cheshire Green Belt and considers whether these elements should be considered appropriate development in the Green Belt, or whether there is a need for a case for very special circumstances to be made. Whilst the applicant has not identified that the proposal would fall within the Flintshire Green Wedges, it is considered that the commentary and considerations provided in the Planning Statement in relation to the proposal in the Cheshire Green Belt are transferable and applicable for the consideration of the appropriateness of the proposal in the Flintshire Green Wedge as the features of the development are comparable.	<p>The Applicant acknowledges the comments of FCC regarding Green Wedge Policy and confirms this has been incorporated into an updated version of the Planning Statement [REP1-013] and Appendix B.</p> <p>The Applicant notes that the Needs Case for the DCO Proposed Development [APP-049] outlines the environmental, economic and socio-economic benefits the DCO Proposed Development can deliver and therefore forms the case for very special circumstances justifying the impact to the Green Wedge.</p>	<p>Noted and welcomed however, it is noted that the Applicant's Planning Statements makes very little reference to the policy context set out in PPW with regards to inappropriate development in the green wedge and places a reliance on NPPF which does not apply in Wales.</p> <p>Very 'exceptional' circumstances is the term used in PPW as opposed to 'very special circumstances'</p>

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2.1.42	11.14.	The Council would agree that by its very nature, the DCO Proposed Development would principally be an 'engineering operation' and therefore is likely to be excluded from the definition of inappropriate development in the green wedge, provided it preserved its openness.	The Applicant acknowledges the comments of FCC regarding Green Wedge Policy and confirms this has been incorporated into an updated version of the Planning Statement [REP1-013] and Appendix B.	Noted
2.1.43	11.15.	This approach is consistent with other similar gas pipeline schemes and confirmed by the statement in paragraph 5.10.12 of EN-1: <i>"An applicant may be able to demonstrate that a particular type of energy infrastructure, such as an underground pipeline, which, in Green Belt policy terms, may be considered as an "engineering operation" rather than a building is not in the circumstances of the application inappropriate development."</i>		
2.1.44	11.16.	PPW paragraph 3.77 lists engineering operations as other development that may be appropriate provided they preserve its openness. Likewise, Policy EN11 of the Flintshire LDP states that engineering operations may be appropriate in the green wedge provided they preserve its openness and do not conflict with the purposes of including land within it.		
2.1.45	11.17.	The Council would agree with paragraph 5.2.7 of the Planning Statement with regards to the consideration of the pipeline within the Cheshire Green Belt and that this assessment is applicable to the Flintshire Green Wedge. As the sections of pipeline would be buried underground, this element of the development is considered to be appropriate development within the green wedge for which there will be no harm to the open character of the green wedge or conflict with the purposes of including land within it.		
2.1.46	11.18.	The permanent BVS within the Flintshire green wedge comprise the BVS at Aston Hill. The features of this development would be comparable to those detailed within the Planning Statement at paragraph 5.2.10. The Council would concur that this BVS would also be considered to be an engineering operation essential to the operation of the DCO proposed development.		
2.1.47	11.19.	Due to their scale and nature of the development, it is unlikely that these facilities would preserve the openness of the Green Wedge in this location and therefore, this BVS [Aston Hill] in the green wedge would be considered to be 'inappropriate development'		The Applicant acknowledges the comments of FCC regarding Green Wedge Policy and confirms this has been incorporated into an updated version of the Planning Statement [REP1-013] and Appendix B.  The Applicant has concluded that AGIs and BVSs within either a Green Belt or Green Wedge would be classed as 'inappropriate development' and the case for very special circumstances must be demonstrated.

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)	Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
2.1.48	11.20.	However, whilst it is considered that the Aston Hill BVS would impact the openness of the green wedge, as the development being proposed is necessary to efficiently and safely operate a gas pipeline, the presence of the BVS in the green wedge is not considered to conflict with the purposes of the designation, as set out in PPW at paragraph 3.67.	The Applicant acknowledges the comments of FCC regarding Green Wedge Policy and confirms this has been incorporated into an updated version of the Planning Statement [REP1-013] and Appendix B.	Noted
2.1.49	11.21.	In relation to the temporary construction compounds proposed in the green wedge, the Council concurs with the assessment provided by the applicant. Seemingly there is no guidance with regards to how temporary effects on the opens of the green wedge should be considered, however, any effect would be temporary and short term.		
2.1.50	11.22.	Once the construction is completed, the compounds would be removed and the pipeline would not be visible, and the land restored. Therefore, the Council would concur with the assessment that there would be no long-term harm of the openness of the green wedge.		
2.1.51	11.23.	A case for very special circumstances has been made by the applicant in their Planning Statement at paragraph 5.2.23. This is in relation to the effect on the openness of the Cheshire Green Belt and not the Flintshire green wedge. It is considered that the applicant should provide a case for 'very exceptional circumstances' for inappropriate development in the Flintshire green wedge in relation to the Aston Hill BVS so that a judgement can be made as to whether the harm of the BVS on the green wedge would be outweighed by the need for the development. It is the Council's view that exceptional circumstances would be demonstrated in this instance.		
2.1.52	11.24.	Conclusion on assessment of impact: • Construction Phase: NEUTRAL • Operational Phase: NEGATIVE (ASTON HILL BVS ONLY), ALL OTHER ELEMENTS – NEUTRAL		The Applicant acknowledges the position of FCC and has no further comments at this time.
		<b>12. ARCHAEOLOGY AND BUILT AND CULTURAL HERITAGE</b>		
2.1.53	12.1.	Planning Policy Wales (PPW 11) Chapter 6 'Distinctive and Natural Places' states there should be a general presumption in favour of the preservation or enhancement of the character or appearance of a conservation area or its setting and Section 6.1.10 indicates that where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building or its setting, and any features of special architectural or historic interest which it possesses.	The Applicant acknowledges the comments of FCC regarding PPW 11 Chapter 6 'Distinctive and Natural Places' and confirms this has been considered within Appendix B of the Planning Statement [REP1-013].	Noted

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)	Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
2.1.54	12.2.	Technical Advice Note 24 (TAN24) at 1.23 states <i>"Planning Policy Wales identifies how local planning authorities must treat World Heritage Sites, scheduled monuments, unscheduled nationally important archaeological remains, listed buildings, conservation areas and registered historic parks and gardens in Wales in their consideration of planning applications and producing development plans. This includes the impact of proposed developments within the settings of these historic assets."</i> Impact on setting is therefore a material consideration to be afforded weight.	The Applicant acknowledges the comments of FCC regarding TAN24 and confirms this has been considered within the Planning Statement <b>[REP1-013]</b> .	Noted
2.1.55	12.3.	Policy EN8: Built Historic Environment and Listed Buildings of the adopted Flintshire Local Development Plan seeks to preserve the County's buildings and features of special architectural and historic importance, and their settings. It states in criterion b. that <i>"Development should preserve Scheduled Ancient Monuments and their settings and where appropriate the preservation of other archaeological remains, having regard to the intrinsic importance of the remains and the need for the proposed development"</i> .	The Applicant acknowledges the comments of FCC regarding EN8 of the LDP and confirms this has been considered within the Appendix B of the Planning Statement <b>[REP1-013]</b> .	Noted
2.1.56	12.4.	Appendices FCC LIR Appendix 3.1 through to FCC LIR Appendix 3.6 show the locations of listed buildings/heritage assets in Flintshire in the vicinity of the proposed DCO development.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.57	12.5.	The Environmental Statement Chapter 8 – Cultural Heritage [APP-060] assesses the Cultural Heritage Assessment which includes the assessment of archaeology in and around the Order Limit.		
2.1.58	12.6.	The Council would also respectfully defer to the Examining Authority to any comments or representations made by CADW, and the Clwyd Powys Archaeological Trust (CPAT) on matters relating to Archaeology and Built Heritage.		
2.1.59	12.7.	It is understood however from discussions between the Council and CPAT that following pre-application discussions and on-going liaison and advice, the applicant has completed as much pre-determination evaluation trenching as possible in advance of examination and this has been progressing over recent months. It is understood that the initial stage of archaeological trenching of locations based on the geophysics results has taken place. It is understood that this information will be included in an addendum to the Environmental Statement Chapter 8 relating to Cultural Heritage. This will update the predicted impacts and proposed mitigation.	The results of the initial phase of archaeological evaluation trenching will be submitted during the Examination. This will be accompanied by an updated impact assessment for the features identified during the trenching. While the final report on the trenching has not yet been received, the initial results indicate that the impacts are unlikely to vary from those reported in Chapter 8 Cultural Heritage of the ES <b>[APP-060]</b> and <b>[CR1-124]</b> . The exception is the possible pit alignment recorded immediately south of the M56 and Thornton Lane (NGR 0344596, 373363) which turned out to be a service pipe rather than an archaeological feature. Ongoing discussions in relation to this matter are being captured in the draft Statement of Common Ground (SoCG) with FCC <b>[REP1-020]</b> .	Noted

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)	Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
2.1.60	12.8.	It is also understood that an additional 2% trial trench sample evaluation will be completed following Detailed Design of the remainder of the DCO Proposed Development, focussed on the refined 32m wide working width for the construction of the Carbon Dioxide Pipeline.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.61	12.9.	The Council has been advised that following the initial evaluation trenching that nothing significant has been found. However, a number of locations did contain undated features of local interest would need further archaeological investigation prior to the pipeline being constructed, should it receive consent, and this would be secured by Requirement 10 with regards to the need to produce a pre-commencement written scheme for the investigation areas of archaeological interest relevant to that stage.	The Applicant acknowledges the response of FCC. Following completion of the 2% trial trenching, specific mitigation areas will be defined and a Site Specific Written Scheme of Investigation will be produced for each one in accordance with Requirement 10 of the dDCO <b>[REP1-004]</b> .	Noted
2.1.62	12.10.	It is understood that CPAT and the applicant are in agreement with the mitigation suggested in the Environmental Statement, and the agreed outline Archaeological Written Scheme of Investigation [APP-223]. CPAT have confirmed that the outline Written Scheme of Investigation is largely robust and appropriate. This gives the Council and CPAT confidence that the evaluation work already recommended by CPAT, together with additional evaluation and mitigation options suggested by the applicant's consultants, would be adequately address any archaeological impacts arising from the proposals for the proposed DCO development.	While the principles of the mitigation strategy are agreed, the specifics are not yet available and will require further discussion. CPAT has requested an archaeological watching brief on all works during construction, but the Applicant does not believe this is proportionate. Further information can be found in the Applicant's Response to Examining Authority's First Written Questions to Q1.7.1 (page 65) <b>[REP1-044]</b> . Ongoing discussions in relation to this matter are being captured in the FCC Statement of Common Ground (SoCG) <b>[REP1-020]</b> .	For clarity, CPAT and FCC are not asking for a watching brief over the whole works area, but targeted at those ground reduction locations where no trenching evaluation or subsequent mitigation has been agreed.  A watching brief should be maintained and targeted on ground reduction work and not over the whole works areas (easement strip, new access tracks, works compounds, pipe trench) to formation level for areas of the scheme beyond the locations for agreed mitigation arising from evaluation trenching completed at the pre and post consent stages or outside agreed areas of strip/map/excavate (SME) coverage. This is required to identify and mitigate impacts to archaeology which will not have been detected by the geophysics or the limited evaluation trenching of geophysical anomalies. The watching brief should be completed by a suitably qualified archaeological contractor in accordance with an approved WSI.
2.1.63	12.11.	Conclusion on assessment of impact: o Construction Phase: NEGATIVE o Operational Phase: NEUTRAL	The Applicant acknowledges the position of FCC and has no further comments at this time.	For further clarity, it is considered that the construction impact is not wholly NEGATIVE as there clearly are features which require mitigation as a result of the trenching evaluation completed so far and there would undoubtedly be new features located by the phase 2 trenching, and outside areas where no mitigation has been agreed by the watching brief. The overall impact, with mitigation is likely to be LOW assuming the additional trenching which has yet to be completed does not find any significant archaeology.

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)	Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
	<b>13.</b>	<b>BIODIVERSITY AND NATURE CONSERVATION</b>		
2.1.64	13.1.	PPW11 Section 6.4 'Biodiversity and Ecological Networks', current legislation and the Conservation and Enhancement of Biodiversity SPG, which stress the importance of the planning system in meeting biodiversity objectives through promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable.	The Applicant acknowledges the comments of FCC regarding PPW 11 Chapter 6 Biodiversity and Ecological Networks' and confirms this has been considered within the Appendix B of the Planning Statement <b>[REP1-013]</b> .	Noted
2.1.65	13.2.	PPW11 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" (Section 6.4.5). PPW also draws attention to the contents of Section 6 of the Environment (Wales) Act 2016, which sets a duty on Local Planning Authorities to demonstrate they have taken all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. It is important that biodiversity and resilience considerations are taken into account at an early stage when considering development proposals (Section 6.4.4).		
2.1.66	13.3.	LDP Policy STR13: Natural and Built Environment, Green Networks and Infrastructure sets out the strategic policy framework for conserving, protecting and enhancing the quality and diversity of Flintshire's natural environment including biodiversity and it also aims to promote opportunities to enhance biodiversity and ensure resilience.	The Applicant acknowledges the comments of FCC regarding STR13 of the LDP and confirms this has been considered within Appendix B of the Planning Statement <b>[REP1-013]</b> .	Noted
2.1.67	13.4.	LDP Policy EN6: Sites of Biodiversity Importance states: <i>"Development likely to significantly affect any site of international importance, either alone or in combination with other plans or projects, will be subject to a Habitat Regulations Assessment (HRA). Development will only be permitted where it is possible to ascertain no adverse effect on the integrity of the Site or where there are Imperative Reasons of Overriding Public Interest and compensatory measures are secured.</i>  <i>Development likely to impact the special features of a Nationally Designated Site will only be granted in exceptional circumstances where appropriate compensation can be provided.</i>  <i>Development proposals that would have a significant adverse effect on locally designated sites or site with other biodiversity and / or geological interest, including priority species, will only be permitted where:</i>	The Applicant acknowledges the comments of FCC regarding EN6 of the LDP and confirms this has been considered within Appendix B of the Planning Statement <b>[REP1-013]</b> .	Noted

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)	Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
		<p>a. <i>it can be demonstrated that the need for the development outweighs the biodiversity or geological importance of the site; and</i></p> <p>b. <i>it can be demonstrated that the development cannot reasonably be located elsewhere; and</i></p> <p>c. <i>any unavoidable harm is minimised by effective mitigation to ensure that there is no reduction in the overall biodiversity value of the area. Where this is not feasible compensation measures designed to create, restore and enhance biodiversity must be provided.</i></p> <p><i>Development that results in the restoration, enhancement and creation of habitats will be supported especially where this promotes the resilience of ecosystems.</i></p>		
2.1.68	13.5.	The applicant has considered and assessed the impact on biodiversity and nature conservation interests which is provided in the Environmental Statement, Chapter 9 [APP-061] and accompanying appendices; Appendix 9.1 – 9.10 [APP-091 to APP-116]. Chapter 9 of the ES sets out the mitigation principles and emphasises the importance of embedded and secondary mitigation without which there would be potential for significant impacts.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.69	13.6.	As part of the preparation for this DCO application, extensive ecological surveys have been undertaken as set out in Table 9.3, Table 9.8, and Table 9.10 of the ES Chapter 9 with regards to Receptor Survey Area with Reference to Best Practice Guidelines, Summary of Species Survey Results and Embedded mitigation designed for the DCO Proposed Development respectively.		
2.1.70	13.7.	The exact route of the pipeline would be determined at the detailed design stage. Therefore, the impact assessment assumes worst case scenario with regards to mitigation requirements. The detailed design would aim to reduce impacts further, however this may well be limited by actual timing of works and length of time within one locality. It is unlikely that the works would be undertaken at the least sensitive time of year for all species for the whole length of the pipeline, meaning that not all habitats and species can be buffered as proposed.	The Applicant acknowledges FCC's comment and recognises this scenario. As such, the Applicant has sought to provide a range of mitigation items and approaches to reduce impacts and ensure protection of protected/notable species and habitats during construction, as presented within Table 9.11 of Chapter 9 – Biodiversity [AS-025].	Noted
2.1.71	13.8.	FCC LIR Appendix 1.1 through to FCC LIR Appendix 1.6 show the environmental constraints in relation to the DCO application.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted



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2.1.72	13.9.	Table 9.12 of Chapter 9 of the ES sets out Design and Mitigation Measures and their Delivery Mechanisms. This sets out the measures and reasoning which are then detailed within the Outline Construction Environmental Management Plan (OCEMP), Outline Landscape and Ecological Management Plan (OLEMP) and Register of Environmental Actions and Commitments (REAC).		
2.1.73	13.10.	At each stage of the development, it is understood that the detailed CEMP, LEMP and REAC would be agreed by the Local Planning Authority as set out in the requirements of the draft DCO. Action, commitments and mitigation including monitoring requirements are aligned and cover habitats and species thoroughly within the Order Limits. NRW species licences may require additional mitigation and monitoring especially for species such as Great Crested Newt (GCN), which are widespread within Flintshire.	The Applicant acknowledges FCC's comments and recognises the potential for additional mitigation requirements/prescriptions upon application for protected species licenses in light of a detailed design for the DCO Proposed Development.	Noted
2.1.74	13.11.	The OLEMP sets out the tree and scrub planting mitigation which is to be welcomed. It is not clear however if the areas are specifically chosen for their mitigation value or landowner agreement. It would be beneficial to include opportunities for other habitats such as grassland and pond enhancements.	As per paragraph 9.10.8 of Chapter 9 – Biodiversity <b>[AS-025]</b> , tree planting will take place as close as possible to the area of loss, wherever practicable. Given the need to implement a 12m buffer either side of the pipeline within which no trees can be planted, a coordinated approach to tree/woodland mitigation has been applied. Thirteen areas identified across the Order Limits have been targeted for tree planting, and as per paragraph 9.10.10 of Chapter 9 – Biodiversity <b>[AS-025]</b> , have been chosen to tie into, enhance and bolster existing green infrastructure and woodlands within the landscape.  As per item D-BD-066 of Outline Construction Environment Management Plan (OCEMP) <b>[REP1-017 and CR1-119]</b> , opportunities for enhancements will be identified during the Detailed Design stage of the DCO Proposed Development.	Noted
<b>Biodiversity Net Gain/ Net Benefit</b>				
2.1.75	13.12.	In Wales, PPW11 sets out in paragraph 6.4.5 that <i>"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"</i> . This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016.	The Applicant acknowledges the response of FCC and is in discussion with FCC's Countryside team with this intent to draft and agree an appropriate agreement for the purpose of the DCO. The Applicant has no further comments at this time.	Noted

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2.1.76	13.13.	As the submitted Biodiversity Net Gain (BNG) Assessment provided within the applicant's submission [APP-231 to APP-236] states, BNG is specified through the metric, comments within this LIR have been relied on by colleagues in Cheshire West and Chester Council with regards to actual gains (as opposed to benefits as the Welsh Government guidance refers).		
2.1.77	13.14.	However, discussions have taken place with regards to what Flintshire County Council's Countryside Service can achieve through off site habitat compensation. Discussions are also being undertaken with other organisations and private landowners particularly with regards to woodland planting. Securing these biodiversity gains or benefits for the long term should be secured via legal documentation and a draft Heads of Terms should be provided by the applicant for the purpose of the DCO.		
2.1.78	13.15	In addition the Welsh policy means there is an opportunity to look at wider benefits for ecosystem resilience which includes the specified proposals set out in the BNG report but could include wider species opportunities namely for the GCN which are prevalent in Flintshire.	<p>The Applicant is currently in discussions with FCC regarding the required offsetting to achieve the minimum target of 1% net gain of priority habitats. Whilst there is a commitment to compensate for losses 'like for like' wherever possible, it is envisaged that the creation of ponds, hedgerows and woodland has potential to benefit wider protected species such as GCN.</p> <p>Following initial discussions with FCC related to pond and hedgerow creation, it is understood that FCC is set to confirm suitable locations for these habitats within the borough. The Applicant would welcome further discussions with FCC around pond and hedgerow creation being targeted in areas with suspected or known GCN populations, in order to extend their range or provide additional linkages to metapopulations within the landscape.</p>	Noted
2.1.79	13.16.	Habitat and Species impacts and mitigation are summarised below but ultimately these will depend on the detailed design and what mitigation can and can't be achieved within the DCO.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
<b>Designated Sites</b>				
2.1.80	13.17.	FCC LIR Appendix 1.1 through to FCC LIR Appendix 1.6 show the locations of the various designated sites in relation to the DCO application	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.81	13.18.	The applicant has provided a Habitats Regulations Assessment (HRA) which provides information to inform an Appropriate Assessment [APP-226]. Table 6.11 provides a		

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)	Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
		summary of Stage 1 Screening Results. Section 7 of the HRA Stage 2 incorporates mitigation measures to address potential effects on European Sites as specified within the OCEMP and REAC.		
		<i>River Dee Special Area of Conservation</i>		
2.1.82	13.19.	The proposed DCO CO2 pipeline if consented would cross under River Dee Special Area of Conservation (SAC) at a minimum depth of 15m with the entrance/exit pits situated at least 16m from the riverbanks outside the designated boundary. Drilling fluid/mud would be required to keep the borehole open, made up of bentonite and biodegradable polymers. The crossing is anticipated to take up to four weeks with 24hour working.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.83	13.20.	<b>Migratory fish</b> ; the crossing depth of 15m below the river bed, the intensity of vibration at the riverbed is predicted to be negligible but the lighting required for 24hour working has the potential to cause disturbance. Dust generated from open cut trenches within 50m of the River Dee could result in smothering of vegetation/habitats or a deterioration of water quality without mitigation.	Mitigation measures are set out within the REAC [REP1-015 and CR1-109], as included within Chapter 9 – Biodiversity [AS-025] and acknowledged in FCC's LIR response 2.1.85 below (FCC paragraph reference 13.22 in [REP1A-005]).	Noted
2.1.84	13.21.	<b>Otter</b> ; no otter field signs were recorded along the River Dee but they are known to occur. Otter were recorded along Wepre and Alltami Brooks which are hydrologically connected to the River Dee and within the home range (32km for male otters and 20km for female). Open cut techniques on the pipeline have the potential to cause entrapment. The need for 24hour working with lighting together with the equipment noise and vibration has the potential to prevent otter commuting along the River Dee. However, the entrance/ exit pits are expected to be a minimum of 125m apart and the width of the River Dee and natural topography should still allow otter to move along the river		
2.1.85	13.22.	Mitigation measures are set out in the OCEMP and REAC to avoid dust and lighting impacts, with detailed reasonable avoidance measures and the potential need for otter licences dependent on the detailed design.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.86	13.23.	The River Dee is accepted as functionally linked to the Dee Estuary Site of Special Scientific Interest (SSSI)/ Special Protection Area (SPA)/Ramsar/SAC. No Dee Estuary SAC (estuarine habitats) features are proposed to be impacted due to crossing at a minimum depth of 15m below the riverbed and with the entrance/exit pits at least 16m from the river banks.	Mitigation measures are set out within the REAC [REP1-015 and CR1-109], as included within Chapter 9 – Biodiversity [AS-025] and acknowledged in FCC response 2.1.88 below (FCC paragraph reference 13.25 in [REP1A-005]).	Noted
2.1.87	13.24.	SPA and Ramsar qualifying species include Shelduck, teal oystercatcher and curlew were recorded in low numbers (less than 0.1% mean monthly counts). Redshank were		

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		recorded in more significant numbers with over 1% peak and mean monthly count of passage birds and over 1% peak wintering birds. The topography of the River Dee at the crossing site means that works at the entrance/ exit pits is not predicted to be in the line of sight of SPA birds using the mudflats but noise disturbance may still cause an impact. The crossing is anticipated to take up to four weeks and will include 24hour working requiring lighting which could result in the disturbance of mudflat habitat.		
2.1.88	13.25.	Mitigation measures are set out in the OCEMP and REAC to avoid disturbance and lighting impacts. If timing of works is limited to specific summer months, then there would be no impact on passage or wintering Redshank	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
<b>Deeside and Buckley Newt Sites SAC</b>				
2.1.89	13.26.	The Deeside and Buckley Newt Site SAC is designated for the great crested newt (GCN) habitat. The Order Limits falls just outside the Deeside and Buckley Newt SAC boundary which has compartments to the north and south of the newbuild infrastructure boundary, including south of the A55.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.90	13.27.	Brewery Pond, Waterbody 161, within the SAC has confirmed breeding and occurs 250m to the north west of the DCO at Wepre Woods. It is accepted that the majority of GCN stay within 250m of breeding ponds but a proportion of GCN will migrate over 500m-1km. FCC's Supplementary Planning Guidance 8a, Appendix 1 references 500m buffer to the Deeside and Buckley SAC for planning purposes. Waterbody 10 falls within this buffer so it is potentially linked to the proposal but the ES assume presence.		
2.1.91	13.28.	The SAC compartments/GCN habitats are linked by hedgerows and agricultural land. The proposed pipeline if consented would result in temporary direct habitat loss, potential mortality, disturbance and fragmentation without mitigation. As stated in the REAC, all species specific mitigation and predicted impacts to GCN would be captured under an EPS mitigation licence application subject to agreement with Natural Resources Wales. No adverse impact on the integrity of the SAC is predicted as a result. Further surveys are proposed to inform this licence. However, GCN populations have been recorded adjacent to the DCO application boundary from Ewloe to Flint. Therefore, the majority of the pipeline within Flintshire has the potential to impact GCN terrestrial habitat.		
2.1.92	13.29.	The DCO development is expected to last 16 months but with teams working simultaneously. Installation of the pipeline within 50m of the Deeside and Buckley SAC is estimated to last up to 3 months but the overall impact on	The Applicant has included mitigation items D-BD-044 and D-BD-45 within the OCEMP [REP1-017 and CR1-119] outlining avoidance and mitigation measures to safeguard GCN. These will be supplemented through	Noted

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		GCN along the length of the pipeline Flintshire will be much longer. Reasonable avoidance and mitigation measures required for the NRW licence have yet to be detailed. North East Flintshire is a GCN hotspot <sup>1</sup> and while the DCO works do not intend to impact existing ponds, connectivity would be impacted. There is an opportunity to provide mitigation and enhancement opportunities for example pond restoration of the Habitat Suitability Index poor ponds.	<p>the application for protected species licenses to facilitate construction of the DCO Proposed Development.</p> <p>As per item D-BD-066 of the OCEMP [REP1-017 and CR1-119], opportunities for enhancements will be identified during the Detailed Design stage of the DCO Proposed Development.</p>	
2.1.93	13.30.	The GCN licence is likely to require specific mitigation to benefit the Flintshire GCN population which would be over and above that agreed within the LEMP. The licence requirements would need to be included in details submitted to the LPA as part of the approval of the LEMP.	It is recognised by the Applicant that protected species licensing for GCN is the primary means to safeguard the species during construction. The contents and mitigation of any agreed protected species licence would be reflected within the LEMP [APP-229].	Noted FCC are aware that "shadow licences" will be produced. It would be useful to have sight of them when available.
<b>Sessile Oak Woods</b>				
2.1.94	13.31.	Deciduous woodland functionally linked to Annex 1 woodland at Wepre is present within the DCO where it crosses Alltami Brook. Open cut trench techniques are proposed at Wepre Brook, Alltami Brook and New Inn Brook which could result in silt or contaminants entering the water course which could have detrimental effect downstream.	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. This is secured in the OCEMP [REP1-017 and CR1-119] as set out in Requirement 5 of the dDCO [REP1-004] and as provided in REAC commitments D-WR-002, D-WR-005 to D-WR-010, D-WR-012, D-WR-018, D-WR-022 to D-WR-024, and D-WR-026 [REP1-015 and CR1-109].	Noted
2.1.95	13.32.	Mitigation measures are set out in the OCEMP and REAC. Loss of functionally linked deciduous woodland would be mitigated through the planting of native species at a ratio of 3:1, replacement planting will be in an area functionally linked to the SAC and set out in the OLEMP. Area 57K is adjacent to Alltami Brook so it is presumably the specified mitigation although this is not clear. Hydrogeological effects due to open trench techniques will be avoided by pollution prevention measures as detailed within the REAC.	Woodland and tree loss, as a result of construction of the DCO Proposed Development, has been considered as a whole across the Order Limits. Given the constraints of the Order Limits, opportunities for appropriate siting of mitigation woodland/tree planting has sought to maximise biodiversity benefits through selecting areas that will enhance existing green infrastructure/woodlands, wherever possible. As such, no one mitigation area can be considered to be solely in response to the loss of trees in any one individual location.	Noted
<b>Wildlife Sites (WS) and Ancient woodlands within 50m:</b>				
2.1.96	13.33.	FCC LIR Appendices 1.1-1.6 show environmental constraints along each section of the proposed pipeline. Wildlife Sites and Ancient Woodland have largely been excluded from DCO which is to be welcomed. The DCO boundary encroaches into the edge of Leadbrook Wood WS, and Coedy Cra WS. Brook Park Farm Wood WS/ancient woodland included within trenchless installation as cannot be avoided.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted

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2.1.97	13.34.	New Inn Brook Wood WS and Warred Wood WS occur 16m west and 41m south respectively. Little Leadbrook Wood and Church Lane Ewloe Wood Ancient woodland are adjacent to/within DCO boundary.		
<b>Habitats</b>				
2.1.98	13.35.	Table 9.7 of Chapter 9 of the ES [APP-061] sets out the habitats present within the Order Boundary and their importance. Primarily habitats of low ecological importance (eg agricultural land and existing hard-standing) are proposed for permanent built structures including AGIs and BVSs within Flintshire and temporary compound and storage areas and there is no objection to the siting of these on ecological grounds.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.99	13.36.	Specific pond (Predictive System for Multi-metrics PSYM) surveys were conducted on ponds within the DCO boundary but these were recorded as generally poor due to poor water quality, livestock poaching and low macrophyte diversity. As stated above, loss of deciduous woodland would be mitigated through the planting of native species at a ratio of 3:1; replacement planting sites have been specified within the LEMP.		
2.1.100	13.37.	It is considered that there is an opportunity for other habitat creation within the LEMP. For example, LEMP site 57M Northop Hall is recorded on the Phase 1 habitat map as semi-improved grassland. However, there may be an opportunity to enhance at least part of the grassland rather than turn it all into woodland. Similarly, there may be opportunities to enhance ponds within the DCO boundary that are considered to be of poor quality to benefit the aquatic habitat and also potentially GCN.	As per item D-BD-066 of OCEMP [REP1-017 and CR1-119], opportunities for enhancements will be identified during the Detailed Design stage of the DCO Proposed Development.	Noted
2.1.101	13.38.	Table 9.10 of Chapter 9 of the ES [APP-061] sets out the embedded mitigation designed for the DCO Proposed Development which would include micro siting to avoid water bodies, sensitive habitats, trees hedgerows as much as is practicably possible. This is welcomed but will await the detailed designs.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.102	13.39.	It is considered that the detailed design stage will need to demonstrate the following embedded mitigation. <ul style="list-style-type: none"> <li>– <i>Where opportunities exist for routing through existing gaps in hedgerows, scrub and woodlands, avoiding the need to remove vegetation, these will be prioritised. Where hedgerow removal is required to facilitate construction, it has been assumed this will be kept to a maximum width of 15 m (this includes both hedgerows and the trees that sit within hedgerows).</i></li> <li>– <i>Retained waterbodies within the construction easement of the DCO Proposed Development will be demarcated by a minimum 5 m exclusion buffer to avoid/reduce</i></li> </ul>		Noted

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		<p><i>potential adverse impacts to waterbodies, associated terrestrial bankside habitat and associated aquatic receptors from construction.</i></p> <ul style="list-style-type: none"> <li>– <i>Stand-off distances around watercourses will be implemented prior to the commencement of works and clearly demarcated through the use of physical barriers (fencing, tape or similar). A minimum 8 m buffer will be demarcated around non-tidal main river watercourses.</i></li> <li>– <i>Plant, personnel and site traffic will be constrained to a prescribed working corridor through the use of temporary barriers, where practicable, to firstly avoid and secondly minimise damage to habitats, encroachment of the construction easement, and potential direct mortality and/or disturbance of fauna located within and adjacent to the construction corridor.</i></li> </ul>		
		Protected Species identified within/adjacent to DCO corridor		
2.1.103	13.40.	<b>Great crested newt</b> are widespread within North East Flintshire. No GCN ponds are proposed to be permanently lost as a result of this development but works would be in close proximity to a number of breeding ponds from Ewloe to Flint, as stated above.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.104	13.41.	<b>Bats; Bat roosts.</b> With regards to the impact of the development on bats and bat roosts there are a limited number of buildings or structures along the pipeline and DCO corridor within Flintshire. One barn; ref B133 is a confirmed day roost which is used by 4 Common pipistrelles and 3 Soprano pipistrelles occurs within the DCO boundary at Aston. Where practicable a 10m buffer will be retained around the confirmed roost, otherwise an NRW license and mitigation will be required.	The Applicant can confirm that applications for necessary protected species licenses will be made, with construction only commencing upon receipt of required licenses as detailed within item D-BD-002 of the OCEMP [REP1-017 and CR1-119].	Noted FCC are aware that "shadow licences" will be produced. It would be useful to have sight of them when available
2.1.105	13.42.	Ongoing surveys and aerial tree climbing inspections of trees classified as moderate or high suitability dependent on Potential Roost Features (PRF). Tree roosts are notoriously difficult to locate. A number of trees have been recorded as day roosts used by a single Common or Soprano Pipistrelle. (One Noctule maternity roost recorded to date T321 in Cheshire). Where practicable, tree roosts will be retained with an exclusion buffer of 10m.	The Applicant recognises FCC's comments regarding tree roosts. In response to the detailed design of the DCO Proposed Development, a scope of pre-construction surveys to update baseline results will be assessed and completed ahead of construction commencement, as detailed within item D-BD-006 of the OCEMP [REP1-017 and CR1-119].	Noted
2.1.106	13.43.	Trees to be felled would be subject to further assessments and relevant licences as required. Bat activity of foraging and commuting bats were recorded, and a number of hedges assessed as excellent relating to bat usage particularly where connected to ancient woodland. Bat species recorded include lesser horseshoe bats, Brown long eared, Myotis spp, Noctule as well as Pipistrelles spp.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted

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2.1.107	13.44.	The REAC sets out specific measures for "Faux hedges" to be used during construction to maintain connectivity of good or excellent assessed hedgerows which is to be welcomed. Their design will be determined at the detailed design stage but may include straw bales, live willow screening or trees in pots.		
2.1.108	13.45.	Badger permeable fencing is proposed where required which is welcomed. Any main setts would be retained in situ with a 30m buffer which would be confirmed at the detailed design stage. A number of outlier setts would be closed under licence.		
2.1.109	13.46.	<b>Barn owl;</b> BOB3 is confirmed with breeding barn owls. Temporary closure of the nest box is proposed as detailed within the REAC, with placement of additional nest boxes. Barn Owls are known within this locality, and there are a number of regularly monitored nest sites here and to the south west at Moor lane. The placement of new boxes should take existing records into account and there needs to be liaison with the recorders.	The Applicant acknowledges FCC's comments regarding existing records and liaison with recorders. Any requirement for erection of barn owl boxes will be determined at the detailed design stage.	Noted
2.1.110	13.47.	<b>Breeding birds</b> – RAMS set out in the REAC to avoid vegetation clearance during nesting season. The detail design and timetable would need to take this into account.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.111	13.48.	Reasonable avoidance measures for reptiles and water vole are set out in the REAC. Otter are known to use the majority of rivers and small tributaries within Flintshire for commuting and foraging. Although outside the DCO boundary, the activity recorded through the ES surveys along Wepre Brook at Northop Hall is significant. Pre commencement surveys will be undertaken at least 3 months prior to construction works to update mitigation measures required.		
2.1.112	13.49.	<b>Fish;</b> eDNA surveys of Brooks and "Drains" have been undertaken. Significant records include Brown/Sea trout in Broughton Brook plus Eels in most other watercourses. Open trench work would need to take these species into account. Seasonal restrictions may limit working in these watercourses 1st Oct- 31st April for European eel unless exemptions are granted. With regards to Invasive Non-Native Species (INNS) a Biosecurity Management Plan would be prepared at Detailed Design to be implemented during construction to prevent the spread of INNS.	As prescribed within items D-BD-056 and D-BD-058 of the OCEMP [REP1-017 and CR1-119], where fish communities have been identified at crossing locations seasonal timing of works will be considered. Where it is not possible to avoid seasonal sensitivities, the Applicant will seek necessary exemptions and implement any required mitigation, should the exemption be granted.	Noted
2.1.113	13.50.	The Council considers the species surveys and ecological assessment carried out to be satisfactory and would be in general agreement with the conclusions set out in Chapter 9 of the Environmental Statement [APP-061], subject to adequate ecological mitigation and compensation measures being secured through imposition of requirements.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted



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2.1.114	13.51.	Furthermore, in order to ensure compliance with Planning Policy Wales and the duties set out in the Environment (Wales) Act, the development is also required to incorporate biodiversity enhancements measures into the schedule of works in addition to the necessary ecological mitigation and compensation, in order to achieve a net benefit to biodiversity interests.	As per item D-BD-066 of OCEMP <b>[REP1-017 and CR1-119]</b> , opportunities for enhancements will be identified during the Detailed Design stage of the DCO Proposed Development.	Noted
2.1.115	13.52.	Conclusion on assessment of impact: o Construction Phase: Neutral with mitigation o Operational Phase: Positive with mitigation and Biodiversity BNB	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
<b>14. LANDSCAPE AND VISUAL IMPACT</b>				
2.1.116	14.1.	The Overarching National Policy Statement for Energy EN-1 provides a number of statements and guidance of relevance to the landscape, including green infrastructure and visual impacts of energy infrastructure in general.	The Applicant can confirm that the requirements of Policy EN-1 have been considered as part of the Landscape and Visual Impact Assessment (LVIA) <b>[APP-064]</b> .  The Planning Statement <b>[REP1-013]</b> Section 4 considers the application proposals as a whole against the policies in the National Policy Statements (NPS) EN-1 where relevant. The assessment should be considered in accordance with Appendix B (Table B1) of the Planning Statement which provides a compliance assessment of the relevant and important policy.	Noted
2.1.117	14.2.	The National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) within section 2.21, Gas and Oil Pipelines Impacts: Biodiversity and Landscape and Visual, also provides policy guidance with regards to long term impacts and appropriate assessment and mitigation of pipeline features.	The Applicant can confirm that the requirements of Policy EN-4 have been considered as part of the LVIA <b>[APP-064]</b> and landscape mitigation proposals.  The Planning Statement <b>[REP1-013]</b> Section 4 considers the application proposals as a whole against the policies in the National Policy Statements (NPS) EN-4 where relevant. The assessment should be considered in accordance with Appendix B (Table B1) of the Planning Statement which provides a compliance assessment of the relevant and important policy.	Noted
2.1.118	14.3.	PPW11 sets out key guidance and planning policies for development and achieving good design throughout Wales with reference to landscape and natural spaces.	The Applicant can confirm that the requirements of Policy PPW11 have been considered as part of the LVIA <b>[APP-064]</b> and landscape mitigation proposals.  The Planning Statement <b>[REP1-013]</b> Appendix B considers the application proposals as a whole against the policies of the PPW where relevant.	Noted
2.1.119	14.4.	Policy STR13: Natural and Built Environment, Green Networks and Infrastructure of the adopted Flintshire LDP sets out the strategic policy framework for conserving, protecting and enhancing the quality and diversity of Flintshire's natural environment including landscape.	The Applicant can confirm that the requirements of Policy STR13 have been considered as part of the LVIA <b>[APP-064]</b> and landscape mitigation proposals.	Noted

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			The Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies of the LDP where relevant.	
2.1.120	14.5.	General Requirements Policy PC2 states that " <i>All development should harmonise with or enhance the character, local distinctiveness and appearance of the site, existing building(s) and surrounding landscape/ townscape.</i> ". Furthermore, Policy PC3: Design states that " <i>All development should retain existing landscape and nature conservation features and incorporate opportunities to enhance biodiversity and ecological connectivity.</i> "	The Applicant can confirm that the requirements of Policies PC2 and PC3 have been considered as part of the LVIA [APP-064] and landscape mitigation proposals.  The Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies of the LDP where relevant.	Noted
2.1.121	14.6.	Policy EN4: Landscape Character states that: " <i>New development, either individually or cumulatively, must not have a significant adverse impact on the character and appearance of the landscape. Landscaping and other mitigation measures should seek to reduce landscape impact and where possible bring about enhancement.</i> "	The Applicant can confirm that the requirements of Policy ENV4 have been considered as part of the LVIA [APP-064] and landscape mitigation proposals.  The Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies of the LDP where relevant.	Noted
2.1.122	14.7.	The applicant's Environment Statement, Chapter 12 [APP-064] considers the impact of the development on landscape and visual amenity. It covers the development's anticipated effect on the landscape and visual amenity. The Environmental Statement also contains Landscape and Visual Impact Assessment appendices; 12.1-12.4 [APP-138-141 respectively].	The Applicant acknowledges the response of FCC and has no further comments at this time.	No further comments
2.1.123	14.8.	No significant concerns have been identified by the Local Planning Authority relating to the Landscape and Visual Impact Assessment (LVIA) process and the assessments that have been made for the construction, operational and decommissioning stages of the DCO.		
2.1.124	14.9.	The Landscape Analysis at paragraph 12.3 of Chapter 12 of the Environment Statement states that there will be a ' <i>Moderate adverse effect</i> ' on three Landscape Character Areas during the construction stage but these will be ' <i>Negligible adverse (not significant)</i> ', in landscape terminology, once construction is complete. Similarly, where ' <i>Minor adverse effects (not significant)</i> ' have been identified on other Landscape Character Areas during construction stage it is predicted that these will decrease to a ' <i>Negligible adverse (not significant)</i> ' on completion. These effects reflect the nature of the DCO which would be largely underground.		
2.1.125	14.10.	The visual impacts on receptors in the landscape are set out in Table 1 of Appendix 12.4 - Visual Analysis [APP-141] and highlight the longer term visual impact on receptors resulting from the Above Ground Installations (AGIs) at Flint and Northop Hall, together with the Block		

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		Valve Stations (BVSs) at Babell, Pentre Halkyn, Cornist Lane and Aston Hill. The visual impacts are dependent on the site's visibility, the sensitivity of the receptor to change and magnitude of the effect.		
2.1.126	14.11.	By year 15 of operation, it is anticipated that the landscaping will have largely diminished the adverse visual effects noted in the first year of operation. The visual impact on receptors will be greatest during the construction of the pipeline and difficult to mitigate.		
2.1.127	14.12.	It is considered that the 'moderate adverse' effects identified for certain receptors are acceptable for a short period, taking into account the mitigation and enhancement measures proposed to address site specific concerns proposed in paragraph 12.10 of the Chapter 12 of the Environment Statement [APP-064].		
2.1.128	14.13.	The proposals include an Outline Landscape and Ecological Management Plan (OLEMP) which proposes landscape layouts for the AGIs and BVS, and there are minor concerns relating to these. However, should the development receive consent, there is an opportunity at the approval of the requirements prior to each stage of the development for officers to work with the appointed contractor's landscape specialists, later in the development process, to improve these layouts and ensure the AGIs and BVSs assimilate as much as possible with the surrounding countryside, whilst recognising their design limitations.	The Applicant acknowledges the comments of FCC and agrees that there is the opportunity to refine the landscape layouts of the AGI and BVS at detailed design in accordance with the requirements set out in the OLEMP [APP-229], commitment D-LV-023 and D-LV-024 in the REAC [REP1-015 and CR1-109].	No further comments
2.1.129	14.14.	The OLEMP makes provision for environmental mitigation to be carried out elsewhere where 'like for like' replacement cannot be carried out. The areas comprise of woodland planting (with scrub planting on the pipe's easement) and are identified in Table 1. The Proposed Mitigation Areas in Flintshire amount to 36.4 acres. The provision of these areas of planting should provide a net enhancement of the landscape, although it is acknowledged that there would be limitations on planting directly over the pipeline to maintain an easement.	The Applicant acknowledges the comments of FCC relating to environmental mitigation and can confirm that replacement shrub/scrub planting will be implemented where tree planting is not possible within the pipeline easement corridor (see item D-BD-062 of the REAC [REP1-015 and CR1-109].	No further comments
2.1.130	14.15.	In addition to the OLEMP a Biodiversity Net Gain Assessment stating that the applicant is committed to achieving at least a 1% net gain in Priority Habitats on land. It is considered necessary to require a legal agreement to secure this.	The Applicant can confirm that it is in discussions with FCC and other interested parties and landowners in respect of securing land to achieve the targeted net gains in Priority Habitats. Details of discussions and progress with securing appropriate offset sites are captured within the BNG Strategy Update (document reference: D.7.23), submitted at Deadline 2. These will be secured by appropriate agreements.	Noted
2.1.131	14.16.	In Wales, Priority Habitats include Lowland Mixed Deciduous Woodland and Native Species Rich Hedgerows with Trees. The commitment is to be pursued through	The Applicant acknowledges the comments of FCC and can confirm that engagement has taken place with landowners and other stakeholders regarding 'off site'	Noted

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		engagement with landowners and other stakeholders on land not associated with the DCO, which would result in further enhancement of the landscape's character, however they may not necessarily occur within the landscape affected by the pipeline.	enhancement measures. It should be noted that the implementation of such measures is dependent on the agreement of these landowners and cannot be guaranteed at this stage.	
2.1.132	14.17.	Overall, the evaluated impact of the DCO on Flintshire's landscape (as a resource and receptors experiencing it), is considered to be neutral with positive impacts expected to be gained when schemes of landscaping have been implemented and are establishing. To some extent the degree of positive impact will dependent upon landowners' and other stakeholders' willingness to be involved with the commitment of achieving Biodiversity Net Benefit.	The Applicant acknowledges the response of FCC and has no further comments at this time.	No further comments
2.1.133	14.18.	Conclusion on assessment of Landscape impact: <ul style="list-style-type: none"> <li>• Construction Phase: NEUTRAL</li> <li>• Operational Phase: NEUTRAL (Positive subject to Biodiversity Net Benefit and additional Planting)</li> </ul>		
2.1.134	14.19.	Conclusion on assessment of Visual impact: <ul style="list-style-type: none"> <li>• Construction Phase: NEGATIVE</li> <li>• Operational Phase - Pipeline: NEUTRAL</li> <li>• Operational Phase – AGIs and BVS: NEUTRAL (Subject to successful landscaping)</li> </ul>		
	<b>15.</b>	<b>TREES, HEDGEROWS AND WOODLAND</b>		
2.1.135	15.1.	The applicant's ES Volume III has provided an Arboricultural Impact Assessment to accompany the DCO application [APP-115 and Ref APP-116].	The Applicant acknowledges the response of FCC and has no further comments at this time.	No further comments
2.1.136	15.2.	Flintshire LDP Policy EN7: Development Affecting Trees, Woodlands and Hedgerows states that:  <i>"Development proposals that will result in significant loss of, or harm to, trees, woodlands or hedgerows of biodiversity, historic, and amenity value will not be permitted.</i>  <i>Where the impact of development affecting trees, woodlands or hedgerows is considered acceptable, development will only be permitted where:</i> <i>a. the development maximises their retention through sensitive design measures; and</i> <i>b. where the removal of trees is considered necessary, suitable replacements shall be provided elsewhere within the site; and</i> <i>c. it results in a net benefit in biodiversity."</i>	The Applicant acknowledges the comments from FCC and confirms that the Planning Statement <b>[REP1-013]</b> Appendix B considers the application proposals as a whole against the policies of the LDP where relevant.	Noted

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2.1.137	15.3.	With respects to trees and woodland, it is evident that the applicant has sought to minimise impact to trees and woodlands as much as possible, by the careful planning of the DCO Pipeline route through the open countryside.	The Applicant acknowledges the response of FCC and has no further comments at this time.	No further comments
2.1.138	15.4.	No trees or woodlands subject to Tree Preservation Orders or within planning Conservation Areas have been identified as being impacted by the new pipeline or AGIs/BVS. The route of the propose DCO CO2 pipeline passes underneath an ancient woodland near Northop Hall as shown on FCC LIR Appendix 1.3 within Section 5 of the DCO Pipeline; at Works no 44. It is proposed to install the pipeline in this location using a trenchless crossing to avoid any direct impact on the ancient woodland. Other trenchless crossings (e.g. for roads) will also enable trees growing along the line of the pipe to be retained which is welcomed.		
2.1.139	15.5.	The Arboricultural Impact Assessment (AIA) [APP-115 and Ref APP-116] was undertaken at the Preliminary Design Stage on 'a reasonable worst-case basis'. The methodology used appears robust with the assumption that all trees within a 32m buffer zone of the pipeline will be removed (16m either side) and trees within the Newbuild Infrastructure Boundary 'At Risk of Removal Aiming to Retain'. This acronym demonstrates that as the design has not been finalised there is a degree of uncertainty over which trees can be retained at this stage. However, it is stated that 82% of the tree features (Trees and Groups of Trees) have the potential to be retained on implementation of the scheme		
2.1.140	15.6.	It should be noted that the AGI/BVS have been subject to site specific AIAs which have not identified any significant arboricultural impacts.		
2.1.141	15.7.	The OLEMP [APP- 229] sets out in Section 6 a maintenance and management schedule for landscape works which would be developed further at the detailed design stage. It is noted that within the maintenance schedule that during the 5- year maintenance any dead, dying or diseased trees, shrubs or hedges would be replaced, and with respects to native tree planting or woodland planting the maintenance period would be 10 years which is welcomed.		

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2.1.142	15.8.	As outlined under the above section on Landscape and Visual there are several methods of securing replacement tree planting. The evaluated impact on trees and woodlands reflects the Landscape and Visual Impact Assessment with a loss of trees and groups of trees in the construction and early operational stages but in the longer term resulting in an increase in tree and woodland cover. A reasonable assessment of the DCO's impact on trees and woodlands would be a minor positive effect and at the worst neutral. The degree of positive tree and woodland change will be dependent on the success of landscape planting.	The Applicant acknowledges the comments of FCC. It is anticipated that the implementation of appropriately specified replacement and mitigation planting managed in accordance with the LEMP <b>[APP-229]</b> will result in successful plant establishment.	No further comments
2.1.143	15.9.	Conclusion on assessment of impact: o Construction Phase: NEUTRAL o Operational Phase: NEUTRAL	The Applicant acknowledges the position of FCC and has no further comments at this time.	No further comments
<b>16. NOISE AND AIR QUALITY – RESIDENTIAL/PUBLIC AMENITY</b>				
2.1.144	16.1.	Policy STR14 of the adopted Flintshire LDP: Climate Change and Environmental Protection states that: <i>“The Council will seek to mitigate the effects of climate change and ensure appropriate environmental protection in the County through: vi. Ensuring that new development has regard to the protection of the environment in terms of air, noise and light pollution”</i>	The Applicant acknowledges the comments from FCC and confirms that the Planning Statement <b>[REP1-013]</b> Appendix B considers the application proposals as a whole against the policies of the LDP including STR14.	Noted
2.1.145	16.2.	Policy PC2 General Requirements for Development states that <i>“All Development should: “not have a significant adverse impact on the safety and living conditions of nearby residents, other users of nearby land/property, or the community in general, through increased activity, disturbance, noise, dust, vibration, hazard, or the adverse effects of pollution”</i>	The Applicant acknowledges the comments from FCC and confirms that the Planning Statement <b>[REP1-013]</b> Appendix B considers the application proposals as a whole against the policies of the LDP including PC2.	Noted
2.1.146	16.3.	Chapter 15 of the applicant's Environmental Statement [APP-067] assesses the proposed development in terms of noise and vibration and Chapter 6 considers air quality [APP-058]. Mitigation measures set out in the Register of Environmental Actions and Commitments [APP-222] are acceptable. The detail however will be subject to approval at each stage of the development.	The Applicant welcomes this comment from FCC in relation to the mitigation measures for noise, vibration and air quality in the REAC <b>[REP1-015 and CR1-109]</b> .	Noted
2.1.147	16.4.	The Council's Public Protection Officer has noted potential local impacts on residents, tourists in terms of their amenity and enjoyment of the County, the use of the public right of way network and the potential impact on local businesses and commercial premises.	The Applicant acknowledges the comments from FCC and confirms that Chapter 16 – Population and Human Health <b>[APP-068]</b> assess the potential impact on residents/ tourists in terms of their amenity and enjoyment of recreational facilities, the use of the public right of way network and the potential impact on local businesses and commercial premises.	Noted

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)	Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
2.1.148	16.5.	There are potential strategic impacts of the proposed development arising from noise from construction and maintenance vehicles, including anticipated expected increase in traffic. Operational noise, construction noise, maintenance, and decommissioning stages.	The Applicant confirms that the residual effects identified in Chapter 15 – Noise and Vibration <b>[APP-067]</b> will be addressed in the Noise and Vibration Management Plan as secured by the CEMP within Requirement 5 of the dDCO <b>[REP1-004]</b> .	Noted
2.1.149	16.6.	There is also a potential impact for dust arisings from construction and maintenance vehicles, including increase in traffic, during all aspects of operational, maintenance and decommissioning stages. Also, there is potential for a reduction in air quality from all aspects of operational, maintenance and decommissioning stages.	<p>Mitigation set out in Section 6.10 of Chapter 6 - Air Quality <b>[APP-058]</b> and the REAC <b>[REP1-015 and CR1-109]</b>, as secured by the CEMP in Requirement 5 of the dDCO <b>[REP1-004]</b>, will be sufficient to minimise impacts of dust and particulates during construction.</p> <p>Impacts from traffic during both construction and operation phases have been scoped out of the assessment on the basis that predicted traffic flows do not trigger the requirement for quantitative assessment (as per the strict IAQM Planning Guidance). Furthermore, baseline air quality conditions (as presented in Section 6.6 of Chapter 6 - Air Quality <b>[APP-058]</b>) in the Study Area are good and concentrations of pollutants are well within air quality objectives. Therefore, impacts from traffic during construction and operation are likely to be negligible.</p> <p>As stated in Section 6.9 of Chapter 6 - Air Quality <b>[APP-058]</b> there is a potential for odours during the operation of the DCO Proposed Development. However, these will be effectively managed by the implementation of an Odour Management Plan (D-AQ-042 of the REAC, <b>[CR1-109 and REP1-015]</b>) and restricting venting to only occur during the day (D-AQ-039 of the REAC <b>[CR1-109 and REP1-015]</b>).</p>	Noted
2.1.150	16.7.	Artificial light would be used for operational works and security at sites during non-daylight hours which may give rise to an impact on residential amenity.	The Applicant acknowledges the comments from FCC and confirms that Chapter 16 - Population and Human Health <b>[APP-068]</b> has considered the potential effects on the potential loss of residential amenity.	Noted
2.1.151	16.8.	Whilst the mitigation measures stated within the outline Construction Environmental Management Plan (OCEMP) and Register of Environmental Actions and Commitments (REAC) are noted, the operational and construction hours are unclear. Concerns are raised with regards to out of hours reasonable working time parameters and if there is potential requirement for consent under the Control of Pollution Act.	As provided in Section 2.2 of the Outline CEMP <b>[REP1-017 and CR1-119]</b> , construction core working hours will be 08.00 to 18.00 Monday to Friday (excluding bank holidays) and from 08.00 to 13.00 on Saturdays. To maximise productivity within core working hours, the Construction Contractor(s) will require a period of up to one hour before and up to one hour after core working hours for the start-up and close-down of activities.	The Council maintains that uncontrolled start up and shut down operations, even with the controls under the CEMP, such as the use of external machinery including generators and start-up and maintenance of heavy machinery and plant have the potential for significant impacts to amenity especially given the Projects proximity to residential receptors.

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			<p>As stated within Chapter 3 – Description of the DCO Proposed Development [APP-055], the DCO Proposed Development will operate without the need for any permanent on-site staff. The AGIs and BVSs will generally be operated remotely.</p> <p>As stated in the Other Consents and Licences Document [REP1-011], the Applicant has included a potential consent under the Control of Pollution Act 1974 (section 61) for any works that could cause noise nuisance. If required, this would be applied for prior to the start of construction (or prior to specific construction activities).</p>	<p>With suitable controls / restrictions the Council would however not be averse to certain out of hours start up and shut down activities.</p> <p>The Council would advise that this issue could be resolved by a further definition for “non-discernible activities” for start-up and shut-down operations and we would specifically say that these should not include certain activities including use /starting up of engines of any external plant or machinery including generators, heavy plant and the use of high level flood lighting.</p>
2.1.152	16.9.	<p>More detail is required with regards to the mitigation of noise during construction and decommissioning stages. However, it is understood at each stage of the development a full CEMP would be submitted for approval. Therefore, the Council seeks to ensure that a greater level of detail is submitted with regards to noise mitigation at each stage for subsequent approval.</p>	<p>The Applicant confirms that mitigation relevant to Noise and Vibration are included in the REAC [REP1-015 and CR1-109] and the Noise and Vibration Management Plan, as secured by the CEMP within Requirement 5 of the dDCO [REP1-004], will include details of the mitigation measures required for each stage.</p>	Noted
2.1.153	16.10.	<p>A single point of contact is required to be identified in the detailed CEMP to ensure clarity on who and by what methods communities should direct concerns/queries to. The Council's Environmental Protection Officer would also need to discuss further with the responsible person the application submitted by the developer (for the controls of noise on site in accordance with the Control of Pollution Act 1974) so that the Council can authorise this once mitigation is approved during construction and at the decommissioning.</p>	<p>Requirement 5 of the draft DCO [REP1-004] states a stakeholder communications plan will be produced as part of the CEMP. REAC D-NV-003, as secured through the Outline CEMP [REP1-017 and CR1-119], also states that ‘The Construction Contractor will nominate a Community Liaison Representative (or equivalent title) who will be a nominated competent site contact for whom the contact details will be shared with local residents and other third parties within close proximity to the construction works and will be displayed clearly within the site compounds.’</p> <p>Paragraph 5.1.3 of the Outline CEMP [CR1-119 and REP1-017] indicates that the detailed CEMP will, as a minimum, set out an organogram showing names, roles, responsibilities and communication methods. Furthermore, paragraph 5.2.3 states that the Environmental Manager will be the main contact for environmental regulators such as the Local Authorities, NRW and EA.</p> <p>The Applicant notes that the Council's Environmental Protection Officer would liaise with the responsible person.</p>	Noted



Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)	Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
2.1.154	16.11.	Section 61 of the Control of Pollution Act 1974 allows the project to apply for consent. Given potential noise complaints this is deemed a necessary step and as explained in the DCO. Early dialogue with the Council's Environmental Protection Team is required and approval given. The Council would serve the appropriate notice at each required stage, once we have all the information about secondary mitigation measures, which currently is not available.	The Applicant will seek Section 61 consents as stated in the Other Consents and Licences Document [REP1-011] for activities outside core hours that are not assessed in the Noise and Vibration Management Plan as secured by the CEMP within Requirement 5 of the dDCO [REP1-004].	Noted
2.1.155	16.12.	Conclusion on assessment of impact: o Construction Phase: NEUTRAL (Subject to satisfactory control) o Operational Phase: NEUTRAL	The Applicant acknowledges the position of FCC and has no further comments at this time.	Noted
<b>17. LAND CONTAMINATION AND SOILS</b>				
2.1.156	17.1.	Planning Policy Wales (PPW) guidance sets out the land use planning policies of the Welsh Government. The primary objective of the PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental, and cultural well-being of Wales.	The Applicant acknowledges the comments from FCC and confirms that the Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies of the PPW where relevant.	Noted
2.1.157	17.2.	Policy STR14 of the adopted Flintshire Local Development Plan sets out strategic principles in respect of climate change and environmental protection and states that: " <i>The Council will seek to mitigate the effects of climate change and ensure appropriate environmental protection in the County through:</i> <i>vi. Ensuring that new development has regard to the protection of the environment in terms of contaminated land.</i> "	The Applicant acknowledges the comments from FCC and confirms that the Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies of the LDP, to include STR14.	Noted
2.1.158	17.3.	PC2: General Requirements states that all development should not result in or be susceptible to problems related to, contamination, either on or off site.	The Applicant acknowledges the comments from FCC and confirms that the Planning Statement [REP1-013] Appendix B considers the application proposals as a whole against the policies of the LDP, to include PC2.	Noted
2.1.159	17.4.	The Council's contaminated land officer has provided the applicant with preapplication advice, and there has been ongoing discussions with the applicant's consultants. In terms of dealing with land contamination, the approach to that had, for the most part, been put in place in the applicant's Environmental Statement Chapter 11 relating to land and soils [APP-063]	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.160	17.5.	The extent and scope of the applicants' approach to land contamination is an agreed point in that the methodology, extent of impact and proposed mitigation are agreed. It is understood that information relating to the findings of the		

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)	Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
		sampling and any remediation which may be necessary, will be submitted in due course.		
2.1.161	17.6.	Conclusion on assessment of impact: o Construction Phase: NEUTRAL o Operational Phase: NEUTRAL		
	<b>18.</b>	<b>TRAFFIC AND TRANSPORT</b>		
2.1.162	18.1.	The Development Management Manual advises at paragraph 9.4.3 that material considerations must be fairly and reasonably related to the development concerned, and can include the number, size, layout, design and appearance of buildings, the means of access, landscaping, service availability and the impact on the neighbourhood and on the environment; and the effects of a development on, for example, health, public safety and crime. The highway impacts of development should therefore be regarded as a potential material consideration.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.163	18.2.	LDP Policy PC2 states that: "All development should, ... <i>a) not have an unacceptable effect on the highway network or highways safety as a result of problems arising from traffic generation, inadequate and poorly located parking spaces, servicing and manoeuvring;</i> "	The Applicant acknowledges the comments from FCC and confirms that the Planning Statement <b>[REP1-013]</b> Appendix B considers the application proposals as a whole against the policies of the LDP, including PC2.	Noted
2.1.164	18.3.	This reflects general principles set out in Planning Policy Wales (PPW 11) and TAN 18 – Transport, in support of sustainable development.	The Applicant acknowledges the comments from FCC and confirms that the Planning Statement <b>[REP1-013]</b> Appendix B considers the application proposals as a whole against the policies contained within PPW, including PPW 11.	Noted
2.1.165	18.4.	The proposed DCO development proposes the use of a number of existing and new access points that would be constructed to facilitate various elements of the proposal; all accesses being derived from the Local Highway Network there for the existing highway infrastructure would be used to route vehicles to the application sites during construction.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.166	18.5.	The Transport Assessment [APP-161] that supports the application looks at the worst-case scenario over the construction phase of the project and assesses the peak month being August 2024.		
2.1.167	18.6.	The Council agrees with the conclusions of the Traffic & Transport Chapter 17 in the Environmental Statement and Transport Assessment [APP-161] and accepts that the adverse impacts on the highway network, for the construction phase, can be adequately mitigated. The operational/maintenance phase of the project having an insignificant impact on the highway network.		

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)	Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
2.1.168	18.7.	The Local Highway Authority has considered the content of the application and discussed the impacts likely to be experienced on the network. The Local Highway Authority is satisfied that the development can be managed on the Local Network and accords with national and local planning policies in respect of sustainable development. The Outline Construction Traffic Management Plan [APP-224] (OCTMP) and IWTP framework documents are agreed in principle.		
2.1.169	18.8.	Full details of the access locations, design and visibility will be submitted, as required by the DCO, would be submitted for approval prior to each stage of development. The detail contained in the OCTMP is considered acceptable and full Construction Traffic Management Plan (CTMP) would be submitted, as required by the DCO, prior to each stage of development. The full CTMP's shall include details relating to parking facilities being provided for contractor's vehicles (numbers & layout) at the construction compounds.		
2.1.170	18.9.	The Local Highway Authority does however wish to see the construction phase carefully managed to reduce the impact on the highway network.	The Applicant welcomes continuing engagement with the LHA in developing the full CTMP as secured by Requirement 6 of the dDCO <b>[REP1-004]</b> .	Noted
2.1.171	18.10.	For information to the ExA, the 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. The Welsh Government has yet to finalise its response to the Panel's recommendations, as there are ongoing considerations following a notice of motion. 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 Welsh Government 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 scheme.	The Applicant welcomes the comment that FCC do not consider there to be a potential conflict between the DCO Proposed Development and any new A55 'Red Route' scheme.	Noted
2.1.172	18.11.	Conclusion on assessment of impact: o Construction Phase: NEGATIVE o Operational Phase: NEUTRAL	The Applicant submitted Chapter 17 Traffic and Transport of the Environmental Statement <b>[APP-069]</b> and Appendix 17.13 Transport Assessment <b>[APP-161]</b> . 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 <b>[CR1-117]</b> , the construction traffic associated with the DCO Proposed Development can be accommodated without	Noted

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)	Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)						
			<p>compromising the safe and efficient operation of the local and strategic transport networks.</p> <p>Notwithstanding the above, the Applicant acknowledges the position of FCC and has no further comments at this time.</p>							
	<b>19.</b>	<b>PUBLIC RIGHTS OF WAY</b>								
2.1.173	19.1	Appendices FCC LIR Appendix 4.1 to 4.6 provide plans showing the public right of way network in relation to the proposed DCO application. The following table provides commentary on the proposed DCO and its potential impact on the Public Right of Way network within Flintshire. The commentary is provided for each affected Works No.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted						
2.1.174	19.2.	Generally speaking, it is considered that the applicant has identified all the affected public rights of way that would be affected by the proposal and they propose to making provision for temporary diversions during construction, which is welcomed. The Council's main concerns surround construction compound areas, permanent access tracks at some locations, and we have a significant interest in Deeside Lane and Bridleway No. 9 being identified as being used for the construction access for traffic (works no 30E).	The Applicant acknowledges the response of FCC, with location specific details provided below.	Noted						
		<table border="1"> <thead> <tr> <th>Work No.</th> <th>Proposal</th> <th>PROW comments</th> </tr> </thead> <tbody> <tr> <td>Work No. 30D</td> <td>The creation and use of a temporary logistics and construction compound for the use during the construction of the authorised development, within the location shown on Sheet 13 and 14 of the Work Plans.</td> <td>Our concerns are not necessarily to do with the site being used as a construction compound but the access track that is being proposed (Work No. 30E). The proposed access track would tie into this compound and would impact on the public rights of network to a great effect. During the construction this would have a negative effect on the public right of way</td> </tr> </tbody> </table>	Work No.	Proposal	PROW comments	Work No. 30D	The creation and use of a temporary logistics and construction compound for the use during the construction of the authorised development, within the location shown on Sheet 13 and 14 of the Work Plans.	Our concerns are not necessarily to do with the site being used as a construction compound but the access track that is being proposed (Work No. 30E). The proposed access track would tie into this compound and would impact on the public rights of network to a great effect. During the construction this would have a negative effect on the public right of way	<p>The road at Work No. 30E for the length of Public Bridleway No.8 (309/8/10) to Deeside Lane will be used for non-exclusive access and as such, the Public Right of Way (PRoW) in this location will not be stopped up during the construction or operation of the DCO Proposed Development.</p> <p>The Land Plans <b>[CR1-009]</b> show this road as <i>"Temporary use of land to take access"</i>.</p> <p>Sheet 6 of Figure 17.6 of the ES <b>[CR1-094]</b> incorrectly describes this PRoW as a temporary closure. An updated Figure 17.6, which corrects the error by removing this sheet, will be submitted at Deadline 3 .</p> <p>The impact on the Public Rights of Way (PRoWs) which conflict with the DCO Proposed Development will be managed by a Public Rights of Way Management Plan (PRoWMP), based on an Outline PRoWMP, the latest revision of which was submitted at Deadline 1 <b>[REP1-043]</b>.</p>	The Council welcomes the amendment to <b>[CR1-094]</b> and notes the comments regarding the Outline PRoWMP.
Work No.	Proposal	PROW comments								
Work No. 30D	The creation and use of a temporary logistics and construction compound for the use during the construction of the authorised development, within the location shown on Sheet 13 and 14 of the Work Plans.	Our concerns are not necessarily to do with the site being used as a construction compound but the access track that is being proposed (Work No. 30E). The proposed access track would tie into this compound and would impact on the public rights of network to a great effect. During the construction this would have a negative effect on the public right of way								

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				<p>The Outline PRowMP <b>[REP1-043]</b> contains management principles and measures which are required to be followed for any closure or diversion of a PRow during the construction of the DCO Proposed Development.</p> <p>The final PRowMP will include further information to enable the relevant local authority to agree to the closures before each relevant stage of works, as secured by Requirement 5 of the dDCO <b>[REP1-004]</b>.</p>		
		Work No. 30E	<p>Creation and use of a temporary construction access from the A548, within the location shown on Sheets 13 and 14 of the Work Plans, including—</p> <p>(a) improvement of an existing junction with the public highway;</p> <p>(b) improvement of road surfacing and provision of new hard surfacing; and</p> <p>(c) creation of visibility splays.</p>	<p>The proposed construction access track is along Public Bridleway No.8 (309/8/10) from its junction with Sealand Road in a southerly direction to the junction with Deeside Lane (309/10/30). The construction access track then continues along Deeside Lane to the proposed pipeline construction.</p> <p>Bridleway No. 8 is an unmade track which is not part of the adopted highway network. The Local Authority (LA) is under a duty to maintain it only to a standard for users on foot and on horseback. Deeside Lane has highway status as a public footpath only and the LA is only required to maintain the route up to a footpath standard. Both tracks are currently unsuitable</p>	<p>The Outline PRowMP <b>[REP1-043]</b>, the latest revision of which was submitted at Deadline 1 will be further developed during later stages by the Construction Contractor(s) to form a final PRowMP which will contain the following information to be approved by the relevant authority for each PRow:</p> <ul style="list-style-type: none"> <li>• Plans (showing the relevant control measures)</li> <li>• Length (distance) of the closure</li> <li>• Route, length and any surfacing proposals for diversions</li> <li>• Details of any gates, stiles, or similar features to be removed and reinstated on any PRow</li> <li>• Details of signage to be provided for diversions and</li> <li>• The appropriate standards for reinstatement of the PRow</li> </ul> <p>The management for each PRow will be secured in the final PRowMP to be signed off by each relevant authority prior to the commencement of the relevant stage of works, as required by Requirement 5 of the draft DCO <b>[REP1-004]</b>.</p> <p>The Applicant notes that Public Bridleway No.8 (309/8/10) is currently used by heavy agricultural vehicles. The Applicant commits to reviewing the condition of the route and its suitability for construction traffic, but does not currently consider that it is appropriate/necessary to upgrade the condition prior to use. The Applicant commits to reinstating the condition of the route to its original condition (or better) on completion of the construction phase of the DCO Proposed Development.</p> <p>The Applicant does not believe a legal agreement is appropriate in this instance and would instead secure</p>	<p>Noted</p> <p>Noted</p> <p>The Council notes the comments. However, while some heavy agricultural vehicles do use Bridleway No. 8, the usage is not considered to be consistent nor regular/frequent. The siting of the compound at this location would subject the Bridleway to usage by larger vehicles (such as HGV's) on a more regular, prolonged, and repetitive basis during the construction of the pipeline at this location. Reinstating the condition of the route on completion of the construction phase of the DCO Proposed Development is not considered satisfactory in light of scale and duration of the proposal, and the length of time that this construction compound would be used for. Therefore, FCC consider that the route should be surface with an appropriate material prior to the commencement of the development of the construction compound in this location at Works no 30E, and prior to the use of the Bridleway for construction vehicles.</p>

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
			<p>for the proposed usage that would come with this proposal.</p> <p>The LA do not argue with the route being used as a temporary construction access on the basis that it is suitably upgraded to serve the construction traffic that would be using it. We do not feel that it would be suitable to use any type of crushed stone/aggregate for the track as this would generate dust pollution that would be detrimental to anybody walking the rights of way and also to the neighbouring properties and businesses. The use of the bridleway and Deeside Lane would also increase potential conflict between walkers and vehicles.</p> <p>To support the proposal of Bridleway No. 9 and Deeside Lane being utilised as the temporary construction access track we are requesting that the entire route under</p>	<p>the standard of the PRow through final PRowWMP, which will be submitted to and requires approval by the relevant planning authority, as secured in Requirement 5 of the dDCO <b>[REP1-004]</b>.</p>	<p>With specific regard to the construction access track which incorporates Public Bridleway No. 8 &amp; Footpath 309/10/30 (along Deeside Lane), the LPA is still seeking improvements prior to the work commencing. It is considered that the proposal would have a negative impact for both the commercial entities and residential properties on Deeside Lane, such as noise and dust pollution. Addressing the issue of surfacing these routes would alleviate these issues prior to work commencing and would also provide a legacy community benefit for those affected on Deeside Lane.</p> <p>FCC accept this could be delivered through Requirements No.5 now that point (n) has been included as part of the CEMP, rather than a legal agreement.</p> <p>However, the Outline Construction Environmental Management Plan (OCEMP) Appendix 3 – Outline Public Rights of Way Management <b>[REP1-043]</b> plan needs to be amended to include this point. At present, this document does not refer to this and therefore FCC considers this point should be specifically referenced for the avoidance of any doubt, and to ensure that the specification details can be approved prior to the works in that stage of the proposed development.</p> <p>This would provide certainty that the bridleway would be surfaced in the appropriate materials prior construction traffic using this route.</p>

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
				<p>'Work No. 30E' be upgraded to a tarmac surface. This would be suitable for the construction traffic, limit the dust pollution to walkers and the community and be an improvement for users as part of the legacy of the Hynet project. The details of the specification of this should be agreed as part of the approval of details at that stage in the development. This would mitigate against any negative effect of the development during the use of this track during construction. The Council would welcome the applicant entering into a legal agreement to ensure this section of the right of way network is upgraded to a standard suitable to sustain heavy traffic</p>	
		Work No. 31	Construction of an underground Carbon Dioxide (CO2) pipeline approximately 873 metres in length and with an external diameter of 36 inches (914.4 millimetres)	<p>The main concern is regarding Work Nos. 31B and 31C rather than the pipeline itself. Work No. 31B is described as a permanent access and would directly impact PROW</p> <p>This PROW (ref: 307/2) has been removed from the Order Limits as part of the Change Request <b>[CR1-124]</b> submitted by the Applicant and accepted into the Examination by the ExA on 24 April 2023.</p> <p>Please see the updated Land Plans <b>[CR1-009]</b> and Works Plans <b>[CR1-011]</b> submitted with the Applicant's Change Request.</p>	The Council welcomes this change and notes the comments.

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)	
			between Work No. 30 and Work No. 32.	307/2. The Local Planning Authority would need to see detailed plans at the construction stage for this phase to be satisfied that the public right of way is adequately incorporated into the design. At the very minimum, the route would need to be temporarily closed during the period that this area is used as a compound and access track.		
		Work No. 31B	Creation and use of a permanent access from the B5129, within the location on Sheet 14; Work Plans— (a) improvement of an existing junction with the public highway; (b) improvement of road surfacing and provision of new hard surfacing; and (c) creation of visibility splays	As per above, the construction of a permanent access from the B5129 would directly affect PROW 307/2 and we would need to see proposals that satisfy us that the right of way is adequately incorporated into the design and protected along its current alignment.	Please see Applicant's response to FCC's comment on "Work No. 31" above.	Noted
		Work No. 33	Construction of an underground Carbon Dioxide (CO2) pipeline approximately 2.5km in length and with an external diameter of 36 inches (914.4 millimetres) between Work No.32 and Work No. 34.	The PROW affected by the pipeline in this section are adequately protected with temporary diversions during works.	The Applicant welcomes FCC's confirmation of this.	Noted



Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)	
		Work No. 33C	Creation and use of a permanent access from Chester Road East, within the location shown on Sheets 15 and 16 of the Work Plans, including— (a) improvement of an existing junction with the public highway; (b) improvement of road surfacing and provision of new hard surfacing	<p>This area is PROW 308/4/10 the proposal is not too concerning as this is already used as a short vehicular access to the adjacent Church and property. The stiles currently in-site should be replaced with kissing gates upon completion of the access track. PROW 308/1 and 308/3 are also affected and would require temporary diversions during the works.</p>	<p>The Applicant acknowledges that PROW 308/1 and 308/3 are affected in the construction phase of the DCO Proposed Development. It is proposed that a temporary diversion would be implemented in this location to avoid the closure of the PROWs (see Figure 17.6 [CR1-094]).</p> <p><i>“Details of any gates, stiles, or similar features to be removed and reinstated on any PROW”</i> will be part of the Final PROWMP that will be submitted by the Construction Contractor(s) to be signed off by each relevant authority prior to the commencement of the relevant stage of works, as required by Requirement 5 of the draft DCO [REP1-004].</p>	<p>The Council is satisfied these will be addressed by the Construction Contractor(s) for each relevant stage of works.</p>
		Work No. 35	Construction of an underground Carbon Dioxide (CO2) pipeline approximately 1.9km in length and with an external diameter of 36 inches (914.4 millimetres) between Work No.34 and Work No. 38.	<p>The PROW no. 303/32 affected by the pipeline in this section are adequately protected with temporary diversions during works.</p>	<p>The Applicant welcomes FCC's confirmation of this.</p>	<p>Noted</p>
		Work No. 38	Construction of an underground Carbon Dioxide (CO2) pipeline approximately 377 metres in length and with an external diameter of 36 inches (914.4 millimetres) between Work No. 35 and Work No. 39.	<p>There are a number of PROWs affected by the pipeline in this section are adequately protected with temporary diversions during works.</p>		<p>Noted</p>

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)	
		Work No. 38B	Creation and use of a temporary construction access from Lower Aston Hall Lane, within the location shown on Sheet 17 of the Work Plans, including— (a) improvement of an existing junction with the public highway; and (b) improvement of road surfacing and provision of new hard surfacing.	<p>This would appear to cross PROW 303/26/10. The route would need to be adequately incorporated into any new access. In the DCO this is described as a temporary access but the work plans state Work No. 38B to be a permanent access. It would be helpful to have this clarified.</p>	<p>The Applicant notes the access at Work No. 38B is permanent. The Applicant has updated the text of Work No. 38B in Schedule 1 of the draft DCO to state “permanent” from Rev B <b>[REP1-004]</b>.</p> <p>During the construction phase, the section of the PROW does not need to be stopped up and can be managed by traffic management measures.</p> <p>During the operation of the Carbon Dioxide Pipeline, permanent access is required infrequently for operational inspections of the Carbon Dioxide Pipeline, for light duty vehicles within the land located between the Borderlands Railway Line and the A494. Permanent access will also be required for occasional visits associated with maintenance operations of the environmental mitigation land at Work No. 57H.</p> <p>The access in this location is existing and traffic movements currently cross the PROW without diversions or specific measures. The operational stage of the DCO Proposed Development will not result in a volume of movements greater than that outlined above and as such it is believed that no traffic management/further work to the PROW to incorporate it into the access will be required.</p> <p>The PROW will not require permanent modification and will be retained on its current alignment.</p>	<p>The Council welcomes the clarification regarding the wording.</p> <p>Noted</p> <p>Noted</p> <p>The Council is satisfied with this clarification regarding the PROW at this location.</p>
		Work No. 39	Construction of an underground Carbon Dioxide (CO2) pipeline approximately 402 metres in length and with an external diameter of 36 inches (914.4 millimetres) between Work No. 38 and Work No. 40.	<p>303/25/20 is in the work area but doesn't appear to be affected. More detail in the construction phase will be required if the pipeline is affecting the route of the footpath.</p>	<p>303/25/20 is in work no.39 and shown as “to be temporarily stopped up with proposed diversion” in Appendix 3 – Outline Public Rights of Way Management Plan <b>[REP1-043]</b>.</p> <p>Figure 17.6 of the ES <b>[CR1-094]</b> incorrectly does not show the PROW as being affected. An updated Figure 17.6 of the ES will be submitted at Deadline 3, to correct this.</p> <p>303/25/20 is shown as being affected on Sheet 17 of the Rev C version of D.2.5 Access and Rights of Way Plans - Part 1 <b>[CR1-012]</b>, which was submitted with the Applicant's Change Request.</p> <p>More detail will follow at a later stage. The management for each PROW will be secured in the final PROWMP to be signed off by each relevant authority prior to the commencement of the relevant stage of works, as required by Requirement 5 of the draft DCO <b>[REP1-004]</b>.</p>	<p>The Council would welcome the chance to view this at Deadline 3 and reserves its position to comment at a later date.</p> <p>The Council is satisfied that this will be addressed in the final PROWMP.</p>

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
		Work No. 40	Construction of an underground Carbon Dioxide (CO2) pipeline approximately 561 metres in length and with an external diameter of 36 inches (914.4 millimetres) between Work No. 39 and Work No. 41...	<p>Work No. 40 includes Church Lane which is recorded as PROW 303/25/20. The lane is also private vehicular access to properties. Church Lane would need to be restored back to the same condition following the installation of the pipeline. 303/24/10 is also affected and runs from Old Aston Hill towards Aston Hill Farm. The same applies to this lane as above. 303/22/10 appears to be affected but necessary diversions are in place.</p> <p>The Outline PROWMP <b>[REP1-043]</b>, latest revision which was submitted at Deadline 1 will be further developed during later stages by the Construction Contractor to form a final PROWMP which will contain the following information to be approved by the relevant authority for each PROW:</p> <ul style="list-style-type: none"> <li>• Plans (showing the relevant control measures)</li> <li>• Length (distance) of the closure</li> <li>• Route, length and any surfacing proposals for diversions</li> <li>• Details of any gates, stiles, or similar features to be removed and reinstated on any PROW</li> <li>• Details of signage to be provided for diversions and</li> <li>• <b>The appropriate standards for reinstatement of the PROW</b></li> </ul> <p>The management for each PROW will be secured in the final PROWMP to be signed off by each relevant authority prior to the commencement of the relevant stage of works, as required by Requirement 5 of the draft DCO <b>[REP1-004]</b>.</p>	The Council welcomes these comments.
		Work No. 40B	The creation and use of a temporary working area for the use during the construction of the authorised development, within the location shown on the Work Plans, including construction of a haul road, temporary construction accesses and working areas and laydown areas.	<p>The corner of this proposed site is crossed by PROW 303/24A/10. The route would need to be temporarily closed during its use as a compound area. As the route is a good link towards Ewloe, a temporary diversion should be provided but this isn't set out on the work plan</p> <p>PROW 303/24A/10 is shown to fall within the construction area required to execute the trenchless crossing under Church Lane. The PROW will be maintained without any closures or diversions.</p>	The Council is satisfied with the confirmation from the applicant regarding PROW 303/24A/10.
		Work No. 41	Construction of an underground CO2 pipeline approximately 1.1km in length and	The Applicant welcomes FCC's confirmation of this.	Noted

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)	
			with an external diameter of 36 inches (914.4 millimetres) between Work No. 40 and Work No. 42...	protected with temporary diversions during works.		
		Work No. 41C	Creation and use of a permanent access from the B5125, within the location shown on Sheet 18 of the Work Plans, including— (a) creation of a new bellmouth junction with the public highway; (b) improvement of road surfacing and provision of new hard surfacing.	This small area marked as a permanent access appears to be directly where we currently have a stile and public footpath sign. The footpath affected 303/143 would need to be protected and stile replaced with a kissing gate following construction.	As stated in the Outline PRoWMP <b>[REP1-043]</b> " <i>Details of any gates, stiles, or similar features to be removed and reinstated on any PRoW</i> " will be included in the Final PRoWMP secured through Requirement 5 of the dDCO <b>[REP1-004]</b> that will be submitted by the Construction Contractor to be signed off by the relevant authority prior to the commencement of the relevant stage of works.	The Council is satisfied that this will be addressed in the final PRoWMP
		Work No. 42	Construction of an underground CO2 pipeline approximately 1.8km in length and with an external diameter of 36 inches (914.4 mm) between Work No. 41 and Work No. 43.	The PROW affected by the pipeline in this section are adequately protected with temporary diversions during works. PROW 303/143 runs through the site and no temporary diversion has been shown which suggests it won't be affected during construction clarification is required.	This PROW (Ref: 303/143) is intended to be diverted within the Order Limits, if required, during the construction of the DCO Proposed Development. Figure 17.6 and the dDCO will be updated at Deadline 3 to reflect this.  The management for each PROW will be secured in the final PRoWMP to be signed off by the relevant authority prior to the commencement of the relevant stage of works, as required by Requirement 5 of the draft DCO <b>[REP1-004]</b> .	The Council would welcome the chance to view this at Deadline 3.
		Work No. 43	Construction of an underground CO2 pipeline approximately 611 metres in length and with an external diameter of	The PROW affected by the pipeline in this section are adequately protected with temporary	The Applicant welcomes FCC's confirmation of this.	Noted

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)	
			36 inches (914.4 mm) between Work No.42-Work No.44.	diversions during works.		
		Work No. 44	Construction of an underground CO2 pipeline approximately 2.5km in length and with an external diameter of 36 inches (914.4mm) between Work No. 43 - Work No. 47.	We have concerns related to the compound and surrounding area with regard to PROW 414/4. These concerns are regarding Work Nos 44C, 45 & 46 (see comments below).	See responses below in relevant sections pertaining to Work Nos 44C, 45 and 46.	The Council is satisfied that this will be addressed in the final PRowWMP.
		Work No. 44C	The creation and use of a temporary logistics and construction compound for the use during the construction of the authorised development, within the location shown on Sheet 20 of the Work Plans, including— <ul style="list-style-type: none"> <li>a. office, welfare and security facilities;</li> <li>b. a parking area;</li> <li>c. power supplies and temporary lighting;</li> <li>d. pipe equipment and fittings storage;</li> <li>e. plant storage;</li> <li>f. a fabrication area;</li> <li>g. a plant wheel wash area;</li> </ul>	The proposed compound is on the line of PROW 414/4. At present this is a field footpath. The footpath needs to be restored back to its previous condition (if not better), following completion of the AGI at this location and the compound no longer being required.	The Applicant commits to reinstating the condition of the PRow 414/4 route to its original condition (or better) on completion of the construction phase of the DCO Proposed Development.  The management for each PRow will be secured in the final PRowWMP to be signed off by the relevant authority prior to the commencement of the relevant stage of works, as required by Requirement 5 of the draft DCO <b>[REP1-004]</b> .	The Council is satisfied that this will be addressed in the final PRowWMP.

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)	
			h. waste processing and management areas; and fencing and gating.			
		Work No. 45	Construction of an AGI at Northop Hall, comprising equipment for the control and interface of the Stanlow AGI to Flint AGI Pipeline, within the location shown on Sheet 20 of the Works Plans.	The AGI itself doesn't appear to be on the line of the PROW 414/4 therefore the AGI would not permanently affect PROW 414/4 and a diversion would not be required.	The Applicant acknowledges the response from FCC and has no further comments.	Noted
		Work No. 46	The creation and use of a permanent vehicular access to the authorised development, from B5125 within the location shown on Sheet 20 of the Works Plans, including— a. improvement of road surfacing and provision of new hard surfacing; b. creation of a new bellmouth junction and visibility splays; installation of utilities.	This proposed new permanent access would create a junction right on top of where PROW 414/4 meets the junction of B5125. The footpath needs to be adequately incorporated into this junction design with the proposed new vehicular access to ensure pedestrians are not in conflict with vehicles unnecessarily. We would request that the proposed design for the AGI and associated track is reviewed by the PROW team before any progression.	Following the acceptance of Change Request 1 by the ExA on 24 April 2023 <b>[PD-016]</b> , this PRoW (ref: 414/4) will no longer be permanently affected by the DCO Proposed Development due to the relocation of the Northop Hall AGI and associated access to the west.  This PRoW is still proposed to be diverted during the construction of the DCO Proposed Development. The management for each PRoW will be secured in the final PRoWMP to be signed off by each relevant authority prior to the commencement of the relevant stage of works, as required by Requirement 5 of the draft DCO <b>[REP1-004]</b> .	The Council welcomes the acceptance of the change request.  The Council is satisfied that this will be addressed in the final PRoWMP.
		Work No. 47	Construction of an underground Carbon Dioxide (CO2) pipeline approximately	The PROW affected by the pipeline in this section are adequately protected with	The Applicant welcomes FCC's confirmation of this.	Noted

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
			2.4km in length and with an external diameter of 36 inches (914.4 mm) between Work No. 44 and Work No. 50.	temporary diversions during works.	
		Work No. 50	Construction of an underground Carbon Dioxide (CO2) pipeline approximately 422 metres in length and with an external diameter of 24 inches (609.6 millimetres) between Work No. 47 and the existing pipeline.	The PROW affected by the pipeline in this section are adequately protected with temporary diversions during works.	
2.1.175	19.3.	Conclusion on assessment of impact: • Construction Phase: NEGATIVE • Operational Phase: NEUTRAL		The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
	<b>20.</b>	<b>WATER ENVIRONMENT AND FLOOD RISK</b>			
2.1.176	20.1.	Planning Policy Wales confirms that factors to be taken into account in making planning decisions (material considerations) must be planning matters; that is, they must be relevant to the regulation of the development and use of land in the public interest, towards the goal of sustainability. The drainage / flooding impacts of a development proposal are a material consideration.		The Applicant acknowledges the comments from FCC and confirms that the Planning Statement <b>[REP1-013]</b> Appendix B considers the application proposals as a whole against the policies contained within the PPW.	Noted
2.1.177	20.2.	PPW Section 6.6.22 to 6.6.29 identifies flood risk as a material consideration in planning and along with TAN 15 – Development and Flood Risk, which provides a detailed framework within which risks arising from different sources of flooding should be assessed. TAN 15 advises that in areas which are defined as being of high flood hazard, development proposals should only be considered where: <ul style="list-style-type: none"> <li>• new development can be justified in that location, even though it is likely to be at risk from flooding; and</li> <li>• the development proposal would not result in the intensification of existing development which may itself be at risk; and</li> <li>• new development would not increase the potential adverse impacts of a flood event.</li> </ul>		The Applicant acknowledges the comments from FCC and confirms that the Planning Statement <b>[REP1-013]</b> , to include Appendix B considers the application proposals as a whole against the policies contained with TAN15.	Noted

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)	Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
		<u>Flood Risk:</u>		
2.1.178	20.3.	Flooding is also an important consideration for any new development as a large proportion of the site is mostly within a C1 Flood Risk Zone as defined by TAN15 and is therefore an area at risk of coastal flooding (served by significant infrastructure including flood defences). It will also be necessary to have regard to the new TAN15 and Flood Map for Planning which is due to come into force in June 2023, although it has been indicated by Welsh Government that this date may be pushed back as the consultation on the further revisions to the draft TAN has only just closed. Works Nos 29 – 35 all lie within a C1 Flood Risk Zone which is illustrated on FCC LIR Appendix 1.1. Land within works no 43 also lies within a C2 Flood Risk Zone.	<p>The Applicant acknowledges the comments from FCC and confirms that the Planning Statement <b>[REP1-013]</b>, to include Appendix B considers the application proposals as a whole against the policies contained with TAN15.</p> <p>The proposed development has also taken into consideration the new Flood Maps for Planning (FMfP) in the assessment of flood risk relating to the new TAN15, as presented in the Addendum to the Flood Consequences Assessment <b>[APP-168, APP-169 and APP-170]</b>.</p>	FCC notes these comments
2.1.179	20.4.	The Council would respectfully defer to comments from Natural Resources Wales, as the statutory body for coastal and fluvial flood risk, on matters relating to flooding.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
		<u>Land drainage</u>		
2.1.180	20.5.	The Council has additional duties and powers associated with the management of flood risk under the Land Drainage Act. As Land Drainage Authorities, Ordinary Watercourse consent would be required for any permanent or temporary works that could affect the flow within an ordinary watercourse under their jurisdiction in order to ensure that local flood risk is not increased.	As set out in the Other Consents and Licences document <b>[REP1-011]</b> , the Applicant will submit an appropriate application after the DCO is made.	FCC notes that the approval of the surface water drainage systems by the SuDS Approving Body (SAB) is not listed within <b>[REP1-011]</b>
2.1.181	20.6.	Flintshire County Council, as Lead Local Flood Authority (LLFA) is responsible for the management of risks associated with local sources of flooding such as ordinary watercourses, surface water and groundwater.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.182	20.7.	It is noted that the REAC <b>[APP-222]</b> states that consents would be sought from LLFA for works affecting for Ordinary Watercourses.	As set out in Article 8 of the draft DCO <b>[REP1-004]</b> , the requirement for ordinary watercourse consents is disapplied. In line with the ethos and objective of the DCO regime, a separate consent should not be required where this can be addressed through the DCO.	This is noted however, FCC would like to ensure that all documentation that would be required for Ordinary Water Course Consent is provided as part of the Requirements as it does not appear to be detailed in the draft DCO or specified in the requirements specifically.
2.1.183	20.8.	From a local flood risk and land drainage perspective, the LLFA would like to offer alternative wording within the Supplemental Powers contained in Part 4 of the draft DCO which are outlined within paragraph 22.5 below.	The Applicant acknowledges the position of FCC and has no further comments at this time.	Noted



Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)	Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
		Surface Water Drainage:		
2.1.184	20.9.	Schedule 3 of the Flood and Water Management Act 2010 makes sustainable drainage systems (SuDS) a mandatory requirement on all new developments involving more than a single dwelling or a construction area more than 100m <sup>2</sup> .	The Applicant acknowledges the position of FCC and has no further comments at this time.	FCC notes that the approval of the surface water drainage systems by the SuDS Approving Body (SAB) is not listed within <b>[REP1-011]</b>
2.1.185	20.10.	New developments of more than a single dwelling or a construction area more than 100m <sup>2</sup> must have: <ul style="list-style-type: none"> <li>• Sustainable drainage systems to manage on-site surface water;</li> <li>• Surface water drainage systems designed and built in accordance with mandatory Welsh Government standards for sustainable drainage;</li> <li>• Approval of the surface water drainage systems by the SuDS Approving Body (SAB).</li> </ul>		
2.1.186	20.11.	It does not appear to be the case that supplementary powers are being sought through Part 4 of the DCO with respect to the duties under Schedule 3 of the Flood and Water Management Act 2010. As such, separate, formal approval from Flintshire County Council as the SAB is therefore required in relation to the surface water drainage and SuDS features.		
2.1.187	20.12.	The DCO application also includes for the provision of temporary hardstanding areas for temporary construction compounds and access routes. It is not clear from the application documents how the Applicant will mitigate any impacts to watercourses, highways, or property as a consequence of any runoff from these temporary hardstanding areas. It is understood that temporary hard standing areas are not usually considered as part of an application for SAB approval. However, on the basis that these temporary hardstanding areas are likely to be in excess of 100 M <sup>2</sup> , the length of time that these 'temporary' hardstanding areas maybe considerable, consent via the SAB may be a practical means for consideration and the applicant would be invited to include these areas that are proposed to be 'temporary' as part of the SAB application process. Early contact could also be made with the SAB via a request for pre-application advice.		FCC would be interested to learn from the applicant how surface water runoff will be managed from areas of temporary hardstanding as this is not usually considered as part of the SAB approval.  The applicant has not yet provided a response to this point raised.
2.1.188	20.13.	As the planning process should not duplicate other legislative controls, the Council does not wish to make any observations on the provisional surface water drainage strategy for the AGI and BVS as it will be controlled through the SuDS approval process. Furthermore, any works involving watercourses would require ordinary water course consent. What is not clear however, is how the applicant intends to deal with run-off and surface water issues in relation to those areas of hardstanding that are		

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		below the threshold for SAB consent, and those elements of the project that do not create hardstanding but effect watercourses such as works effecting ditches.		
2.1.189	20.14.	Conclusion on assessment of impact: o Construction Phase: NEUTRAL o Operational Phase: NEUTRAL		
	<b>21.</b>	<b>MINERALS SAFEGUARDING</b>		
2.1.190	21.1.	Key national land use planning policies are provided by Planning Policy Wales (PPW11), in particular Section 5.14 which relates to the sustainable extraction of minerals. Supplementary guidance is provided the following Minerals Technical Advice Notes (MTAN 1).	The Applicant acknowledges the response from FCC and confirms that the Planning Statement <b>[REP1-013]</b> Appendix B considers the application proposals as a whole against the policies with PPW 11.	Noted
2.1.191	21.2.	Minerals Technical Advice Note 1 (MTAN1): Aggregates, Minerals Planning Policy (Wales), providing guidance on how the land use planning system should contribute to the sustainable supply of aggregates and sets out detailed advice on aggregates, such as limestone, sand and gravel.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.192	21.3.	<p>Policy EN23 states: "Non-mineral development within Mineral Safeguarding Areas as defined on the proposals map will only be permitted where it can be demonstrated that:</p> <ul style="list-style-type: none"> <li>a. <i>The mineral underlying the site does not merit extraction, or</i></li> <li>b. <i>The need for the non-mineral development outweighs the need to protect the resource, or</i></li> <li>c. <i>The mineral can be satisfactorily extracted prior to the non-mineral development, or</i></li> <li>d. <i>The development is of a temporary nature or can be removed within the timescales within which the mineral is likely to be needed, and</i></li> <li>e. <i>Essential infrastructure that supports the supply of minerals would not be compromised or would be provided elsewhere.</i></li> </ul> <p><i>All applications for development, with the exception of householder applications, in these areas shall be supported by a Mineral Safeguarding Assessment.</i></p> <p><i>Proposals for non-mineral development on sites of 4ha or more, which are underlain by Category 1 sand and gravels shall be supported by a Prior Extraction Assessment"</i></p>	The Applicant acknowledges the comments from FCC and confirms that the Planning Statement <b>[REP1-013]</b> Appendix B considers the application proposals as a whole against the policies of the LDP, to include EN23.	Noted

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)	Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
2.1.193	21.4.	Chapter 11 of the applicant's Environmental Statement [APP-063] acknowledges that the proposed DCO development would intersect multiple Mineral Safeguarding Areas. This is also shown on FCC LIR Appendices 2.1 – 2.5 which shows the Flintshire LDP allocations and includes the locations of Mineral Safeguarding Areas.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
2.1.194	21.5	A Minerals Resource Assessment (MRA) has been provided to accompany the application [APP-131 and Ref APP-132]. The Council largely concurs with the conclusions of the MRA which states that the mineral resources located within the MSA do no present workable or viable mineral prospects due to poor quality resources, and due to the constraints associated with the site areas. Some of the resources are also sterilised by existing infrastructure or development		
2.1.195	21.6.	Chapter 14 of the applicant's Environmental Statement [APP-066] refers to the requirement of producing a Material Management Plan (MMP). It confirms that a MMP would be produced by the Construction Contractor(s) as a Requirement of the DCO (as part of requirement 5 of the draft DCO with regards to the production of a CEMP) [APP-024]. This is welcomed to ensure that limited incidental extraction of mineral resource can be managed.	The requirement for a Materials Management Plan is included as a commitment in D-MW-006 of the REAC <b>[REP1-015]</b> , as secured by the CEMP within Requirement 5 of the dDCO <b>[REP1-004]</b> .	<p>The applicant's response is noted. However FCC still have concerns with regards to ensuring incidental extraction of mineral resource can be managed. The Minerals Resource Assessment (<b>MRA</b>) <b>[APP-131 /132]</b> or the need for any subsequent management plan for the management of minerals does not appear to be not specified / referred to in the draft DCO (Requirement 5), OCEMP <b>[REP1-17]</b> or REAC <b>[REP1-015]</b>.</p> <p>REAC Commitment D-MW-006 <b>[REP1-015]</b> states "<i>The Construction Contractor will implement, and follow guidance within, the Materials Management Plan (MMP) in accordance with the CL:AIRE Definition of Waste: Code of Practice</i>". The Applicant states that this commitment in the MMP would include re-use of 'suitable mineral resources'</p> <p>The Council notes the above REAC commitment D-MW-006 <b>[REP1-015]</b> appears to principally relate to the handling of waste and does not specify the use of incidentally extracted minerals. The use of the word 'mineral' is absent and there is no reference to the recommendations of the MRA in and commitments of the REAC or OCEMP. It is not currently explicit if and how the use of incidentally extracted mineral resources should be undertaken.</p> <p>The Council also notes that the MRA [APP-131&amp; APP132] is currently only desk based and as such, the Council requests that when ground investigations are undertaken as part of the Project the impacts on the existing MRA should be considered and potential for prior extraction or incidental extraction and re-use of</p>

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				<p>minerals should be considered further in order to safeguard / re-use minerals.</p> <p>To address this, the inclusion of detail of minerals safeguarding in the MMP is supported, the Council would however ask the following clarifications / inclusions are provided in any submitted plan:</p> <ul style="list-style-type: none"> <li>• Clear reference to the findings of the MRA with commitments for any further necessary ground investigations.</li> <li>• A definition of what a 'suitable mineral resources' would represent?</li> <li>• Detail of process should the extracted material not be suitable as it was, but could be screened or sorted then used - clarification of is and how that would that be done?</li> <li>• Where extracted mineral can be re-used, on the site or elsewhere?</li> </ul> <p>It is noted that the Applicant states that an outline MMP will be submitted before the end of Examination.</p> <p>Therefore the Council reserve the right to make further comments relating to minerals safeguarding after reviewing the draft MMP.</p>
2.1.196	21.7.	<p>Conclusion on assessment of impact:</p> <ul style="list-style-type: none"> <li>o Construction Phase: NEUTRAL</li> <li>o Operational Phase: NEUTRAL</li> </ul>	The Applicant acknowledges the position of FCC and has no further comments at this time.	Noted
	<b>22.</b>	<b>GENERAL COMMENTS ON THE DRAFT DCO</b>		
2.1.197	22.1	The Local Highway Authority is satisfied with the proposed draft DCO requirements which will ensure that full traffic management plans and construction worker travel plans will be approved in consultation with the Local Highway Authority prior to the commencement of any stage of development.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted
		<i>Part 2</i>		
2.1.198	22.2	Flintshire County Council do not agree with the current words of the provisions as set out in the draft DCO Part 2; Principal Powers, article 9 with regards to 'Defence to proceedings in respect of statutory nuisance'. The current wording of the draft DCO would effectively remove the main control the Local Authority would have under the Environmental Protection Act 1990.	The Applicant refers FCC to the response given on this point to the FCC in the draft SoCG in row 3.12.1 <b>[REP1-020]</b> . A full explanation of the legal position on this article has also been provided by email to FCC for their consideration.	Noted and agreed, this status can be changed in the SOCG Council <b>[REP1-020]</b> from 'Under Discussion' to 'Agreed'

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)	Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
2.1.199	22.3	It is considered unclear whether the current wording of the draft DCO is based on legislation that contains powers to over-ride other existing statute. It is unclear if the Local Authority would have the authority to override either the Control of Pollution Act 1974, and the Environmental Protection Act 1990, irrespective of its content. Clarification is therefore required in respect the defence to proceedings and arbitration in respect of statutory nuisance for noise and its interplay with existing statute and the Control of Pollution Act 1974.	The Applicant notes that, on the point of DCO scope in general, the Planning Act explicitly allows for the disapplication of other legislation. The Applicant however confirms there is no 'over-ride' (or disapplication as it would be referred to in the application documents) of the EPA 1990 or COPA 1974. The drafting relates to how controls inter-relate, rather than seeking to displace the existing regime. The Applicant refers to the Other Consents and Licences document [REP1-044] which explains, for example, that the project would intend to seek COPA prior approvals at the correct stage when construction details are known.	Noted
		<i>Part 3</i>		
2.1.200	22.4.	Article 11 (3) of Part 3, Streets is noted that 'The undertaker must restore to the reasonable satisfaction of the street authority any street that has been temporarily altered under this article'. However, the Council considers it necessary to also include within the DCO the provisions of Section 72 of the New Roads and Steet Works Act 1991. This would ensure remedial works to be carried out by the developer should there be a subsequent failure in the highway network after restoration.	This insertion would not make sense when read together with the provisions of article 12 as section 72 only applies where the duty to reinstate under section 70 is relied upon. In any case, section 72 allows for an investigation to be carried out to ascertain compliance with the need for reinstatement, it does not provide for an ongoing liability for the street where no failure is disclosed when the compliance is ascertained. This is exactly the principle and point already covered by the article – restoration to reasonable satisfaction and acceptable reinstatement being different expressions of the same concept.	Noted
		<i>Part 4</i>		
2.1.201	22.5.	Part 4; Supplemental powers, article 19; Discharge of water. It is considered that Article 19 (5) should also include reference to seeking Ordinary Watercourse consent. The Council suggest that the following wording should be considered: " <i>The undertaker must not, in carrying out or maintaining the works pursuant to this article, damage or interfere with the bed or banks or construct any works within any Ordinary Watercourse without obtaining Ordinary Watercourse Consent from Flintshire County Council.</i> "	This addition would directly conflict with the provisions of article 8 where the requirement for ordinary watercourse consents is disappplied. In line with the ethos and objective of the DCO regime, a separate consent should not be required where this can be addressed through the DCO.	This is noted however, FCC would like to ensure that all documentation that would be required for Ordinary Water Course Consent is provided as part of the Requirements as it does not appear to be detailed in the draft DCO or specified in the requirements specifically.
2.1.202	22.6	Additional the following wording should also be inserted after the word 'soil' in the final sentence of Article 19(6) " <i>silt, sediment or other solid substance etc</i> ".	Silt is small solid particles. Sediment is small solid particles mixed with water. The Applicant considers that the wording would therefore already cover silt and sediment under other 'solid substance' and 'matter in suspension'.	Noted

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)	Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
2.1.203	22.7	Part 4; Supplemental powers, article 21; Authority to survey and investigate the land. Reference is made to accessing land for the purpose of sampling and to trial holes/pits. The Council consider that this is too restrictive an approach and may not be sufficient to yield the information needed. Whilst it is not expected that there will be a need to drill boreholes, trial pits are generally only to be used for visual inspection of the condition of the ground where appropriate or where there is a known aspect which needs only indicative information. So, for example, to find the edge of a feature, to visually inspect buried wastes or to enable semi-quantitative sampling to be undertaken such as to chase a plume of contamination to allow locations for accurate exploratory methods or sampling to be targeted.	The Applicant notes that FCC raised this point in order to prevent the Applicant accidentally constraining this power. The Applicant's interpretation of this article is that it is not restricted to any specified form of investigation. The ability to make trial holes or pits is expressly set out as being without prejudice to the wider power to survey and investigate and nothing in the article would preclude (but to the contrary the article empowers) the forms of investigation cited.	Noted
2.1.204	22.8	The Council would suggest that alternative terminology is used based upon the likely exploratory techniques that the assessment of land contamination to be carried out will rely upon. For example, window/windowless sampling. It is likely that alternative methods of exploring the ground conditions at the different points along the route of the pipeline; including the BVS, will need to be relied upon to enable the samples required to be collected and so there appears to be a conflict between the approach to be taken in terms of assessing and addressing land contamination and the scope of the DCO.		
2.1.205	22.1	For this reason, it is suggested that the DCO is amended to allow for a broader scope of exploratory methods to be used to enable the works proposed. The current wording of the DCO is considered too restrictive.		
2.1.206	22.2	Part 6; Miscellaneous and general, article 44. Certification of plans, part (m): a document number is required for the outline written scheme of archaeological investigation. It is understood from the examination that this document is [APP223] that this reference should state D.6.5.2.	This change was made to the dDCO in revision D <b>[REP1-004]</b> .	Change noted and welcomed
	<b>23.</b>	<b>OBLIGATIONS</b>		
2.1.207	23.1.	The applicant's Biodiversity Net Gain Assessment [APP-231 to APP-236] states that the applicant will achieve the required Biodiversity Net Gain (Biodiversity Net Benefit in Wales) through engagement with private landowners using the offsite compensation scenarios.	The Applicant acknowledges the response of FCC and has no further comments at this time.	Noted

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)	Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)
2.1.208	23.2.	As set out in Section 13 above, should Development Consent be granted, the Council considers it necessary to secure a package of nature conservation management contributions secured by legal agreement to ensure the successful delivery and implementation of the required Biodiversity Net Benefit in Wales and Biodiversity Net Gain in England. It is considered that a legal agreement is required to ensure compliance and the long-term management of off-site biodiversity compensation scenarios to ensure Biodiversity Net Gain/Net Benefit is achieved.	The Applicant is currently in discussion with CWCC and FCC to provide the majority of BNG/BNB through the council's schemes at the Applicant's cost. The Applicant does not consider it to be necessary or appropriate for the LPA to seek a legal agreement to monitor its own compliance with a legal agreement.	Noted
2.1.209	23.3.	Furthermore, as set out in Section 19 above, should Development Consent be granted, to support the proposal of Bridleway 9 and Deeside Lane being utilised as the temporary construction access track, the Council considers it necessary for the entire route under 'Work No. 30E' be upgraded to a tarmac surface.	Please see Applicant's response above in row 2.1.174 in response to FCC's LIR response in paragraph 19.2 <b>[REP1A-005]</b> .	<p>The Council notes the comments. However, while some heavy agricultural vehicles do use Bridleway No. 8, the usage is not considered to be consistent nor regular/frequent. The siting of the compound at this location would subject the Bridleway to usage by larger vehicles (such as HGV's) on a more regular, prolonged, and repetitive basis during the construction of the pipeline at this location. Reinstating the condition of the route on completion of the construction phase of the DCO Proposed Development is not considered satisfactory in light of scale and duration of the proposal, and the length of time that this construction compound would be used for. Therefore, FCC consider that the route should be surface with an appropriate material prior to the commencement of the development of the construction compound in this location at Works no 30E, and prior to the use of the Bridleway for construction vehicles.</p> <p>With specific regard to the construction access track which incorporates Public Bridleway No. 8 &amp; Footpath 309/10/30 (along Deeside Lane), the LPA is still seeking improvements prior to the work commencing. It is considered that the proposal would have a negative impact for both the commercial entities and residential properties on Deeside Lane, such as noise and dust pollution. Addressing the issue of surfacing these routes would alleviate these issues prior to work commencing and would also provide a legacy community benefit for those affected on Deeside Lane.</p> <p>FCC accept this could be delivered through Requirements No.5 now that point (n) has been included as part of the CEMP, rather than a legal agreement.</p>

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)	Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)						
				<p>However, the Outline Construction Environmental Management Plan (OCEMP) Appendix 3 – Outline Public Rights of Way Management [REP1-043] plan needs to be amended to include this point. At present, this document does not refer to this and therefore FCC considers this point should be specifically referenced for the avoidance of any doubt, and to ensure that the specification details can be approved prior to the works in that stage of the proposed development.</p> <p>This would provide certainty that the bridleway would be surfaced in the appropriate materials prior construction traffic using this route.</p>						
2.1.210	23.4.	The upgrading of the Bridleway is considered necessary to ensure that it would be suitable for the construction traffic that would use it. By providing an appropriate surface for construction traffic this would limit the dust pollution to walkers and the community. It would also provide an improvement for users as part of the legacy of the HyNet project and should be secured by a legal agreement.								
<b>24.</b>		<b>COMMENTARY ON APPLICANT'S DRAFT DCO REQUIREMENTS</b>								
2.1.211	24.1.	The Council has reviewed the applicant's Draft Planning Requirements set out in Schedule 2 of the DCO and has and the following observations to make.	The Applicant's detailed responses to FCC's observations on Schedule 2 of the DCO are set out below.							
		<table border="1"> <thead> <tr> <th>Part/Schedule</th> <th>Observation</th> <th>Recommendation</th> </tr> </thead> <tbody> <tr> <td>1. Interpretation</td> <td>In the definitions there is no reference of a Decommissioning Environmental Management Plan (DEMP) The Council considers the submission of a DEMP at the appropriate time necessary – see comments later at point 16: Post construction environmental management plans</td> <td>It is suggested to include within the Requirements the need to submit a Decommissioning Environmental Management Plan (DEMP) therefore please can this be listed in the Interpretation.</td> </tr> </tbody> </table>	Part/Schedule	Observation	Recommendation	1. Interpretation	In the definitions there is no reference of a Decommissioning Environmental Management Plan (DEMP) The Council considers the submission of a DEMP at the appropriate time necessary – see comments later at point 16: Post construction environmental management plans	It is suggested to include within the Requirements the need to submit a Decommissioning Environmental Management Plan (DEMP) therefore please can this be listed in the Interpretation.	This change was made at Deadline 1 – please see tracked version of the dDCO [REP1-005].	The amendment is noted and welcomed however the Council notes that the definition of CEMP on the tracked version of the dDCO [REP1-005] has now been struck through on this version. This will need to be reinstated.
Part/Schedule	Observation	Recommendation								
1. Interpretation	In the definitions there is no reference of a Decommissioning Environmental Management Plan (DEMP) The Council considers the submission of a DEMP at the appropriate time necessary – see comments later at point 16: Post construction environmental management plans	It is suggested to include within the Requirements the need to submit a Decommissioning Environmental Management Plan (DEMP) therefore please can this be listed in the Interpretation.								



Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)	
		2: Time limits of 7 days to respond	It is considered that 7 days isn't sufficient to respond.	Having reviewed other DCOs 14 days seems to be standard. Suggested amendment to increase the time limits to 14 days to allow Officers to ensure compliance.	The Applicant notes that the DCO as drafted requires notification within 7 days of commencement occurring, not in advance. The Applicant agrees to amend the provision to notice 14 days in advance.	The Council acknowledges and welcomes the suggested by the Applicant, The Council reserves its position until it has had an opportunity to review the next iteration of the draft DCO.
		3: Stages	<p><i>"The authorised development may not commence until a written scheme setting out all stages of the authorised development including a plan indicating when each stage will be constructed has been submitted to each relevant planning authority."</i></p> <p>The requirement does not require the stages scheme to be approved or for the undertaker to undertake the development in accordance with the submitted approved stages.</p>	<p>Suggested wording:</p> <p>No part of the authorised development may commence until a written scheme setting out all stages of the authorised development including a plan indicating when each stage will be constructed has been submitted to and approved in writing by each relevant planning authority. The authorised development shall then be undertaken in accordance with the approved stages plan unless approved in writing by each relevant planning authority in accordance with Requirement 17.</p>	As set out in the Applicant's response to Q1.19.44 (page 138 to 143) in the Applicant's response to ExA's First Written Question [REP1-044], the submission of stages is proposed to give the LPAs visibility of the planned approach to the development. It is intended to assist the LPA in planning their work load by giving them warning of when applications would be made. It is not submitted for approval. The development will be carried out with multiple work fronts and with some elements, such as complex trenchless crossings carried out ahead of the main pipeline spread.	<p>The Council requires a definition of 'Stage' to be included in this requirement on in the 'interpretation' section of the DCO. It is unclear what the parameters of each stage are and whether each Stage will include specific work numbers. The Council suggests the definition includes this level of detail and if the Stage needs to be amended throughout the Project then the relevant local planning authority is consulted on any change and its consultation response is taken into consideration.</p> <p>For the avoidance of doubt, this requirement should be amended to ensure that the Project is implemented in accordance with submitted (or amended) Stages to ensure that all parties are clear on what is required and by when.</p>
		4.(1) Scheme Design – Above ground development	The requirement only allows for above ground elements to be in "general accordance with	It is recommended that an additional requirement is included to provide detailed design for approval for all above ground	Requirement 4 already secures the need for approval of detailed design for the above ground structures in subparagraph (4):	Noted
					<i>"(4) Each of Work Nos. 1, 9, 20, 26, 36, 45, 48, 51, 53 and 55 may not be commenced until, for that Work No.</i>	

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)	
			<p>the general arrangement plans”</p> <p>This is too vague to enable other assessments / detailed mitigation e.g. Visual and ecological impacts LEMP. Mitigation against worst case scenario may well result in unnecessary mitigation resulting other impacts / effects</p> <p>Detailed design would no doubt be required to allow Detailed LEMP or CEMP scheme to be undertaken?</p>	<p>infrastructure on a stage-by-stage basis. Details include the need to see the elevations for example. Can be provided alongside the CEMP and LEMP?</p> <p>Or as a submission with each design stage?</p>	<p><i>the following details have been submitted to and approved by the relevant planning authority: (a) the siting, layout, scale and external appearance, including the colour, materials and surface finishes of all new permanent buildings and structures...</i></p> <p>The information needed is therefore already being provided and a further requirement is not necessary.</p> <p>The relevant parts of the CEMP and LEMP cannot be finalised until the detailed design is known.</p>	<p>The Council acknowledges that mitigation is to be provided for the project based upon the approval and compliance with the commitments of the various management plans of the ES which are to be approved by the relevant requirements of the DCO on a Stage by Stage basis.</p> <p>It is however noted that the scheme design is based on works numbers not ‘Stages’.</p> <p>For consistency and to tie the detailed design for above ground installations to that of the final CEMP and LEMP, both which are approved on a Stage basis the Council ask that refence to the submitted / approved ‘Stages’ is included in the approval of detailed works in this requirement. For this, and subject to wording of requirement 3 (Stages) as referred to above (2.1.211) it is asked that the following wording be used for requirements 4(4) and 4(5).</p> <p><i>“No Stage including works Nos ..... shall commence until details.....”</i></p> <p>This would then effectively link the CEMP, LEMP mitigation requirements to the approved detailed design which are on a ‘Stage’ basis.</p>
		<p>4.(2) Scheme Design - Changes to above ground development</p>	<p>Question over what the “environmental effects” actually include? There is no definition is provided in Requirement 1 within the interpretation.</p> <p>Importantly clarity is required with regards to who determines if the changes cause materially new environmental effects?</p>	<p>Suggested that a definition is included or wording amended to provide clarity</p>	<p>This is standard wording in DCOs and has been approved repeatedly by the Secretary of State, including in insertions made on their behalf at determination stage. The Applicant notes that for details to be approved, the Infrastructure Planning (Environmental Impact Assessment) Regulations 2017 apply and when details are submitted for approval the LPA is required to consider if they are within the scope of the ES or if further environmental information is required. For other elements, failure to comply with a DCO is a criminal offence and the undertaker will have to take a view on materiality in that context. Where the relevant LPA disagrees, its enforcement powers would be available to it.</p>	<p>The Council is concerned that this would effectively allow a self-approval mechanism for determining whether or not any changes are material. This same issue has been discussed at length on the A66 Northern Trans-Pennine DCO which is currently in Examination which is due to close on 26 May 2023. If a change is proposed, this change needs to be assessed by the Secretary of State as to whether or not it is material and therefore needs his approval or otherwise.</p> <p>The Council would suggest a similar approach be taken in this Project.</p>

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)	
			And what are the mechanisms for approval?			
		4. (3) Scheme Design – Parameters	AGI and BVS – Maximum height of buildings and structures including operational fencing and lighting columns – 5m from ground level.	The current wording would allow for buildings and operational fencing up to 5m in height, which would not be visually acceptable.  Recommend separate AGI parameters for buildings, lighting columns and fencing or specify accordingly – clarity is needed	This change was made at Deadline 1 – please see tracked version of the dDCO [REP1-005].	The amendment is noted and welcomed
		5. (2) CEMP	'Substantially' is this too vague?	Recommendation to remove the word "substantially"	This has been removed but please note contrary request by CWCC.	noted
		5. (2) (a-m) CEMP – Management plans, Working Methods and Mitigation Measures	Specific measures for construction works are missing including plant and equipment detail; night-time noise levels; minerals safeguarding is not specifically referenced in the MMP	Include the following additional measures: <ul style="list-style-type: none"> <li>• Detail of all construction plant and equipment.</li> <li>• Specify noise limits and mitigation (day and night-time).</li> <li>• The Material Management Plans should be renamed to Material and Minerals Management Plan to ensure Minerals Safeguarding (in accordance with outline minerals safeguarding assessment).</li> </ul>	These details are secured in the plans as set out in the outline and do not need to be repeated in the requirement itself.  A review mechanism is not required as the CEMP will only apply during construction and each plan to the stage/s it is for.  A Materials Management Plan is governed by the Definition of Waste Code of Practice and is used to assess if earthworks can be reused. A Materials Management Plan is not associated with the extraction or use of minerals – this is considered in the Mineral Resource Assessment. As such, the Applicant does not agree that the Materials Management Plan should be renamed.	Noted  As identified at 2.1.195 above, the Council is not clear how matters of mineral resource management are to be secured in the final CEMP. At this stage, the Council ask that the consideration / inclusion of mineral management be explicit in the final CEMP.

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)	
			<ul style="list-style-type: none"> <li>Address / mitigate identified risks from contamination.</li> <li>A mechanism for review should also be included</li> <li></li> </ul>			
		8. (1) Surface Water Drainage	Not all Works numbers are listed. Where there are BVS location and all AGI works.	Include works Nos. for all BVSs and AGIs Cross reference check is required.	This change was made in revision B of the dDCO <b>[AS-017]</b> .	Noted and welcomed
		9. Contaminated land and Groundwater	Only addresses unexpected contamination	Include an additional requirement to address mitigate identified Contaminated Land or incorporate into the CEMP (5.2)) as recommended above	REAC <b>[REP1-015]</b> commitments D-LS-006, D-MW-006 and D-GG-005 refer to the implementation of a Materials and Management Plan, which would include measures and guidance on how to deal with contaminated land and materials (known or unexpected) as secured by the CEMP within Requirement 5 of the DCO <b>[REP1-004]</b> . 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.	The Council notes the inclusion of Requirement 9(5) for verification reporting to be submitted to the relevant planning authority, however it does not require approval.  Amendment is required for the submission of a verification report to be submitted for approval.
		11. (1) LEMP	Lots of detail in combining ecology and Landscape – has the potential to miss important elements	Recommendation to separate the landscape and ecological matters and the inclusion of an additional Requirement to ensure important items are not missed.	The Applicant considers that such a split would be entirely artificial and leads to a risk of inconsistency. For example, hedgerow restoration and reinforcement can serve more than one purpose, reinstating landscape boundary features and providing ecology benefits. Trying to allocate that to one or the other plan would serve no useful purpose.  The Applicant notes that the outline LEMP <b>[REP1-017]</b> provides what must be included in the detailed plan and therefore can be used as a check that all the required matters have been covered in any detailed plan submitted.	Noted
			Does the LEMP include measures to protect Heritage?	Detail inclusion of heritage matters	Cultural heritage matters are not normally included in the Landscape and Ecological Mitigation Plan <b>[APP-229]</b> . Details are included within the REAC <b>[REP1-015]</b> and <b>CR1-109]</b> and within the Outline Archaeological Written Scheme of Investigation <b>[APP-223]</b> .	Noted

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)	
		11. (2) LEMP – Inclusion	Missing heritage measures	Detail inclusion of heritage matters	Please see the response above to 11.(1) LEMP.	noted
		11. (2) (d) LEMP – Inclusion	“features”	Definition of features in the ES – include LWS, Statutory Sites, heritage features, landscape features etc?.	The Applicant notes that Figure 3.3 Environmental Features [CR1-102] provides an illustration of relevant heritage, ecological and landscape features within a 1km offset from the Newbuild Infrastructure Boundary. The OLEMP [APP-228] also identifies the requirement to provide detailed landscape layouts which identify features to be removed, retained and protected.	noted
		13. Construction Hours (1-5)	The current wording of requirement 13 (3) (c) would appear to allow works outside of the stated construction hours in any eventuality – this is quite open-ended.  The proposed exceptions and definitions in relation to the proposed construction working hours are not considered acceptable.	Consider more precise wording	The Applicant will agree to amend the DCO so that working for what is currently (c) would require approval under a scheme but maintains that allowing 24 hour working for (a), (b) and (d) is necessary and appropriate.	The amendment is noted however, the Council questions how a scheme for working under 13(3)(c) would be secured / undertaken.  The Council therefore requires the removal of Requirement 13 (3) (c) and would only accept the retention of operations under 13(3) (a), (b) and (d), subject to the noise and vibration management plan, to be approved as part of the final CEMP, including detail of any additional mitigation for of all out of hours working including that for operations identified under these parts.
		16. Restoration of Land	<i>“Subject to article 34 (temporary use of land for carrying out the authorised project)], any land within the Order limits which is used temporarily for or in connection with construction must be reinstated to a condition fit for its former use, or such other condition as the relevant planning authority may approve,</i>	Re-word to require full detail of restoration scheme or remove and combine into Requirement 16  Or include more detail in the soil management plan	This requirement is a reserve power to allow the LPA to require restoration in default or where there is an issue. The primary mechanism for controlling restoration is the land agreements which will include for example schedules of condition before possession is taken, the details of restoration, which will in the main be to the former use. Drainage would be reinstated in its former location. Deterioration in land would be a compensatable issue not a planning one. Aftercare of agricultural land once returned to the landowners' use is not appropriate or reasonable as it would not only interfere with the land agreements between the landowner and Applicant but would require the Applicant to control land for longer than necessary, to interfere with the landowners use, to take rights for longer than necessary and it is accordingly disproportionate to move from the control of the landowner to the LPA.	The Council maintains that the restoration of land and suitable aftercare is a planning matter, land ownership is not. The draft DCO should be re worded to require full details of a restoration scheme, combined within Requirement 16 or include more detail within the soil management plan.

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)	
			<p><i>within 12 months of completion of the authorised project.</i></p> <p><i>"fit for its former use"</i> - not precise or enforceable and would not secure return the higher grades of agricultural land back to their former grading / condition including drainage etc...</p> <p>Requirement 15 as a whole is not precise or enforceable and does not require the approval of a scheme of restoration and aftercare if required.</p>			
		<p>17: Post construction environmental management plans</p>	<p>Operational Maintenance and management and decommissioning are distinctly separate stages of the project and cannot be easily dealt with together in one scheme?</p> <p>Does not detail restoration aftercare?</p>	<p>Split into two requirements for the approval of schemes for restoration/aftercare if necessary on agricultural land and one for decommissioning.</p> <p>Include a Decommissioning Environmental Management Plan (DEMP).</p> <p>As above - Detail of restoration and aftercare needs to be provided for approval can be</p>	<p>The Applicant has no objection to splitting this into two requirements.</p> <p>Restoration aftercare from construction is addressed above. Restoration of decommissioning would be covered by the DEMP secured by Requirement 17 of the dDCO <b>[REP1-004]</b>.</p>	<p>The Council welcomes splitting this requirement into operational and maintenance environment management (OMEMP) and decommissioning environmental management plan (DEMP). However as is noted above, these plans need to include detail of full restoration and aftercare schemes.</p>

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)	
			<p>incorporated here or a detailed scheme approved under Requirement 15.</p> <p>Need to include wording for scheme to be completed / undertaken in accordance with approved details.</p>			
		19. (4) Amendments to approve details	<p>"42 days" notification period</p> <p>The current wording is not flexible as there is no ability to agree an extension of time if required</p>	<p>Suggestion to use a standard period for decision of 56 days (8 Weeks)</p> <p>Include provision to agree an extension of time i.e. <i>"within such longer period as may be agreed by the undertaker and the host authorities in writing"</i></p>	<p>The Applicant is willing to amend the period to 56 days (8 weeks) as requested by FCC.</p> <p>The Applicant is willing to add the flexibility requested to allow agreement of a different period.</p>	The amendment is noted and welcomed; however, the Council reserves its position until the amendment is made in the next iteration of the draft DCO.
<b>Schedule 2: Part 2: Applications made under requirements</b>						
		21.(1) Applications made under requirements	<p>Notice of decision is required within 42 days</p> <p>This period is too short and not in accordance with standard timescales for determining applications.</p>	<p>Suggestion to use standard period for decision of 56 days (8 Weeks)</p>	<p>The Applicant is willing to amend the period to 56 days (8 weeks) as requested by FCC.</p>	The amendment is noted and welcomed
		22. Multiple relevant authorities	<p>Any request for comments on multiple authorities – "21 days"</p> <p>Timescale is short and doesn't allow</p>	<p>Remove provision or provide a reasonable extended period of time and ability to agree an extension of time i.e. "within such longer period</p>	<p>The Applicant is willing to add the flexibility requested to allow agreement of a different period.</p>	The Council would welcome the inclusion of flexibility to agree longer timescales, however, a 20 day response time would be an unreasonably short period of time for the Council to be able provide any substantive response.

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)	
			<p>any agreed extensions of time.</p> <p>This is in effect a pre-app to and between the two authorities – the need for timescales at all is questioned?</p> <p>If a timescale is accepted there should at very least be the ability to agree an extension of time. The current wording is not acceptable.</p>	<p>as may be agreed by the undertaker and the host authorities in writing</p>		
		<p>23. (2) Further Information</p>	<p><i>“(2) If the relevant authority considers further information is necessary and the requirement does not specify that consultation with a requirement consultee is required, the relevant authority must, within 5 business days of receipt of the application, notify the undertaker in writing specifying the further information required. Notification required in 5 business days to specify further information required.”</i></p> <p>Even for internal consultees it is not considered</p>	<p>Amend to longer and reasonable time scale, include the provision for allowing an extension of time for an agreement.</p>	<p>The Applicant would be willing to add the flexibility requested to agree a longer timescale, and will agree to change 5 days to 10, but will not agree to extend the 21-day period.</p>	<p>This amendment is noted, however the Council would still consider 10 days to be an unreasonably short period of time, especially where detailed responses are required from internal and external consultees. The Council maintain that this either be amended to a more reasonable length of time (e.g. 21 days) or removed in its entirety</p>



Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)	
			<p>reasonable to only allow 5 working days for notification for further information.</p> <p>Notwithstanding the admin time, consultees will need time to fully review the provided material to be able to advise if further information will be required. This is not considered reasonable or acceptable.</p>			
		Article 23 (3) Further Information	<p><i>“(3) If the requirement specifies that consultation with a requirement consultee is required, the relevant authority must issue the consultation to the requirement consultee within five business days of receipt of the application and must notify the undertaker in writing specifying any further information requested by the requirement consultee within five business days of receipt of such a request and in any event within 21 days of receipt of the application.”</i></p>	Amend to longer and reasonable time scale, include the provision for allowing an extension of time for an agreement.	<p>Where consultation is needed on a requirement that would be stated in the requirement and known upfront.</p> <p>The Applicant will not agree to remove this wording but would be willing to amend the period to 10 days.</p>	<p>In view of the provisions / time scales and ability to agree extension of time afforded for under Article 21 (8 weeks) the Council questions the need for any restriction on consultation times and requests for additional information.</p> <p>Notwithstanding this point, should the ExA accept the retention of consultation restrictions under this article, in view of the standard 21-day response time for external consultees, it is considered unreasonable to only allow 21 days for the Council to respond to the undertaker for additional information, especially where there is the potential for delays in external consultee responses or where responses are received on day 21. In this respect the Council do not consider it unreasonable to amend this timescale to 35 days to allow sufficient time for adequate and meaningful consultation.</p>

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)	
			<p>The timescales stated are unreasonable.</p> <p>Requiring a specified timescale for consultation of external bodies is not considered reasonable or necessary. This can be adequately dealt with under an agreed extension of time under Schedule 2 Part 2 (19(1)).</p>			
		Article 23(4) Further Information	<p>“(4) If the relevant authority does not give the notification mentioned in sub paragraphs (2) or (3) or otherwise fails to request any further information within the timescales provided for in this paragraph, it is deemed to have sufficient information to consider the application and is not thereafter entitled to request further information without the prior agreement of the undertaker.”</p> <p>This provision effectively removes the LPA entitlement to request further information if the 5 day timescales are missed.</p>	Remove provision.	<p>The discharging authority has the ability to ask for further information, within the timescales stated, not at any time thereby delaying determination unpredictably and with an impact on delivery of the NSIP project. The Applicant does not agree that this standard wording should be deleted. The Applicant will not agree to remove this wording but would be willing to amend the period to 10 days.</p>	<p>The Council maintains that this provision should be removed, it could be more likely to result in a decision being made with insufficient information which could result in a refusal, particularly given the tight time scale, delaying the delivery of the Project further rather than allowing the local planning authority to work pro-actively with the Applicant</p>

Ref	LPA Ref	Local Impact Report Statement (Deadline 1A)		Applicant's Response (Deadline 2)	Council's Response/Comments (Deadline 3)	
			<p>This is unreasonable.</p> <p>If insufficient info has been provided the host authority should have the right to ask for further information as deemed necessary. If this was to remain in place the Host Authority, if missing it's 5 day notice period, would have no choice but to refuse the requirement application – this would be counterproductive.</p>			
		24. Fees	<p>Fee of £97 does not reflect any current fee for planning</p>	<p>Clarification on fees and a suggestion to align with current fee schedule</p>	<p>This has been amended, please see tracked version of the dDCO <b>[REP1-005]</b>.</p>	<p>The amendment is noted and welcomed</p>
			<p>Return of fee does not allow for the provision of an extension of time.</p>	<p>Include in the provision - unless an extension of time has been agreed in accordance with Schedule 2 Part 2 (19(1))</p>	<p>This has been amended, please see tracked version of the dDCO <b>[REP1-005]</b>.</p>	<p>The amendment is noted and welcomed</p>
			<p>The Council questions the timescales for dealing with applications made under requirements</p> <p>What evidence has been provided for the timescales suggested for the application to be refunded?</p>	<p>Clarification on timescales</p> <p>Suggestion to use a standard period for decision of 56 days (8 Weeks)</p>	<p>As responded to similar comments above, the Applicant is willing to amend the period to 56 days (8 weeks) as requested by FCC.</p>	<p>The amendment is noted and welcomed</p>