



**Flintshire County Council's response to the
to the Applicant's comments to the Flintshire County Council's Response to ExA WQ's (17 April 2023) [REP1-017]**

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") response to the ExA WQ's Qu1, 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.

WQ ReF	Question to	Question	Interested Party Comment	Applicant's response to Interested Party Comment	FCC Response for DL3
1. General and Cross-topic Questions					
Q1.1.2	Update FCC	The ExA notes that the Applicant has indicated a twin track method in that two separate Planning Applications will be submitted to FCC under the Town and Country Planning Act 1990 (Ref. 2.2): one for the Point of Ayr (PoA) Terminal and Foreshore Works and another for the three Block Valve Stations (BVS). Please provide an update of any planning applications that have been submitted, or consents that have been granted, since the DCO Application was submitted, that could either effect the proposed route or that would be affected by the Proposed Development and whether this would affect the conclusions reached in ES Chapter 19 Combined and Cumulative Effects [APP-071] or any of the associated Appendices - Appendix 19.1 – Inter Project Effects Assessment (Volume III) [APP-172]; Appendix 19.2 - Intra-Project Effects Assessment (Volume III) [APP-173]. Please provide a response alongside question Q1.1.4.	<p>Application reference FUL/000246/23 for the Point of Ayr (PoA) Terminal and Foreshore Works was registered on 14 March 2023, and the consultation period has begun. The full application details, along with consultation responses to date can be found at the link below: https://planning.agileapplications.co.uk/flintshire/applications-on-details/66998</p> <p>Application FUL/000241/23 for three BVS was also registered on 14 March 2023. The application is considered by the Local Planning Authority as valid, however the Applicant has requested the application be held in abeyance pending the ExA's decision whether the change request (submitted to the ExA on 27 March 2023) will be accepted. Change request no.3 proposes to relocate Cornist Lane BVS and therefore should the change be accepted, the BVS application site at Cornist Lane as set out in application FUL/000241/23 would change.</p> <p>With agreement of the applicant, this application continues to appear as 'invalid' on the Council's planning portal so that the application documents do not appear on the website as this could be confusing to members of the public and future consultees if the application site is subsequently changed as a result of the change request.</p> <p>Section 4 of FCC's LIR provides information on relevant planning history and committed developments that are extant or pending determination within the DCO order limit.</p>	<p>The Applicant confirms that this is the agreed position between themselves and FCC, and this will be captured in a future iteration of the SoCG with FCC.</p> <p>The Applicant confirms that the ExA accepted Change Request 1 on 24 April 2023. The Applicant will withdraw application FUL/000241/23 and submit a new application in June / July 2023 to ensure it is consistent with the DCO and the proposed relocation of Cornist Lane BVS to the south east by 120 metres (Applicant's reference PS01).</p> <p>The Applicant would like to correct FCC's reference to 'change request no.3' for the relocation of Cornist Lane BVS, which should instead be Change 1 (Applicant's reference PS01).</p>	Noted
Q1.1.3	Update FCC	As additional context to inform the Examination the following information is requested: i) Advise if there is a Community Infrastructure Levy Charging Schedule (CILCS) in place for the	i) There is no Community Infrastructure Levy Charging Schedule in place in Flintshire. Following the adoption of the LDP on 24/01/23 Flintshire County Council will be reviewing the feasibility of introducing a Community Infrastructure Charging system compared against the continuation of the	The Applicant acknowledges the response from FCC and has no further comments at this time.	Noted

		<p>administrative area the Development Consent Order (DCO) scheme falls within, or within any neighbouring administrative boundaries.</p> <p>ii) Confirm if there any planned improvements to the local area which are separate to the scheme under consideration but potentially complimentary to it, directly arising from the CILCS?</p> <p>iii) Notwithstanding any CILCS mechanism in place, advise if there are any other planned or known separate publicly led local capital investments, projects, or other planned initiatives in the vicinity of the area proposed for improvement or nearby which could potentially compliment the scheme. For the avoidance of any doubt the planned improvements queried/ referred to may cover any aspect of the local environment and could be wide ranging in their purpose.</p> <p>iv) Explain how any existing separate local capital investments, projects or other initiatives would complement the scheme, if there are any being advanced.</p>	<p>present s106 based approach. If a CIL were to prove viable it is unlikely to be implemented within the timescales for determining this present development proposal.</p> <p>ii) N/A</p> <p>iii) There are no known publicly led local capital investments, projects, or other planned initiatives in the area that could compliment the scheme that are in place at present. However, Flintshire County Council are in the process of appraising the applications made to the Council through the UK Government Shared Prosperity Programme.</p> <p>A number of these will, if approved, support the decarbonisation of businesses in the County, and will help to assess the feasibility of collective action by businesses. If approved, the projects would operate from autumn 2023 for 18 months and would therefore there is potential for these projects to complement this proposal.</p> <p>iv) The Parc Adfer Community Benefit Fund could also compliment this project for more information: https://www.flintshire.gov.uk/en/Resident/FundingOpportunities/Parc-Adfer-Community-BenefitFund.aspx</p>		
	Update on development FCC	The ExA has initially observed the locality impacted upon by the proposals during Unaccompanied Site Inspections ([EV-003] and [EV-004]). The application documents suggest some public open space is to be utilised for Compulsory Acquisition (CA). For the avoidance of any doubt can the Applicant and Relevant Planning Authorities confirm whether the location of any other land planned for public open space or other special category land use is to be utilised by the scheme. You may wish to combine the answer to this question with the answer to question Q1.1.2.	<p>FCC LIR Appendices 2.1-2.5 shows the DCO Limit in relation to the LDP allocations which shows the 'Green Spaces'. The route of the DCO pipeline does not intersect or affect any allocated Green Spaces.</p> <p>With regards to special category Land FCC LIR Appendices 1.1-1.6 shows the Common Land in relation to the proposal. FCC LIR Appendix 1.6 shows Common Land, but the proposal does not present any new built development within the Halkyn Common.</p> <p>FCC are not aware that any other land planned for public open space, or other special category land would be utilised by the scheme.</p>	The Applicant acknowledges the response from FCC and has no further comments at this time. The DCO Proposed Development does not include any new built infrastructure within Green Space, Public Space, Common Land or any other special category.	Noted
Q1.1.7	ES Cumulative Effects	The ExA notes the content of ES Chapter 19 Combined and Cumulative Effects [APP-071] as well as Chapter	FCC are not aware of any.	FCC's information on the updated status of ID ref 109 is noted by the Applicant However, the refusal of the	

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

		<p>in terms of any one topic impact would automatically result in the maximum potential impact when a number of topic impacts are considered collectively. In addition, individual impacts may not be significant but could become significant when their interrelationship is assessed. It will be for the developer to demonstrate that the likely significant impacts of the project have been properly assessed.” Do IPs including Relevant Planning Authorities agree that the likely significant impacts of the DCO Proposed Development have been adequately assessed by the ES? If not, please state why not.</p> <p>You may wish to combine the answer to this question with the answer to question Q1.1.6.</p>			
Q1.1.11	Update FCC	<p>If you have not already done so:</p> <p>i) Provide an update to the Examination on the status of the Flintshire Local Development Plan 2015-2030, and its expected formal adoption date.</p> <p>ii) Provide to the Examination and indicate all new development plan policies which you consider to be important and relevant to the proposed development currently subject to Examination giving the specific reasons for the policy relevance where appropriate.</p> <p>iii) Inform the Examination of your views on whether or not the DCO development complies with any new and relevant policies.</p> <p>iv) In the event of non-compliance with any new policy (or policy expected to be adopted) suggest any change necessary which would be potentially undertaken by the Applicant to secure compliance.</p>	<p>i) The Flintshire LDP was adopted on January 24th 2023 and forms the basis for planning decisions in the County.</p> <p>ii) There is no specific policy in the LDP relating to infrastructure projects such as the proposed pipeline and associated development. Rather, there are a raft of policies which the proposal should be assessed against as set out below. The LDP has not yet been published in its final hard copy format. For the time being, an interim written statement can be provided in hard copy, but proposals maps are only available in an interactive web-based format: https://flintshire.opus4.co.uk/planning/localplan/maps/flintldp#/center/53.218,-3.159/zoom/8/baselayer/b:31/layers/o:2767,o:2768,o:2769,o:2770,o:2771,o:2772,o:2773,o:2774,o:2775,o:2776,o:2777,o:2778,o:2779,o:2780,o:2782,o:2783,o:2784,o:2785,o:2786,o:2787,o:2788,o:2825,o:2826,o:2827,o:2910/feature/0</p> <p>Relevant LDP policies: -</p> <ul style="list-style-type: none"> • STR2: The Location of Development • STR4: Principles of Sustainable Development, Design and Placemaking (sets out high level 	<p>The Applicant acknowledges the adoption of the FCC Local Development Plan (LDP) and confirms that this document has been incorporated into the Planning Statement [REP1-013] submitted at Deadline 1.</p> <p>The Applicant can also confirm that this revision of the Planning Statement submitted at Deadline 1 [REP1-013] has been updated to address previous concerns regarding Green Wedges in FCC.</p> <p>In response to FCC’s comment regarding the BVS sites being in close proximity to the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB), the Applicant would like to highlight that as set out in Paragraphs 3.4.6 and 3.4.29 of ES Chapter 3 – Description of the DCO Proposed Development [APP-055], at both AGIs and BVSs, lighting will be activated if required for maintenance or in the event of emergency. Lighting will therefore only be on for short, temporary time periods. This includes</p>	Noted

			<p>principles in seeking to bring about sustainable development)</p> <ul style="list-style-type: none"> • STR5 Transport and Accessibility (relevant to the traffic impacts associated with the initial construction phase and subsequent operational / maintenance phase) • STR13: Natural and Built Environment, Green Networks and Infrastructure (high level principles seeking to protect open countryside and the environment generally) • STR14: Climate Change and Environmental Protection (sets out high level principles in terms of addressing climate change such as flood risk – the pipeline passes through areas at risk of flooding) • PC1: The Relationship of Development to Settlement Boundaries (specifies the types of development that may be acceptable in open countryside locations) • PC2: General Requirements for Development (sets out standard criteria which are applicable to all new developments) • PC3: Design (seeks to ensure that new development encompasses design and placemaking principles) • PC4: Sustainability and Resilience of New Development (seeks to ensure that new development is sustainable and resilient to the effects of climate change) • PC5: Transport and Accessibility (relevant to the traffic impacts associated with the initial construction phase and subsequent operational / maintenance phase) • <p>HN1.7 New Housing Development Proposals – Holywell Rd / Green Lane, Ewloe (The applicant has modified the Order Limit to avoid this housing allocation)</p> <ul style="list-style-type: none"> • EN1 Sports, Recreation and Cultural Facilities (seeks to protect existing open space) • EN2 Green Infrastructure (seeks to protect existing open space and to ensure that new development has regard to improving existing local green space and green corridors) • EN3: Undeveloped Coast and Dee Estuary Corridor (the policy seeks to protect the undeveloped coast to the north of the A548) • EN4: Landscape Character (all new development proposals should have regard to the landscape character having regard to its 	<p>perimeter lighting columns up to 5m in height.</p> <p>The Applicant is in ongoing discussions with FCC regarding other matters relating to the DCO Proposed Development and these are captured within the SoCG [REP1-020].</p>	
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			<p>particular characteristics. The policy relies on the information within Landmap)</p> <ul style="list-style-type: none"> • EN5: Area of Outstanding Natural Beauty (the impact of part of the northern section of the pipeline should be assessed) • EN6: Sites of Biodiversity Importance (the policy seeks to protect features and habitats of biodiversity importance) • EN7 Development Affecting Trees, Woodlands and Hedgerows (the policy seeks to protect existing trees, woodland and hedgerows and to provide mitigation where necessary.) • EN8 Built Historic Environment and Listed Buildings (new development should have regard to built heritage assets) • EN11 Green Wedge (the pipeline passes through green wedges and the Aston Hill BVS is located within the Green Wedge. New development should seek to maintain the openness of such designations) • EN13: Renewable and Low Carbon Energy Development (sets out the criteria to be applied to renewable and low carbon energy development proposals. Although applicable to energy generation proposals it provides a broad context for the consideration of associated infrastructure). • EN14: Flood Risk (the pipeline passes through areas at risk of flooding and the policy sets out some key principles, to be read alongside TAN15) • EN15 Water Resources (new development should seek to protect existing water courses and bodies) • EN18: Pollution and Nuisance (ensures that the effects of development in terms of noise, vibration, odour, dust, light or other pollution are assessed and where appropriate and necessary, are mitigated) • EN19: Managing Waste Sustainably (seeks to ensure that waste arising from new development is minimised and is in line with the waste hierarchy) • EN23: Minerals Safeguarding (seeks to ensure that new development proposals do not sterilise existing mineral reserves, which have the potential to be worked) <p>Supplementary Planning Guidance (SPG) Notes.</p> <ul style="list-style-type: none"> • SPG3 Landscaping • SPG4 Trees and Development • SPG6 Listed Buildings 		
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		<ul style="list-style-type: none">• SPG8 Nature Conservation & Development• SPG8a Great Crested Newt Mitigation Requirements• SPG28 Archaeology <p>• The green wedge washes over the proposed DCO order Limit this includes part of the pipeline route and also the proposed Aston Hill BVS is located in the green wedge. As part of the site is within the green wedge, the impact of the development on the openness of the area is a very important consideration.</p> <p>• PPW11 in para 3.77 lists other forms of development which include renewable energy and engineering operations stating that these types of development may be appropriate in the green wedge provided the development preserves the openness of the green wedge and does not conflict with the purposes of including land within it. Even if there was some harm to the green wedge it may still be necessary to apply the 'very exceptional circumstances' test in PPW.</p> <p>• PPW also sets out in guidance which is key to the consideration of this proposed development in section 5.7 relating to Energy. Para 5.7.1 states 'The future energy supply mix will depend on a range of established and emerging low carbon technologies, including biomethane and green hydrogen'. Para 5.7.2 states 'In order to ensure future demand can be met, significant investment will be needed in energy generation, transmission and distribution infrastructure. The system will need to integrate renewable generation with storage and other flexibility services, in order to minimise the need for new generation and grid system reinforcement. Collectively we will need to concentrate on reducing emissions from fossil fuel sources, whilst driving further renewable generation which delivers value to Wales'.</p> <p>• The site is located within the Dee Estuary Site of Special Scientific Interest (SSSI), which is also a Special Protection Area (SPA), Ramsar Site and Local Wildlife Site (LWS) so that special consideration will be required in terms of nature conservation.</p> <p>• Flooding is also an important consideration for any new development as the site is mostly within Flood Zone C1 (served by significant infrastructure including flood defences). It will also be necessary to have regard to the new TAN15</p>		
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		<p>and Flood Map for Planning due to come into force in June 2023.</p> <ul style="list-style-type: none">• The Babel, Pentre Halkyn and Cornist Block Valve Stations (BVS) are all within open countryside settings and the development will have a detrimental impact on the landscape. The Planning statement addresses these issues. One important consideration will be the design of fencing around the site to help minimise the impact and additional planting may be required to help screen the sites and reduce their impact on the surrounding landscape.• The internationally designated site of Halkyn Mountain SAC is located between the three proposed BVSs (Babell BVS, 700m west, Pentre Halkyn BVS, 651m south and Cornist Lane BVS, 2.15km east of the SAC) this has also been addressed in the information submitted with this application.• The Babell site is within 200m of the Plas Newydd listed building and as such the impact on the setting of that building will need to be carefully considered.• None of the BVS sites are within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) but they are they are close to this designation and the lighting would affect the setting of the AONB.• The Dark Night Skies SPG gives useful advice on how to reduce glare, design appropriate lighting to safeguard wildlife and reduce the impact on the night sky. https://www.clwydianrangeanddeevalleyaonb.org.uk/wp-content/uploads/2020/07/Dark-Skies-StrategyFinal.pdf <p>The Planning statement mentions that the height of the lighting has been lowered to reduce the impact on the surrounding area, it may be that further alterations can be made to reduce any impact to a minimum.</p> <p>This submission has included numerous reports, plans and details which demonstrate that all impacts of the development have been considered. The world's climate emergency must also influence the decision on this proposal. Any planning permission will need to ensure that all the appropriate mitigation measures available are put in place.</p>		
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			<p>iii) Please refer to the Council's Local Impact Report, particularly in relation to the assessment of the proposal on the openness of the Green Wedge and that the applicant has had no regard for this designation in their application documents. Very exceptional circumstances have not been provided by the applicant for the inappropriate development in the green wedge. This will need to be addressed.</p>		
Q1.1.13	<p>Planning applications and appeals</p> <p>FCC</p>	<p>Mr James Doran [RR-054] has referred to a planning application being relevant determined by FCC (planning reference 061368) and is also mentioned as subject to an appeal alongside references to members of the traveller community.</p> <p>FCC Provide the full details of the planning application documentation inclusive of delegated reports, to inform the Examination.</p> <p>IPs Please make whatever comments you deem necessary if you have not already done so.</p>	<p>Application 061368 was refused on the 31st August 2022, and no appeal has been submitted to date pursuant to Section 78 of the Town and Country Planning Act 1990 and the appeal period has now lapsed.</p> <p>The full application details, along with committee report, the link to the recording of the committee meeting, minutes of the meeting and decision notice can be found at the links below.</p> <p>Full application details and committee report- https://planning.agileapplications.co.uk/flintshire/application-details/63543</p> <p>Committee report - https://committeemeetings.flintshire.gov.uk/documents/s7 1885/061368%20-%20Change%20Of%20Use%20Of%20Land%20To%20Residential%20Gypsy%20Traveller%20Community.%20The%20Site%20To%20Contain%20One%20S.pdf?LLL=0</p> <p>Recording of the committee meeting: https://flintshire.publici.tv/site/mg_bounce.php?mg_a_id=25524&mg_m_id=5227&language=en_GB</p> <p>Minutes of the Meeting: https://committeemeetings.flintshire.gov.uk/documents/g 5222/Printed%20minutes%2031st-Aug2022%2013.00%20Planning%20Committee.pdf?T=1&LLL=0</p>	<p>The Applicant acknowledges the response from FCC and has no further comments.</p>	
Q1.1.14	<p>Community consultation</p>	<p>Having regard to Appendix D Statement of Community Consultation [APP-035] submitted, as well as the submitted</p>	<p>Find attached to the Council's submission for Deadline 1 a map of Town and Community Councils affected by the proposed application.</p>	<p>The Applicant acknowledges the response from FCC and has no further comments.</p>	

	Applicant and IPs	DCO Consultation Report (Volume V) [APP-031]. Applicant Confirm the Town and Community Councils which have been consulted and those which are applicable to the DCO area. IPs Clarify the Town and Community Council's that wish to have involvement within the Examination, or if necessary, confirm any formal body representing on their behalf.			
2.	Assessment of Alternatives				
Q1.2.2	General FCC	Having regard to the submitted ES - Chapter 4.1 - Guiding Principles Factors and Criteria for Options Rev A [APP-079]. Do IPs agree with, or have any further comments on, the guiding principles stated as a starting point for the development of the scheme details?	FCC are in general agreement with the guiding principles stated as a starting point for the development of the scheme details. One omission as raised in the Council's LIR, the applicant has not taken account of, or assessed the impact of the development on the green wedge in Flintshire. However, it is noted that the applicant has assessed the impact on Green Belt.	The Applicant confirms that the most recent revision of the Planning Statement [REP1-013] submitted at Deadline 1 has been updated to consider the Green Wedges policy in Flintshire.	Noted
3.	Air Quality and Emissions				
Q1.3.1	Mitigation FCC	Submitted application document Appendix 6.2 Impurities Venting [APP-082] provides evidence that the CO2 within the pipeline, may also contain impurities including Hydrogen Sulphide. Hydrogen Sulphide is assessed by the ES as being odorous and potentially dangerous to human health, subject to a particular quantum being exceeded. Paragraph 3.1.4 of [APP-082] sets out the results of the modelling indicate that there is no risk of exceedance of the threshold set for the protection of human health (150µg/m3). However, the results show that there is a risk of odours (concentrations above 7µg/m3) during the following activities: Manifold venting at Ince, Stanlow and Flint AGIs; and "Pig launching" at Stanlow AGI. (For the avoidance of doubt. A Pig launcher is a device which uses a pressurized container to shoot a cleaning device (or "pig") through the pipeline to perform a variety of functions including cleaning,	The Council agrees with the mitigation proposed and the effectiveness.	The Applicant acknowledges the response and has no further comments.	

		<p>monitoring, maintaining of the pipe). The largest odour zone of 100m to 160m is located at Ince AGI. There are no sensitive receptors within any odour zone except a residential caravan park located 130m south of the Stanlow AGI. These receptors may be impacted immediately after the gas is released during manifold venting, which is planned to occur once every five years. Do IPs have any comments on the receptors identified where odour could result in amenity issues? The assessment also highlights that the risk of odours is removed with a stack height of at least 6m. Do IPs have any comment on the mitigation envisaged or its likely effectiveness?</p> <p>Applicant A further issue arises from the expected stack heights impact to the visual appearance of the wider area. Can the Applicant explain/ signpost how the impact of the stack heights have been factored as a likely significant effect on the character of the locality? Also are the stacks detailed on the submitted plans? In addition to the above, please explain the mechanisms associated to the stacks present in the DCO, as the height mentioned above would appear to exceed the limitations set out in Schedule 2, Part 1, Requirement 4 (Scheme design) of the draft DCO [APP-024].</p>			
Q1.3.2	Mitigation/ Consultation FCC	<p>Are IPs satisfied with the monitoring/mitigation measures proposed by the DCO that deal with air pollution/emissions and potential odour issues? Is any further consultation provision considered to be necessary and secured within the DCO?</p>	FCC is satisfied with the monitoring/mitigation measures proposed by the DCO and has no adverse comments to make.	The Applicant acknowledges the response and has no further comments.	
4.	Biodiversity, Ecology and Natural Environment				
Q1.4.1	Surveys FCC	<p>IPs</p> <p>i) Confirm whether you are satisfied with the range of ecology surveys associated with ES - Chapter 9 - Biodiversity [APP-061];</p> <p>ii) Do you consider the baseline information presented to be a</p>	FCC is satisfied with the range of ecological surveys that have been undertaken. It is considered that the surveys have been undertaken following best practice guidelines and that the baseline information presented provides a reasonable reflection of the current situation.	The Applicant acknowledges the response and has no further comments.	

		<p>reasonable reflection of the current situation?</p> <p>iii) In respect of i) and ii) if not, why not and what would resolve any residual concerns?</p> <p>The ExA acknowledges that this may be covered by a SoCG. If the answer to these questions is covered by a SoCG please indicate that accordingly.</p>			
Q1.4.2	Monitoring FCC	<p>IPs Confirm whether you are satisfied with the monitoring measures during construction and post construction described within Section 9.13 of ES - Chapter 9 - Biodiversity [APP-061]. In particular, your comments are invited on the monitoring requirements anticipated during construction detailed within Table 9.13 and within Appendices 9.1 - 9.10 (Volume III), in relation to protected species licencing and the Outline Landscape Ecology Management Plan [APP-229]. As well as the post-construction monitoring proposed to be undertaken in accordance with a Landscape Ecology Management Plan (LEMP) [APP-230] developed at Detailed Design. The LEMP is proposed to be included within the Operations and Maintenance Environment Management Plan (OMEMP), provided post-construction. The ExA acknowledges that this may be covered by a SoCG. If the answer to these questions are being covered by a SoCG please indicate that accordingly.</p> <p>Applicant The ExA notes the LEMP is to be developed at what is described as 'Detailed Design', yet a LEMP has been provided [APP-230]. At what design stage is the document currently? Can the Applicant clarify its inclusion? For example, is its present inclusion to allow consultee responses to feed into the detailed design version?</p>	<p>Construction monitoring measures: Table 9.13 of the ES Chapter 9 - Biodiversity [APP-061] with REAC references and OCEMP- Table 6.6: Construction Management and Mitigation summarises REAC references which comprise: Biodiversity BD-001 references the appointment of a Team of Ecological Clerk of Works to support oversee and monitor the Construction Contractor D-BD-002 relates to Permits and EPS licences - Protected species licensing is likely to include additional monitoring in relation to any required mitigation as well as an external auditor. D -BD-003 the appointment of a third party to undertake Environmental compliance audits and regularly report on all parties.</p> <p>FCC is satisfied with the above monitoring measures proposed during construction.</p> <p>An External Auditor is key to ensuring construction works, mitigation and licences adhere to the agreed plans but are only proposed for the duration of construction, and not in the long term during the maintenance and management period for landscape planting.</p> <p>LEMP: It is considered that the LEMP need to include a description of what success looks like. For example, provide the number of species planted successfully grown to a certain height, or at what point establishment can be signed off.</p> <p>OLEMP: includes 5-year timescales for individual tree and hedgerow establishment and 10 years for native tree and woodland planting. To ensure proper establishment, longer timescales for establishment of woodland planting are needed e.g. 15 years with monitoring after this to ensure it remains in good condition. Timescales should be</p>	<p>Construction Monitoring Measures</p> <p>The Applicant understands FCC's statement to mean that an External Auditor is key during the construction phase, but it is not clear from the comment whether FCC is seeking such provision during the operation and maintenance phase.</p> <p>The Applicant acknowledges the response of FCC in respect of construction monitoring measures. With regards the appointment of an External Auditor during construction, this is captured via item D-BD-003 of the Outline Construction Environmental Management Plan (OCEMP) [REP1-017].</p> <p>LEMP The Applicant refers to its response to Q1.4.2 (page 23) within the Applicant's Response to ExA's ExQ1 [REP1-044] regarding the OLEMP/LEMP and its current and future content. FCC's comments are acknowledged.</p> <p>OLEMP Mitigation planting and BNG are separate and distinct concepts with different requirements, and it is inappropriate to conflate these. Habitat planting for mitigation will be maintained for the establishment period to ensure the function is met then land management will return to the landowner. It is inappropriate for the Applicant to seek to control and restrict a landowner's use of land for 30 years for this form of planting.</p>	<p>To clarify in reference to D-BD-002 in particular GCN EPS licence – this will need to include monitoring and auditing both for construction and the operation and maintenance phase. The details may be specific to the licence but the information needs to be included within the final REAC.</p> <p>It is understood that mitigation and BNG are two separate concepts. The point was that management timescales should be the same ie 30years.</p> <p>It is noted that <i>Paragraph 6.1.2 of the Outline Landscape and Ecological Management Plan [APP-229] notes that, where appropriate, a review will be undertaken of the needs for future maintenance and management of created habitats beyond the establishment/maintenance period.</i></p> <p>What is the incentive for the landowner to maintain the mitigation planting beyond the handover period?</p> <p>And who will enforce this?</p> <p>Will the DCO be able to transfer mitigation land to a third party eg Nature Conservation Body if the landowner does not wish to manage it?</p>

		<p>Paragraph 9.13.4 of [APP-061] refers to a 'HEMP' being developed from the detailed Construction Environmental Management Plan (CEMP) and the LEMP. Confirm what is the HEMP and its role.</p> <p>Sensitive land uses are identified within, or within 250m, of Sections 4, 5 and 6 include; Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and designated ancient woodland. In the event of a pipeline leakage or groundwater impacts arising from the Proposed DCO Development how would watercourses/ groundwater/ ecology be safeguarded in the monitoring controls available? Can potential pollution or acidification of inland water be adequately avoided/ safeguarded? If so, how?</p>	<p>in line with that proposed for the BNG of circa 30years.</p> <p>What isn't clear within the documentation is if HyNet would retain ownership of the mitigation woodlands. Furthermore, the documentation does not include details with regards to how the long-term management would be monitored.</p> <p>It is considered that there is a need for the external auditor to be retained or a separate organisation (e.g. Woodland Trust, North Wales Wildlife Trust etc) commissioned to ensure the security of the long-term management.</p> <p>There is concern that the LPA will not have time to negotiate a detailed LEMP or the resources to ensure compliance/enforcement. There needs to be liaison between the external auditor and the LPA regarding the compliance with the approved documents and similarly with NRW regarding licences.</p>	<p>Paragraph 6.1.2 of the Outline Landscape and Ecological Management Plan [APP-229] notes that, where appropriate, a review will be undertaken of the needs for future maintenance and management of created habitats beyond the establishment/maintenance period.</p> <p>The mitigation planting is not being used to evidence any gains associated with the BNG assessment. Mitigation planting is not proposed to count towards the requirement of Lowland mixed deciduous woodland compensation which is instead being delivered off-site where a minimum 30-year management can be ensured and delivered by a suitably experienced body.</p> <p>The Applicant has been in contact with the Woodlands Trust, the North Wales Wildlife Trust and Groundworks as evidenced in the BNG Strategy Update (document reference: D.7.23) submitted at Deadline 2, to discuss maintenance provision of BNG habitats.</p>	
Q1.4.3	BNG/ Biodiversity Enhancement FCC	<p>Paragraph's 9.2.33-36 of ES Chapter 9 states that Biodiversity Net Gain (BNG) will be a statutory requirement for most planning applications, as per the new Environment Act (previously Environment Bill), which achieved Royal Assent through Parliament on 9 November 2021. Whilst there is currently a transition period before mandatory requirements come into force (expected to be winter 2023), it will require development to deliver a 10% net gain in biodiversity units (area habitat, hedge and river units where applicable), as determined through the use of a biodiversity metric. Moreover, it is anticipated by the Applicant that the BNG requirement will apply across all terrestrial infrastructure projects, or terrestrial components of projects, accepted for examination by the</p>	<p>With regards to the Biodiversity Metric details, FCC respectfully defers the Examining Authority to Cheshire West and Chester Council.</p> <p>With regards to the principles, I understand that the current BNG has been modelled to achieve 1% Net Gain of Priority habitats since 10% is not yet mandatory but if 10% gain is to become mandatory within the construction timescales there is a moral/best practice obligation to demonstrate more than 1% gain.</p> <p>Further mitigation is likely to be required for to be provided by the applicant as part of the European Protected Species Great Crested Newt licence and Water Framework Directive riverine habitats which could contribute to these enhancements but as yet are unmeasured.</p> <p><u>Facilitating BNG</u></p>	<p>The current BNG target for the DCO Proposed Development, set by The Applicant, is a minimum of 1% net gain in priority habitats.</p> <p>The Applicant notes that there is no statutory obligation under the Environment Act 2021 on this Application to provide BNG. Therefore, while delivery of BNG is agreed to be desirable, the 10% provision threshold does not apply and any positive gain is a benefit and accords with policy.</p> <p>It is the Applicant's understanding, based upon most recent guidance published by DEFRA, that the statutory requirement of 10% net gain will not become an obligation, in any terms, until 2025 for NSIPs, and even then it will only apply to DCO applications</p>	Noted

		<p>Planning Inspectorate through the NSIP regime by November 2025 (subject to the provisions of the applicable National Policy Statements or Biodiversity Gain Statement). Projects accepted for examination before the specified commencement date would not be required to deliver mandatory BNG under the terms of the Environment Act.</p> <p>Applicant</p> <p>i) Nevertheless, biodiversity interests and the wider policy/ statutory context those interests sit within, both in England and Wales, remain important and relevant considerations whereby significant enhancement could still potentially be secured irrespective of the BNG statutory provision anticipated. Does the Applicant agree? If not say why.</p> <p>ii) Can the Applicant clarify and set out/ signpost how it intends to secure BNG significantly above the 1% currently detailed in the examination documentation? Confirm the level of BNG the Applicant is committed to providing as the overall aim. Outside of BNG measurement, can the Applicant set out how it could further boost and achieve meaningful overall biodiversity enhancements?</p> <p>iii) Does the Applicant agree that s106 agreement use involving a commuted sum mechanism to facilitate biodiversity enhancements may be a feasible/ suitable option available?</p> <p>iv) To what extent has peatland, wetland or salt marsh creation/ restoration (or similar) been considered as an enhancement that links to shared interests of climate change risk resilience from flooding and enabling nature based forms of carbon capture. If</p>	<p>Discussions have taken place with Flintshire Countryside Service regarding enhancements that could be undertaken on Flintshire owned land. However, these proposals have not yet been quantified.</p> <p>Whether off-site BGG is undertaken on Public or Privately owned land, it is considered that, in order to secure establishment, appropriate long-term management and monitoring, the applicant should enter into a legal agreement that includes provision for a commuted sum to ensure compliance and to confirm that the BMG was being establish to a good standard.</p> <p>Should consent be granted, future proofing woodlands could be secured to some extent by reference to elements of the United Kingdom Woodland Assurance Scheme (UKWAS) which is a comprehensive certification standard for woodland management. The standard includes chapters covering Natural, Historical and the Cultural Environment, and Management Planning including woodland creation. UKWAS certification would mean that the woodlands are being managed in accordance with the best practice.</p> <p>There is concern that the level of BNG will be dependent on landowners' and stakeholders' willingness to offer land for this purpose. Where land is made available there is concern with regards to how long term BNG (30 years) will be secured. There will be a need to adequately incentivise landowners to take part. This should also be secured by legal agreement in the form of a commuted sum to ensure off-site BNG is provided.</p> <p>The OLEMP [APP-229] (paragraph 3.2.9.) specifies UK seed sourced and grown for native tree/shrub/hedge planting, which is welcomed.</p> <p>The successful reinstatement of removed hedgerows is considered to be a key element in minimising post construction landscape impacts along the sections of underground pipe where AGIs and BVSs are not present.</p> <p>Post construction, as a result of the pipeline construction, if consented, there will be sections of missing hedgerows along the line of the route</p>	<p>submitted after a date to be specified. The potential legal requirement for 10% net gain will be associated with the date of the start of the planning decision-making processes rather than the onset of construction. Therefore, the Applicant considers that the Environment Act legislation in respect of the 10% BNG requirement will not apply, under any circumstances, to the DCO Proposed Development.</p> <p>Facilitating BNG</p> <p>Discussions around facilitating the necessary habitat offsetting to achieve biodiversity net gain (BNG) (evidencing this through the biodiversity metric wherever possible) are on-going with Flintshire Countryside Service. The Applicant considers that specific habitat interventions or schemes to facilitate such interventions will be identified, quantified as far as practicable, and outlined within an updated BNG assessment report to be submitted at Deadline 5, however, an update on progress with offset site identification is provided at Deadline 2. This documents the Applicant's interaction with Flintshire Countryside Service as highlighted by FCC (see BNG Strategy Update (document reference: D.7.23) submitted at Deadline 2).</p> <p>As part of these off-site interventions, BNG Good Practice Principles will be adhered to, and underpinned by legal agreements. This includes the requirement of long-term management by suitably qualified or experienced bodies, adhering to a prescribed habitat management plan which will be drafted and agreed during detailed design. Discussions are ongoing around who will manage these habitats in the long-term and suitable payment structures will be agreed to ensure this ongoing dedicated management is fully</p>	
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				small sections of hedgerow that will be removed.	
Q1.4.4	BNG/ Biodiversity Enhancement / Habitats FCC	<p>The ExA notes the submission of BNG Assessment – Part’s 1-6 [APP-231] to [APP-236], consecutively.</p> <p>i) The level of BNG overall enhancement outlined as being able to be secured is very low. Can the Applicant further justify the rationale for an overall 1% BNG increase aims rather than seeking the higher thresholds of 5% or 10% (stated in the application submissions) in the first instance which are deemed possible?</p> <p>ii) Paragraph 1.4.2 of [APP-231] highlights that BNG up to 10% across area and river habitats is a feasible opportunity. Outline the progress made with landowners in securing such river habitat or other aquatic habitat improvements, as well as the next steps to be taken along with a likely timeframe to inform the Examination.</p> <p>iii) The ExA acknowledges that the BNG Assessment undertaken is focused on priority habitats. This is believed to be based on the spatial dataset in the Priority Habitats Inventory (England) compiled by NE last updated 13 December 2022 which does not cover Wales. Is that the case? Confirm the data sets which have been utilised for both England and Wales and their age.</p> <p>iv) Further to the above question there is the national list of priority habitats and species in England (‘Section 41 habitats and species’) for public bodies, landowners and funders to use for biodiversity conservation. The UK BAP priority species and habitats were created between 1995 and 1999, and were</p>	<p>For local and regional initiatives pertinent to Flintshire please refer to FCC response to Q1.4.7</p> <p>Similarly, mitigation required for species licences e.g. GCN could also be included. Refer to response at Q1.4.8</p>	<p>The Applicant refers FCC to the responses provided for Q1.4.7 (page 32) and Q1.4.8 (page 34) in the Applicant’s Responses to the ExA’s EXQ1 [REP1-044] submitted at Deadline 1.</p> <p>The Applicant will continue to consider local and regional initiatives, where relevant, including through ongoing discussions with FCC around off-setting residual net losses (with updates to be captured within an updated SoCG with FCC [REP1-020]).</p> <p>The Applicant considers that through discussions with local stakeholders, such as Flintshire Countryside Service in FCC, any BNG offsetting will complement existing local and regional initiatives where practicable and in agreement with such stakeholders.</p>	Noted and welcomed

		<p>subsequently updated in 2007, following a 2- year review of UK BAP processes and priorities, which included a review of the UK priority species and habitats lists. The "UK Post-2010 Biodiversity Framework", published in July 2012, succeeded the UK BAP. Albeit the UK BAP remains a useful reference point for both 'species' and 'habitats'. For the avoidance of any doubt can you confirm the priority habitat list the Applicant is referring to in its assessment for habitat protections and for BNG/ biodiversity interest purposes?</p> <p>v) Explain what scope remains for the scheme to further complement existing ecological and biodiversity initiatives within the local areas the scheme passes through. If relevant local/ regional or national initiatives have not been fully considered to date, provide an update on how potential integration could be achieved.</p> <p>vi) The EA [RR-024] comment that a waterbody 'near Stanlow Refinery' will be permanently lost. Can the Applicant confirm to the Examination the details of adequate compensatory habitat as a result of this loss?</p> <p>vii) The EA [RR-024] also note that in addition to the creation of wood habitat piles and the installation of bat and bird boxes, the completion of nearby Water Framework Directive (WFD) mitigation measures, which enhance riverine habitats for biodiversity, must also be included. This would contribute to BNG and the legal objective of 'good ecological potential' for these waterbodies. Does the Applicant acknowledge these</p>			
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		responses? If so, explain/signpost what provision is to be made.			
Q1.4.5	BNG/ Biodiversity Enhancement FCC	<p>Section 6 under Part 1 of the Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (the S6 duty) for public authorities in the exercise of functions in relation to Wales. It requires that public authorities must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems. Section 7 of the Act entails biodiversity lists and duty to take steps to maintain and enhance biodiversity. It is noted by the ExA that the Welsh Ministers must also take all reasonable steps to maintain and enhance the living organisms and types of habitat(s) included in any list published under Section 42 and encourage others to take such steps. Applicant</p> <p>i) Signpost in the examination documentation how the above duty would be complied with?</p> <p>ii) The BNG Assessment submitted indicates compliance with the above statutory provision is being pursued during the Examination, in part, through engagement using the off-site compensation scenarios. However, if such an approach is to be utilised how will this be delivered to ensure both legal compliance and robust long-term management?</p> <p>iii) Has the Applicant scoped cross-cutting options available to boost BNG/ biodiversity enhancement with respect to its own scheme in combination with the strategic ecological challenges facing statutory consultees in both England and Wales?</p> <p>iv) The ExA considers that off-site BNG proposals should be more thoroughly explored and encourages early endeavours to</p>	<p>Please refer to response at Q1.4.3 above and with regards to Biodiversity and resilience of ecosystems there is a cross reference and links to Wildlife corridor as per response at Q1.4.17 and Q1.11.7.</p> <p><u>Offsite compensation scenarios</u> These should be agreed with public and private landowners prior to consent, or at the very least prior to commencement of development. BNG should be undertaken prior to commencement of development or integrated with DCO mitigation.</p> <p>For example, BNG could be provided in part by hedgerow restoration and replacement for the full length of hedge rather, than just the DCO development width as raised above within Q1.4.3.</p> <p>Other linear schemes within Wales have required legal agreements to be entered into that include the provision for appropriate funding administered as grants to landowners.</p> <p>Funding can be costed for agreed BNG but will need to include mechanisms for instigating the grants.</p> <p>Grant schemes are successful where there is a project officer who can undertake the landowner liaison and subsequent monitoring of the schemes. Such schemes can be delivered via the local authority or another body such as the local Wildlife Trust, (North Wales Wildlife Trust in Flintshire) the Woodland Trust, Farming and Wildlife Advisory Group or related farm advisory group.</p> <p>Potentially, if the projects fit in with the proposed Sustainable Farming Scheme in Wales then there will be long term commitment to their success.</p> <p>Hedgerows are likely to be protected from grazing for the life of the associated fences.</p> <p>As for the LEMP proposals, there is a need for the External Auditor to be retained or a separate organisation (eg Woodland Trust, North Wales</p>	<p>The Applicant refers FCC to the responses provided for Q1.4.3 (page 24), Q1.4.17 (page 41) and Q1.4.7 (page 32) in the Applicant's Response to ExA's ExQ1 [REP1-044] submitted at Deadline 1.</p> <p><u>Offsite compensation scenarios</u></p> <p>The Applicant intends to agree habitat compensation to achieve a net gain in biodiversity. This will involve specific habitat interventions or schemes to facilitate such interventions which will be identified, quantified as far as practicable, and outlined within an updated BNG assessment report to be submitted at Deadline 5, with an updated assessment associated with impacts occurring within the Order Limits to be provided at Deadline 3 and an update to the BNG Strategy Update Document submitted at Deadline 2 (document reference: D.7.23).</p> <p>The Applicant considers that any habitat interventions to achieve a BNG will be secured through a suitable agreement(s) to ensure successful compliance.</p> <p><u>Cross cutting options available to boost BNG/ biodiversity enhancement</u></p> <p>The Applicant refers to its response to Q1.4.5 (iii) (page 30) in the Applicant's Response to ExA's ExQ1 [REP1-044] in respect of cross-cutting options.</p> <p>In respect of hedgerows, the Applicant refers to the response provided within Q1.4.3 above in respect of hedgerow translocation and restoration of full lengths of hedgerow.</p>	<p>Consideration should be given to Replanting/restoring the full length of a poor/'gappy' hedgerow adjoining the DCO rather than just the pipeline location.</p> <p>This would depend on landowner agreement but could contribute to the BNG requirement for new hedgerow and complement Flintshire Countryside Service proposals.</p>

		<p>achieve off-site BNG and a significantly greater overall value. The ExA requests the Applicant's views of realistically achieving meaningful off-site BNG (for a minimum of 30 years and formally registered) and the net level anticipated after development.</p> <p>v) The Applicant is advised to take a flexible approach to BNG/ meaningful biodiversity enhancement delivery options. This extends to delivery of net gain on both publicly and privately owned land covering green or blue infrastructure features (including new: woodland, wetland creation, seagrass meadow establishment/ restoration, and saltmarsh establishment/ restoration).</p> <p>vi) The ExA invites such options to be further explored with relevant consultees and landowners as a means to boost overall BNG levels. In that regard the ExA seeks a timetable to be submitted setting out the discussions taking place with relevant landowners/ strategic bodies having regard to local ecological initiatives (either in place or which could be developed) in the vicinity which may be able to be boosted.</p> <p>vii) It is noted by the ExA that the Joint Nature Conservation Committee (JNCC) is the public body that advises the UK Government and devolved administrations on UK-wide and international nature conservation. It includes members from the nature conservation bodies for England, Scotland, Wales and Northern Ireland and independent members appointed by the Secretary of State (SoS) for the Environment, Food and Rural Affairs. JNCC provide a shared</p>	<p>Wildlife Trust etc) commissioned to ensure the security of the long term management. At present, it is understood that the External Auditor would only be present during the construction phase of the project.</p> <p>Other mitigation/compensation schemes in Flintshire tend to be associated with the Great Crested Newt. The most successful schemes are those where the site is handed over or are leased long term to a "Nature Conservation Body" with adequate funding.</p> <p><u>Cross cutting options available to boost BNG/ biodiversity enhancement</u></p> <p>Enhancing connectivity and Ecosystem resilience by hedgerow translocation to retain hedgerow soils and seed banks and local plants; where translocation not appropriate, the restoration of full lengths of hedgerow should be provided rather than just the DCO width. Link to other mitigation requirements relating to WFD and GCN as stated in previous questions.</p> <p>Proposed tree and hedgerow planting will provide additional benefits such as carbon capture.</p>		
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		<p>scientific nature conservation service for the UK - the mechanism for the UK Government and devolved administrations to pool their resources to obtain evidence and advice on nature conservation and natural capital. Has the advice of JNCC been considered? If not, state why and indicate whether the Applicant is able to procure such advice during the Examination.</p> <p>IPs viii) Any comments, responding to questions i) to vii) above are welcome.</p>			
Q1.4.7	<p>Habitats/ Biodiversity enhancement</p> <p>FCC</p>	<p>Applicant The ExA requests the Applicant to acknowledge that river (or other water), hedgerow and area habitats are considered independently, and are not interchangeable. It must be clearly understood that a loss of one type cannot be addressed by providing another of a different type.</p> <p>Applicant/ IPs Signpost the particular local nature strategies (including those entailing nature recovery or related ecologically based methods for carbon sequestration) covered in the geographical area subject to the DCO, or those nearby, that could be used for the delivery of additional ecological enhancement.</p> <p>Suggest the strategies which could be used to secure enhancement and the precise mechanisms to implement the desired improvement.</p>	<p>Relevant Flintshire Strategies Urban Tree and Woodland Plan https://www.flintshire.gov.uk/en/PDFFiles/Country side-- Coast/Tree/Tree-Plan.pdf</p> <p>Climate Change Strategy https://www.flintshire.gov.uk/en/PDFFiles/Climate Change/Climate-Change-Strategy-2022-2030.pdf</p> <p>S6 Duty Plan https://www.flintshire.gov.uk/en/PDFFiles/Country side-- Coast/Biodiversity/Flintshire-County-Council-EnvironmentAct-Section-6-Biodiversity-Duty-Delivery-Plan-update2020.pdf</p> <p>Regionally (North East Wales) Regional Nature Partnerships' (Bionet) Nature Recovery Plan –currently undergoing development https://www.bionetwales.co.uk/nature-recovery-plan/ - website also lists partner projects.</p> <p>NRW's Area Statement https://naturalresources.wales/about-us/what-wedo/strategies-and-plans/area-statements/north-eastwales-area-statement/?lang=en</p> <p>For mechanisms please refer to response at Q1.4.5</p>	<p>The Applicant is grateful for the resources suggested by FCC.</p> <p>The Applicant will continue to consult with FCC regarding these local and regional initiatives and will consider them on a case-by-case basis as a method as part of the commitment to BNG target. These discussions will be captured via an updated SoCG with FCC [REP1-020] and updated as required during the Examination.</p> <p>The Applicant considers that, through these discussions with local stakeholders such as FCC, any BNG offsetting will complement existing local and regional initiatives where practicable and in agreement with such stakeholders.</p>	Noted
Q1.4.8	Great Crested Newts	The ExA notes the content of Appendix 9.2 Great Crested Newt Survey Report – Part's 1-4 [APP094]; [APP-095]; [APP-096]; and [APP-097].	Flintshire is a recognised “hotspot” for Great Crested Newts (GCN) with Supplementary Planning Guidance 8a for GCN Mitigation Requirements.	The Applicant acknowledges FCC's comments regarding the adequacy of baseline survey information accrued.	Noted FCC are aware that “shadow licences” will be produced. It would be useful to have sight of them when available.

	FCC	<p>Applicant</p> <p>i) Clarify and detail whether you believe there is adequate baseline survey information to confirm or discount the potential presence of Great Crested Newts (GCN) as a relevant consideration in all parts of the pipeline route.</p> <p>ii) Confirm/ signpost the details of migration where the GCN would be traveling to/ from?</p> <p>iii) Can the Applicant provide further details as to what mitigation measures would be included if GCNs not already anticipated by relevant survey are subsequently found?</p> <p>iv) Can the Applicant also clarify if there is a need for a separate GCN mitigation plan?</p> <p>• IPs: Are there any comments/ concerns you wish to raise with respect to the above matters?</p>	<p>https://www.flintshire.gov.uk/en/PDFFiles/Planning/SPG8a-Great-Crested-Newt-Mitigation-Requirements.pdf</p> <p>The GCN surveys undertaken provide an adequate baseline; GCN have been previously recorded in a number of the ponds surveyed, so presence is assumed.</p> <p>As stated in the REAC all species-specific mitigation and predicted impacts would be captured under an European Protected Species mitigation licence subject to agreement with NRW but to date it is understood that no discussions have been undertaken.</p> <p>Since, GCN have been recorded in close proximity to the DCO boundary from Ewloe to Flint including the Deeside and Buckley Newt Sites SAC, the majority of the pipeline within Flintshire has the potential to impact GCN terrestrial habitats.</p> <p>As a result, it is anticipated that additional mitigation measures would be required as part of the NRW licence application. These might include restoration or creation of ponds and terrestrial habitat enhancement, additional tree and shrub planting.</p> <p>A separate GCN mitigation plan would assist the licensing process.</p>	<p>The Applicant can confirm that it is preparing a draft European Protected Species (EPS) licence to be provided to NRW for their review and comment with a view to securing a Letter of No Impediment from NRW (LoNI). The Applicant can additionally confirm that it has already held discussions with NRW regarding appropriate mitigation and licensing requirements and that NRW have provided further guidance and thoughts on the matter, as evidenced within Table 2-1 Record of Engagement in Relation to the DCO Proposed Development, in particular meetings 02/02/2023 and 09/03/2023 of the SoCG with Natural Resources Wales [REP1-023]. As detailed within Table 3-3 – Issues Related to the Proposed Development – Ecology - NRW 3.3.11 of the SoCG [REP1-023], the Applicant and NRW have discussed the need and means of capturing a conservation/mitigation plan for GCN. The approach to this has been agreed within NRW, particularly acknowledging that in the absence of a detailed design for the DCO Proposed Development, there is a requirement for a degree of generality about the licence at this time.</p> <p>The Applicant will continue to engage with NRW in respect of the draft EPS licence for GCN with a view to agreeing its content and approach, acknowledging the final application at the detailed design stage will require further refinements. Future discussions and agreements will be captured within updates to the SoCG with NRW [REP1-023].</p>	
Q1.4.10	Bats FCC	The ExA notes the Applicant's submitted Bat Activity Survey Report work detailed in: [APP098]; [APP-099]; [APP-100]; and [APP-101] as well as Appendix 9.4 Bats and Hedgerows Assessment Parts 1-4 [APP-102]; [APP-103]; [APP-104] and [APP-105].	FCC can confirm that the Supplementary Information has been received.	The Applicant acknowledges the response and has no further comments.	

		<p>Appendix 9.3 Bat Activity Survey Report Part 1 [APP-098], Paragraph 2.7.3 states that Surveys across the Newbuild Infrastructure Boundary are ongoing within 2022. As such, this report has been prepared on the basis of survey results accrued up to 30 June 2022, and further information will be submitted as Supplementary Information following the DCO Application.</p> <p>Moreover Appendix 9.4 Bats and Hedgerows Assessment Part 1 [APP-102] Paragraph 2.7.9 states that “Automated static detector assessments are scheduled to be completed by end of October 2022. Conclusions are based on the available data. Once surveys have been completed, the additional data will be collated to confirm the findings. Further data will be published in an updated version of this report and provided as part of the Supplementary Information of the DCO Application”.</p> <p>Applicant Can the Applicant confirm when the Supplementary Information will be submitted to the Examination? Are any known impediments arising to obtaining any license necessary?</p> <p>Can the Applicant explain in the absence of full survey results, why should the ExA be confident that the suite of ecological mitigation measures is sufficiently robust to deal with the effects of the Proposed Development?</p> <p>Taking account of NE’s and NRW’s RRs [RR065 and RR-066], can the Applicant confirm whether the proposed “novel” methodology for assessing potential impacts on bats arising from the temporary loss of commuting and foraging habitat due to hedgerow severance during construction of the Proposed Development was agreed with NE and/ or NRW prior to the DCO application submission</p>			
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		<p>IPs Comments relevant to the survey work or others deemed necessary are invited.</p>			
Q1.4.14	Birds FCC	<p>Section 4.10 of the Applicant's Appendix 9.8 Bird Survey Report [APP-112] notes that large numbers of Redshank (are recorded in Transect 2) using the banks of the River Dee, near Sealand, through the winter months. The other seven transects, including Transect 5 and Transect 7 which are near the River Mersey and Transect 1, near the River Dee did not regularly record Special Protection Area (SPA) qualifying species. Although the River Dee at the crossing point is not within the Dee Estuary SPA, it is directly linked to the SPA further north-west. The population of Redshank using the land along Transect 2 will be part of the population that occurs within the SPA and should be considered as being functionally linked.</p> <p>Do IPs have any further comments to make on the survey findings or functionally linked land matters?</p>	<p>FCC agree with the survey transect findings which confirms that the tidal sections of the River Dee is used by Dee Estuary SPA features – namely migratory and wintering Redshank.</p> <p>Restricting the works to the summer months would avoid impacts without the need for the mitigation measures proposed in the REAC to avoid potential disturbance.</p>	<p>The Applicant acknowledges FCC's response in respect of the bird transect survey findings. A construction programme will be prepared at the detailed design stage of the DCO Proposed Development and will consider seasonal timings of works, where possible.</p>	Noted
Q1.4.16	Aquatic Ecology FCC	<p>The ExA acknowledges the content of Appendix 9.9 Aquatic Ecology (Watercourses) Survey Report and Appendix 9.10 Aquatic Ecology (Ponds) Survey Report [APP-113] [APP-114].</p> <p>Are Ips/ Statutory Consultees satisfied with the scope and content of the aquatic surveys provided? If not state why not.</p>	<p>NRW provided detail comments regarding the survey requirements for watercourses and ponds.</p>	<p>The Applicant acknowledges the response and has no further comments.</p>	
Q1.4.17	Wildlife Corridors FCC	<p>Applicant At the ExA's Unaccompanied Site Inspections [EV-003] and [EV-004] the probable existence of 'informal' wildlife corridors within nearby surrounding areas was observed which could be potentially used by a wide variety of species.</p> <p>i) Clarify how the effect of the proposed development on potential informal wildlife corridors has been considered.</p>	<p>FCC would agree the integration of the construction of the proposed DCO development with the adjacent habitats and wildlife corridors is important.</p> <p>This point is also relevant to the Council's response to Q1.4.5 'Biodiversity enhancement and Ecosystem Resilience'</p> <p>The option for hedgerow translocation especially for established ancient hedgerows and those identified as having good bat activity needs to be</p>	<p>The Applicant refers FCC to its response to Q1.4.17 (ii) (pages 41 & 42) within the Applicant's Response to ExA's ExQ1 [REP1-044] in respect of the interactions of the DCO Proposed Development, mitigation, and wider landscape/habitats.</p> <p>In respect of hedgerow translocation, the Applicant refers FCC to its responses to Q1.4.3 and Q1.4.4 above.</p>	Please refer to response at Q1.4.3

		<p>ii) Explain the extent of integration of any ecological enhancements/mitigation with existing informal wildlife corridors and how those elements are to be secured through the DCO.</p> <p>iii) Explain what scope is available within the overall engineering and new landscaping works proposed by the DCO to enable ecological corridors the earliest chance of re-establishment prior to completion of all works. Also explain how such potential provision could be secured formally. Have novel and innovative nature based approaches been sufficiently explored?</p> <p>iv) What mitigation is proposed to ensure protected species and other species are protected from noise and vibration?</p> <p>Ips</p> <p>v) Are there any comments/concerns you wish to raise with respect to the above matters?</p>	<p>explored. This has been successfully achieved on other gas pipeline and road schemes within Wales and avoids the need for replanting as referred to above.</p> <p>It is understood that details are to be provided regarding maintaining hedgerow connectivity for bats such as lesser horseshoes at the design stage. This would be provided in the detailed LEMP at the discharge of requirements stage.</p> <p>FCC's Ecologist is aware that "trees on trolleys" have been used on other schemes which can be wheeled into place at the end of the working day to maintain connectivity. This could be explored for this project.</p>	<p>The Applicant refers FCC to its responses to Q1.4.1 (iii) (page 41) and Q1.4.19 (iii) (page 45) within the Applicant's Response to ExA's ExQ1 [REP1-044] and can confirm that the means/design of faux hedgerow sections for maintaining connectivity during construction will be confirmed at the detailed design stage.</p>	
Q1.4.18	Trees FCC	<p>In terms of any expected tree loss arising from the scheme as a whole:-</p> <p>i) Acknowledging the submitted Arboricultural Impact Assessment [APP115] [APP-116] the Applicant is asked to clarify how many trees would be removed, or are likely to be removed or damaged as a result of the scheme overall?</p> <p>ii) Ips- If there are any discrepancies with the Applicant's assessment highlight what those are. Highlight any areas of disagreement.</p> <p>iii) Clarify the position of all trees that are likely to be lost or damaged. Provide a plan/signpost the plan showing the location of the trees that would be affected.</p> <p>iv) Are the trees that would be lost, damaged or likely to be damaged</p>	<p>Two critical areas have been identified in Flintshire that have not been subject to an arboricultural survey. The areas are identified on Figures 9.11.1 pages 38 to 41 in the Arboricultural Impact Assessment–Part 2 [App-115] and cover the sensitive areas of the Alltami Brook crossing and passing underneath designated Ancient Woodland to the east of Northop Hall. These details need to be provided and used to inform the design and layout of the pipeline and tree protection methods. Other un-surveyed areas in less critical locations are identified on pages 26, 27, 37 and 38.</p> <p>In addition to the above, FCC considers, that at this stage, there is significant uncertainty over which trees would require removal in the RAG assessment with a 42% of arboricultural features (Trees or Groups of trees) coded amber and At Risk of Removal Aiming to Retain (ARAtR). In numerical and tree quality terms 131 Category A or B arboricultural features could be lost in the worst case scenario but it is assumed this worst</p>	<p>The Applicant can confirm that there is no ancient woodland that lies within the Order Limits to the east of Northop Hall within Wales. Areas of ancient woodland are located east of Northop Hall; however, the Applicant has excluded these from the Order Limits during the initial design stages of the DCO Proposed Development (see item D-BD-007 of Table 9.10 Embedded Mitigation Designed for the DCO Proposed Development in Chapter 9 – Biodiversity [AS-025]. Commitment D-BD-008 in the REAC [CR1-109] and REP1-015] states '<i>...Design of the DCO Proposed Development has included use of trenchless crossing techniques to avoid and reduce adverse effects on Ancient Woodland present....</i>' Through this approach, the Applicant has sought to avoid direct impacts (i.e. the felling of trees) to ancient woodland, specifically around</p>	Noted and no further comments.

		<p>protected? And if so, how? Are any of the trees noble or veteran trees? If so, what is the number?</p> <p>v) Can the loss of trees be adequately mitigated or further mitigated and if so, how?</p> <p>vi) Has any engagement with NE, NRW or the Forestry Commission taken place with respect to potential tree removal or other impacts which may entail ancient woodland? Similarly, have any discussions taken place regarding bolstering tree/ woodland overage within the administrative areas impacted? If not, can a clear commitment be given for such engagement.</p> <p>vii) Can the Applicant further explain the approach to avoiding any potential ancient woodland loss/ veteran tree and other relevant tree loss impacts as a whole.</p> <p>viii) Accounting for any possible changes that may have arisen since publication of the ES, are there any trees that would be affected protected by either a Tree Preservation Order (TPO) or by virtue of being located in a Conservation Area? If they are, provide details of where these trees are located and extracts from the relevant TPO citations. If the information has already been provided, please signpost that.</p>	<p>case scenario is unlikely. It is understood that flexibility is sought, however the Council seeks a greater level of confidence on the arboricultural impacts based upon further assessment of the project's design and build scenario.</p> <p>Twelve veteran arboricultural features (G180, T273, T398, T504, T523, T544, G553, G573, T568, G623, T628 and T631) have been identified and all are to be retained with the maximum recommended Root Protection Area of 15m. Proposed Horizontal Direct Drilling enables the construction the last three of the veteran arboricultural features to be retained.</p> <p>FCC would expect site specific Arboricultural Method Statements (AMSs) to be agreed once the final design and the trees affected are known. Appendix 9-11 Arboricultural Impact Assessment [APP-115] includes as Annex F an Outline Arboricultural Method Statement. The site specific AMSs should address particular issues, for example, proximity to ancient woodland or need to safeguard trees with more robust protective barrier where the Newbuild Infrastructure Boundary impinges on the Root Protection Areas of veteran trees. The AMSs should provide details regarding arboricultural supervision and reporting, and be cross referenced to the detailed Construction Environment Management Plan [App-225] and Register of Environmental Actions and Commitments [APP-222].</p>	<p>Northop Hall where ancient woodland spans the width of the Order Limits (to the west), thereby maintaining the integrity of the woodland. The Applicant can confirm that the assessment of woodland around Alltami Brook has assumed a precautionary worst-case scenario and therefore actual tree losses are likely to reduce compared to the assessment presented currently.</p> <p>In respect of potential tree losses, the Applicant has included item D-BD-009, D-BD-010 and D-BD-014 within Table 9.10 of Chapter 9 of the 2022 ES [AS-025], which provisions consideration of micro-siting and avoidance of trees and woodlands during the development of the detailed design of the DCO Proposed Development as well as during construction itself. In this manner the Applicant will seek to maximise the retention of trees during construction wherever possible. The number of trees to be felled to facilitate construction will be determined at the detailed design stage. In spite of any trees required to be lost, additional measures have been included for the re-use of felled trees and creation of new habitats/features, where possible. See item D-BD-030 and D-BD-066 of the Outline Construction Environmental Management Plan [REP1-017 and CR1-119], as secured through Requirement 5 of the DCO [REP1-004]. Mitigation will be detailed within a site-specific Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP).</p> <p>The Applicant confirms that a detailed AMS would be prepared at the detailed design stage when the pipeline route is fixed. the AMS would apply tree protection to the project overall with mitigation including (but not limited to) protection fencing, exclusion buffers and measures, arboricultural site</p>	
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				supervision, ground protection and reporting (REAC D-LV-014 [REP1-015 and CR1-109])	
Q1.4.19	Trees FCC	<p>Applicant</p> <p>i) There appears scope for further additional new tree planting (on or off site), above any replacement planting. How would any additional potential tree planting/ related landscaping currently unreferenced in the draft DCO and application documents be secured?</p> <p>ii) Has additional tree planting (or other related landscaping) been considered to further complement local informal nature corridors on the ground? If not, why not?</p> <p>iii) Explain if, and how, the planting/ landscaping schemes envisaged can be coordinated in a way to ensure they establish and provide positive links with existing wildlife corridors whilst construction activity takes place.</p> <p>iv) Can larger standards for any replacement tree planting (where it is appropriate) for a more immediate impact be applied? If not, why?</p> <p>v) Relevant Planning Authorities/ IPs: Do you have any further comments on tree planting or landscaping provision?</p>	<p>FCC considers that the landscaping shown in the Environment Statement (Volume III) Landscape Layouts at BVS and AGIs [APP-023] do not assimilate them, as far as possible, with the open countryside. There is concern that the landscaping reinforces, rather than disguises, the disjoint of the WAGI boundaries with adjacent field boundaries.</p> <p>It is understood that there are as yet unquantified design constraints on the height and proximity of landscape planting adjacent to the BVSs resulting from the need to diffuse gases when venting. These constraints need to be known and the factored into the landscape design and maintenance.</p> <p>It is proposed to carry out shrub planting over the pipe to maintain an easement for access and maintenance. The width of the easement does not appear to be stated, the width of which, will affect the scope for tree woodland planting.</p> <p>The shortlist of species on sheet 12 of the Landscape Plans [APP-023] referred to in 1.6.3 of the Outline Landscape an Ecological Management Plan [APP178] is acceptable although the detailed LEMP should take into account site specific requirements for the final species choice.</p>	<p>The indicative landscape layouts have been designed to demonstrate how appropriate integration of the BVS and AGI to the setting of the individual sites could be achieved. Where possible, above ground infrastructure has been located towards field corners which allows mitigation planting to tie into existing field boundary hedgerows and other established vegetation which are part of the wider landscape framework. This approach also maximises the possibility of retaining viable field units in the remaining areas which continue to contribute to the prevailing landscape character. In open landscapes it is recognised that dense screen planting may be inappropriate and the approach in these situations is to aim to filter views of the proposed structures through the use of native hedgerows and hedgerow trees or through the introduction of hedgerow trees in existing hedgerows. The landscape proposals will be further refined through consultation with relevant organisations at the detailed design stage.</p> <p>The Applicant can confirm that there is no provision to vent CO₂ from the BVSs, as stated in Chapter 3 – Description of the DCO Proposed Development [APP-055]. This is not part of the design and is clearly stated in ES Chapter 3. Furthermore, there are no set design constraints. Good practice dictates that the creation of confined space around equipment operating with CO₂ should be avoided for health and safety reasons. Given that most of the AGIs and BVSs are in wide open spaces and well ventilated, some tree and hedgerow planting is unlikely to create a confined space environment.</p>	Noted and no further comments.

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

		<p>climate risk during any future operation.</p> <ul style="list-style-type: none"> What further embedded design mitigation is available to ensure ecological and landscape provision linked to the scheme remains sufficiently resilient to deal with the climatic changes anticipated in future years? Further explain/ substantiate how embedded design mitigation or other additional mitigation/ enhancement possible to achieve would be successful against the climate risks evidenced. <p>For example, any new wetland creation possible may result in several cross-cutting benefits such as those associated to additional ecologically based carbon storage, ecological enhancement and dealing with local flood risk. Similarly, support for offsite seagrass meadow planting, kelp growth initiatives or saltmarsh restoration could have wider cross cutting beneficial impacts.</p> <p>IPs are invited to make whatever comments they deem to be appropriate. In particular comments are sought by the ExA on whether a range of nature based mitigation/enhancements available and achievable has been properly considered?</p>			
Q1.5.4	Monitoring FCC	<p>Chapter 7 – Climate Resilience [APP-059] section 7.14 details that the DCO Proposed Development will have an OMEMP (as included as a Requirement of the Draft DCO to be followed for routine maintenance and inspection visits of the CO2 Pipeline and the AGIs and BVSs to ensure their protection against potential climate impacts identified in the REAC. Plus, monitoring and management of the surface water drainage features post planning will be undertaken to obtain long term ground water data, in accordance with the</p>	<p>Please refer to response Q1.4.3</p> <p><u>Facilitating BNG</u> Discussions have taken place with Flintshire County Council’s Countryside Service regarding enhancements that could be undertaken on Flintshire owned land, but these proposals have not yet been quantified and it is unclear how these would be secured.</p> <p>Whether undertaken on Public or Privately owned land, it is considered that off-site BNG would need to be secured by a legal agreement with a commuted sum to ensure establishment,</p>	<p>The Applicant refers FCC to the responses provided for Q1.4.3 (page 24) and Q1.4.5 (page 29) in the Applicant’s Responses to the ExA’s EXQ1 [REP1-044]. The Applicant would also like to refer FCC to the BNG Strategy Update (document reference D.7.23), issued at Deadline 2.</p>	Noted and no further comments.

		<p>Outline Surface Water Drainage Strategy Report.</p> <p>How will landscaping and ecological provision (including enhancement) be monitored in a way that secures adequate climate resilience including at post decommissioning stage?</p> <p>How will landscaping and ecological provision (including enhancement) be monitored in a way that secures adequate climate resilience including at post decommissioning stage?</p>	<p>appropriate long-term management and monitoring to confirm good condition.</p> <p>Also see response to Q1.4.5</p> <p>Ensuring the programme is linked to other complimentary schemes will support long term sustainability of the mitigation post decommissioning stage.</p>		
Q1.5.5	Mitigation FCC	<p>The Applicant is asked to further justify how adverse climatic issues are adequately addressed having regard to native tree, shrub planting; species rich grassland and their subsequent future years resilience. How can/ could further resilience be designed/ built into the scheme and secured by the DCO?</p>	<p>The shortlist of species on sheet 12 of the Landscape Plans [APP-023] referred to in 1.6.3 of the Outline Landscape an Ecological Management Plan [APP-178] is acceptable although the detailed LEMP should take into account site specific requirements for the final species choice and details should be submitted to and agreed with Local Planning Authority.</p>	<p>The Applicant can confirm that species choice and specification for individual sites will be refined in accordance with specific site requirements at the detailed design stage as set out in the OLEMP [APP-229].</p>	<p>Noted and no further comments.</p>
6.	Compulsory Acquisition, Temporary Possession and Other Land or Rights Considerations				
Q1.6.3	Affected Persons/ IPs	<p>i) Are any Affected Persons or IPs aware of any inaccuracies in the BoR [APP-030], Statement of Reasons [APP-027] or Land Plans [APP-008]</p>	<p>FCC are not aware of any inaccuracies but await comments from the Estates Team to confirm this.</p>	<p>The Applicant acknowledges the response and has no further comments.</p>	
9.	Environmental Impact Assessment/ Environmental Statement				
Q1.9.1	FCC	<ul style="list-style-type: none"> • The ExA recognises that some of the baseline survey information included within the ES is of some age. There are also circumstances which have arisen (including from the COVID-19 pandemic) which may or may not had an effect to using the baseline data and any conclusions/ assumptions to be drawn from that. i) The Applicant is requested to set out in a single schedule (with reference to the relevant chapters) any additional baseline data gathering that has taken place or is ongoing, or otherwise set out the reasons why that existing baseline data remains fit for purpose. ii) Can the Applicant also set out their response to any potential impact on any baseline position and their views as to the overall reliability of 	<p>FCC is satisfied with the baseline surveys which inform the cumulative impact of the ES.</p>	<p>The Applicant acknowledges the response and has no further comments.</p>	

		<p>submitted information taking into account that particular change of circumstance, and any other material change of circumstances anticipated.</p> <p>iii) With respect to cumulative effects related information. Confirm any updates to that.</p> <p>IPs are you satisfied with the baseline surveys which inform cumulative impact in the ES? If not say why not.</p>			
Q1.9.3	FCC	<p>• The Well-Being of Future Generations (Wales) Act 2015 sets out a duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle.</p> <p>i) Applicant: Clarify how the cumulative impacts of the scheme alongside the mitigation measures have been assessed with that overarching principle in mind?</p> <p>ii) IPs: Provide any comments you wish to make on the implications of the above-mentioned Act if you have not already done so</p>	<p>The Act places a duty on all public bodies to carry out sustainable development in order to achieve the wellbeing goals of:</p> <ul style="list-style-type: none"> • A prosperous Wales • A resilient Wales • A healthier Wales • A more equal Wales • A Wales of cohesive communities • A Wales of vibrant culture and thriving Welsh language • A globally responsive Wales. <p>In doing so, public bodies must also apply the Five Ways of Working as detailed below:</p> <ul style="list-style-type: none"> • Collaboration • Prevention • Involvement • Long term • Integration. <p>The LDP explains in section 1.70 how it has had regard to the well-being goals and ways of working. Therefore, planning decisions made in the context of the adopted LDP will be in accordance with the requirements of the Act. Although the Well-Being Act duty applies to public bodies it would be helpful to the Examination for the applicant to demonstrate how the goals and ways of working have been applied through the involvement of the project.</p>	<p>The Applicant can confirm that the Well-Being of Future Generations Act (Wales) (2015) has been considered as part of the Planning Statement [REP1-013]. Chapter 3 of the Planning Statement provides an assessment of compliance with the Well Being of Future Generations Act 2015.</p>	Noted
10.	Flood Risk, Hydrology, Water Resources and Contamination				
Q1.10.2	Flood Risk FCC as LLFA	<p>• Applicant Paragraph 2.5.4 of [APP-168] identifies that Flint AGI has an open watercourse (Lead Brook) approximately north east of the site boundary. The watercourse flows north where it is culverted beneath Chester Road (A548). Thus, it is suggested that Flint AGI needs to ensure no surface run off water will</p>	<p>FCC has no details of indicative watercourse flow rates. The formation of new ponds / wetlands are to be encouraged, and are a positive step forward.</p>	<p>The Applicant acknowledges the response and has no further comments.</p>	

		<p>cause flooding elsewhere given the watercourse it is close to. Paragraph 5.5.5 refers to an overland flow path discharging into a watercourse 50 metres to the east (which is unnamed). Is that the same watercourse as mentioned in paragraph 2.5.4 or a different watercourse? Clarify.</p> <p>• Applicant/ IPs Are indicative local watercourse flow rates available before and after development? Would options to slow local surface water flow/ formation rates in the DCO area, or nearby, with the formation of new ponds/ wetland advantageous to wider sustainability goals be feasible/ possible? If so, could that provision be accommodated?</p>			
Q1.10.3	Flood Risk FCC as LLFA	<p>• NRW are evidenced to hold one record of a past flood event along the Newbuild CO2 Pipeline (Pipe Reach 4b). The incident occurred along the B5129 Chester Road which is located adjacent to Broughton Brook. FCC's Strategic Flood Consequence Assessment (2018) also indicates that the B5129 Chester Road has had an incidence of historic fluvial flooding although the full details are not known.</p> <p>• Applicant and IPs</p> <p>i) Have any local views come forward/ available giving more details as to the cause or date of this historic flooding event? Is this in the area of Chester Road Brook?</p> <p>ii) The "DG5" flooding register is also referred to in Paragraph 3.3.4 of [APP168]. Explain the origin, nature and status that register holds for the administrative area.</p> <p>• IPs</p> <p>iii) Please make whatever comments you deem applicable on assessing flood risk or any associated survey, mitigation or</p>	<p>FCC and NRW are both aware that flows are impeded in Sandycroft Drain North between the Bridge Inn and the River Dee which is a Main River.</p> <p>Pentre Drain North which is also a Main River and which is located to the rear of the Footpath to the North of the B5129 between the Bridge Inn and Hamilton Avenue also has flows impeded. It is understood that works to address both issues will be undertaken within the next 12 months and have been programmed by NRW.</p> <p>FCC has no further details of this historic flood event.</p> <p>FCC are of the view that DG5 Flooding applies to Welsh Water assets. Welsh Water have identified properties at risk of Internal flooding at Chester Road, Pentre and also properties at risk of External flooding at Blackbrook Avenue, Hawarden.</p>	<p>The Applicant notes that, whilst there are noted areas of historical flooding, these are above ground and as the proposed pipeline is buried at those locations, it is unlikely that the Newbuild Carbon Dioxide Pipeline will exacerbate any of the existing flood risk. The Newbuild Carbon Dioxide Pipeline alignment will take into account the alignment and the location of the existing drainage assets and the design will avoid clashes with these assets.</p>	Noted

		avoidance matter triggered. Including measures linked to achieving future climate change resilience through potential wetland creation.			
Q1.10.4	Flood Risk LLFA SDSAB	<ul style="list-style-type: none"> • Applicant: <ul style="list-style-type: none"> i) There is limited information on the groundwater levels at each of the proposed BVS and AGI sites. What groundwater survey information/ monitoring is proposed to understand any potential risk of groundwater flooding to inform the detailed drainage design? ii) The statutory consultation phase highlighted Chester Road, Pentre and Leaches Lane Mancot where both internal and external sewer flood risks due to hydraulic incapacity. In addition, the postcode area CH5 3HJ (Blackbrook Avenue, Hawarden) is an identified risk of external flooding. How have those specific risks been factored/ mitigated by the scheme? iii) Can the Applicant confirm if a Dewatering Management Plan and a Groundwater Management and Monitoring Plan is able to be submitted to inform the Examination? • Applicant and IPs <ul style="list-style-type: none"> iv) Significant dewatering is expected adjacent to the River Gowy and the West Central Drain. These are in the Gowy and Ince Marshes WFD surface water bodies. Do IPs have any comments to make on that aspect or any other aspect of the proposal? Can any related ecological benefits be secured in tandem with dealing with flood risk management issues arising? 	It is understood that the water Table in the Sandycroft and Pentre areas is generally found at a depth of circa 1.20 – 1.50 Metres and is widespread.	<p>The Applicant notes that, where any dewatering activities are proposed to support construction, then a Dewatering Management Plan (DMP) and Groundwater Management and Monitoring Plan (GWMMP) will be prepared by the Construction Contractor. The GWMMP will consider collection of pre-construction groundwater level data which can be used to inform the risk of groundwater flooding. An Outline Dewatering Management Plan and Outline Groundwater Management and Monitoring Plan will be submitted prior to the end of Examination.</p> <p>The Applicant notes that, whilst there are noted areas of historical flooding, these are above ground and as the proposed pipeline is buried at those locations, it is unlikely that the proposed pipeline will exacerbate any of the existing flood risk. The proposed pipeline alignment will take into account the alignment and the location of the existing drainage assets, and the design will avoid clashes with these assets.</p>	It is noted that a Dewatering Management Plan and a Groundwater Management and Monitoring Plan will be prepared by the Construction Contractor for appropriate locations. I consider this to be a positive proposal and welcome receipt of the Outline Plans for both activities.
Q1.10.7	Water Environment Applicant	<ul style="list-style-type: none"> • Applicant <ul style="list-style-type: none"> i) Is the principle of achieving significant ecological 	Works for vegetation clearance in close proximity to a Watercourse Crossing and dewatering works	The Applicant acknowledges the response and has no further comments.	

	<p>and IPs, including NRW, NE and EA</p>	<p>enhancement or greater BNG using the broader offshore marine environment a feasible option to the Applicant? (i.e., Delivered through the Marine Protected Areas established UK wide which in combination are intended to form an 'ecologically coherent and well-managed network').</p> <p>ii) Has this approach been explored with JNCC and other statutory consultees? (i.e., for England – NE; and for Wales – NRW but both of those consultees for Marine Protected Areas in territorial waters?)</p> <p>iii) It is noted that NRW have three river basin districts in Wales and each has its own river basin management plan:</p> <ul style="list-style-type: none"> o Western Wales District – entirely in Wales; o Dee District – cross-border with England; and o Severn District - cross-border with England (led by the EA). <p>Does the Applicant acknowledge and agree there may be scope available to support river basin management plans through potential enhancement? Has further dialogue been undertaken with NRW or the EA to support river basin management interests?</p> <p>iv) The Appendix 18.3 WFD Assessment states that Riparian vegetation clearance would be limited as far as practicable to the immediate areas of construction to permit the execution of works. Vegetation would be reinstated post-construction as far as practicable. Confirm the DCO mechanism which would ensure that.</p> <p>• Applicant and IPs</p> <p>v) Vegetation clearance is expected to occur within the Mersey, Ince Marshes, Gowry, Stanney Mill</p>	<p>in general will require Ordinary Watercourse Consent.</p> <p>Any vegetation / trees removed should be replaced on a like for like basis which the Applicant would appear to be proposing.</p>	<p>Trees will be replaced at a ratio of 3:1 as detailed within REAC item D-BD-063 [REP1-015 and CR1-109], as secured by the CEMP in Requirement 5 of the DCO [REP1-004].</p>	
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		<p>Brook, Finchetts Gutter, Garden City Drain, Sandycroft Drain, Wepre Brook, Dee (North Wales), and North Wales WFD surface water bodies. In addition, significant dewatering is expected adjacent to the River Gowy and the West Central Drain. These are in the Gowy and Ince Marshes WFD surface water bodies. Please confirm the licensing provision required for the particular works listed above</p>			
Q1.10.8	<p>Water environment Applicant and IPS, including NRW and NE</p>	<ul style="list-style-type: none"> • As context to the Examination The Water Resources (Control of Agricultural Pollution)(Wales) Regulations 2021 replaced the Nitrate Vulnerable Zone requirements. The regulations indicate that a new or substantially changed store must: <ul style="list-style-type: none"> – follow the specific rules for the type of substance stored. – have an expected lifespan of at least 20 years with maintenance (any part of a silage effluent system that is underground must be designed and constructed to last at least 20 years without maintenance). – not be within 10 metres of any inland and coastal waters e.g., streams, ditches, ponds or any pipes or culverts. – not be within 50 metres of any borehole, well or spring. – not be within a groundwater source protection zone 1 unless site-specific mitigation measures that minimise the risk to drinking water supplies have been agreed in writing with NRW. <p>The ExA also notes that NE has recently updated its advice (16 March 2022) in relation to nutrient level pollution in a number of existing and new river basin catchments. The advice finds that an increasing number of waterbodies, in or linked with European Sites, are now deemed to be in 'unfavourable' conservation status for the purposes of</p>	<ul style="list-style-type: none"> • In terms of the potential for impact on protected water bodies in relation to nutrient level pollution, the relevant water body is the River Dee and Bala Lake Special Area of Conservation (the SAC). • NRW introduced new tighter standards in February 2021 relating to permissible levels of phosphorous entering the SAC, but this at present relates to the sections of the river Dee upstream of Chester weir. These new standards do not yet relate to the Dee Estuary which given the proximity of the route of the pipeline, is the nearest protected water body. • The NRW guidance relates to phosphate in the non-tidal River Dee and associated catchment. Watercourses associated with the DCO flow into the tidal Dee. • Works associated with watercourses will follow construction mitigation measures referenced in REAC. • It is understood that NRW are in discussion with HyNet regarding these measures therefore FCC would respectfully defer the Examining Authority to any comments from NRW on this matter. However, FCC mapping system shows that the route of the pipeline is completely outside of the Bala Lake and R. Dee SAC so there should be no implications of the scheme in terms of phosphates and the river SAC catchment area. • The HRA may need to be updated to ensure the relevant water quality matters in relation to the River Dee/Dee Estuary are included. 	<p>The Applicant acknowledges the response of FCC. In respect of HRA considerations, the Applicant refers to its response provided in Q1.10.8 (page 80) within the Applicant's Response to ExA's ExQ1 [REP1-044] submitted at Deadline 1.</p>	

the Habitats Regulations. This is likely to result in even more plans and projects, in relevant river basin catchment areas and proximate to a European site, needing to be screened in accordance with the Habitats Regulations. The likely result will be a need for more Appropriate Assessments and consideration of relevant information. The advice from NE also confirms that the tools available to inform the assessment of effects have been updated. The advice is also relevant to NRW (for cross border sites). The ExA further notes that competent authorities will need to carefully justify how further inputs from new plans or projects, either alone or in combination, will not adversely affect the integrity of the site in view of the conservation objectives.

• Applicant and IPs

Please could:

- i) the Applicant confirm it acknowledges the updated advice of NRW/ NE;
- ii) the Applicant and IPs advise whether they consider there to be adequate background information available to gauge subsequent effects to water quality.

In addition to the above, the ExA notes sensitive land uses are identified within, or within 250m, of Sections 4, 5 and 6 include a SSSI, and a SAC and designated ancient woodland. Moreover, the local water environment is interconnected. Effects to both surface and groundwater during construction is presently not mitigated as the Applicant indicates that additional targeted site investigation and remediation strategy for point sources would be undertaken if necessary. The ExA asks the Applicant and IPs how that approach ensures the effects and safeguards to European sites are able to meet HRA requirements?

<p>Q1.10.1 0</p>	<p>Water environment FCC</p>	<ul style="list-style-type: none"> • The submitted WFD Assessment [APP-165] and Outline Construction Environmental Management Plan [APP-225] indicate that all new permanent structures would be set-back from watercourses, including outfalls, to avoid modifications to watercourses themselves. <p>IPs</p> <ul style="list-style-type: none"> i) Accounting for any locally known watercourses, outfalls, or hydrogeological anomalies which may be apparent; do IPs agree the Applicant's approach detailed in [APP-165] and [APP-225] would be possible? ii) Paragraph 7.1.7 of the WFD Assessment [APP-165] states that the DCO Proposed Development has been assessed and concluded to have no impact on the Wirral and West Cheshire Permo-Triassic Sandstone Aquifers, the Dee Permo-Triassic Sandstone, the Dee Carboniferous Coal Measures and the Clwyd Carboniferous Limestone Groundwater WFD water bodies. Do IPs agree with that conclusion? If not, please state your reasons. iii) The Applicant states the objectives of the DCO Proposed Development is to reinstate habitats where practicable. Where watercourses and riparian vegetation would be impacted, they would be reinstated postconstruction and most watercourses would recover within two years. The exception would be where mature tree cover in the riparian zone is removed. Therefore, riparian enhancements are proposed to mitigate those impacts. Riparian enhancements are proposed at: East Central Drain; Finchetts Gutter Tributary; Backford Brook; 	<ul style="list-style-type: none"> i) There is considerable volume of content within both documents and it is considered that the Applicants approach would be possible. ii) FCC has no reason to disagree. iii) Please refer to the response provided with regards to Trees and the OLEMP. Otherwise, FCC are not aware of any further areas to be considered. 	<p>The Applicant acknowledges the response and has no further comments.</p>	
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		<p>Friars Park Ditch; and Alltami Brook. Should any further areas be considered? if so, state why.</p> <p>Applicant Paragraph 7.14 of the WFD Assessment [APP165] states that the riparian enhancements may result in improvement in the River Condition Score for those watercourses once the tree cover is established. In addition, gravel augmentation is proposed on the Alltami Brook to off-set the potential reduction in spawning habitat and introduction of artificial bed material. Can the Applicant further explain what is meant by gravel augmentation and its implications to the management of watercourse silt? And how much artificial bed material is anticipated? Indicate the volume and the length of the brook impacted as well as the materials anticipated to be used. Has the inclusion of additional natural carbon sinks or water oxygen regeneration zones (or similar) to boost flora and fauna been considered at positions along watercourses? If not, state why not.</p> <p>The EA [RR-024] support the production of a Dewatering Management Plan and a Groundwater Management and Monitoring Plan. They wish to be a consultee on the approval of these plans. Can the Applicant confirm the provision within the DCO where the EAs request has been secured.</p>			
Q1.10.1 2	Licenses FCC	<ul style="list-style-type: none"> • The ExA notes that: <ul style="list-style-type: none"> – A transfer licence or impoundment licence may be necessary if a temporary or permanent structure is required that restricts the flow of a waterway/ watercourse. – An Environmental Permit may be required for the importation and treatment of waste material falling outside the scope or limits detailed in the ES. – With respect to any 'Waste Materials' generated, the 	<p>Any mobile plant and equipment should seek to apply for the relevant Part B permits required with the relevant Local Authority. For the Development Site within Flintshire, the relevant Local Authority is Flintshire County Council.</p> <p>From a land contamination perspective, materials excavated during the works may be suitable for consideration by the Applicant through the CL:AIRE EA/NRW Disposal of Waste Code of Practice scheme, to enable those materials, as appropriate, to be used at other sites which have been approved to receive specific materials, and to divert those materials from landfill.</p>	The Applicant's appointed Construction Contractor will be responsible for implementing a Material Management Plan (in accordance with the CL:AIRE Definition of Waste Code of Practice), and obtaining all necessary licences and permits prior to the commencement of relevant works, as set out in the Other Consents and Licences document [REP1-011].	Noted

		<p>consenting authority for certain mobile plant permits (such as concrete crushers) is the relevant local authority, and therefore they should be listed along with the relevant national public body within the draft DCO if such provision is anticipated.</p> <p>iv) Applicant: Please provide clarification and an update on these matters, where applicable; v) IPs: Comments in regard to the above are invited.</p>	<p>This scheme is neither administered nor regulated by the Local Authority or LPA and the Applicant would be advised to seek advice from the relevant regulatory body (EA/NRW) and the administrator appointed for the Scheme, CL:AIRE.</p>		
Q1.10.1 4	<p>Outstanding matters FCC</p>	<ul style="list-style-type: none"> • Provide your comments on any outstanding land contamination or pollution control matters arising if you have not already done so. 	<p>Where materials excavated from the ground during the works are considered waste, information to demonstrate the lawful production, transport and disposal of those materials excavated from the ground will be required to be provided.</p> <p>Should the applicant choose to rely upon the DoWCoP scheme (QU1.10.12), the Local Authority's Contaminated Land Officer is required to be consulted in accordance with that Scheme. Otherwise, the information in respect of materials excavated from the ground, is to be provided in the form of a report to verify why, how, and where the material has been disposed.</p> <p>This approach has been discussed with the Applicant and is a usual requirement of the process of land contamination and assessment.</p>	<p>The Applicant's appointed Construction Contractor will be responsible for implementing a Material Management Plan (in accordance with the CL:AIRE Definition of Waste Code of Practice) as secured under Requirement 5 (Construction Environmental Management Plan) of the dDCO [REP1-004].</p>	Noted
Q1.10.1 7	<p>Unexploded Ordnance FCC</p>	<ul style="list-style-type: none"> • Chapter 11 (Land and Soils) of the ES [APP063] indicates that 'no significant source of unexploded ordnance' was identified (Paragraph 11.6.25), but recommends formal unexploded ordnance awareness briefings be provided to all personnel involved in excavations. It also identifies an updated unexploded ordnance assessment will be produced prior to the commencement of construction. The ExA would ask: i) how these measures should be secured; and ii) whether such assessments should be submitted to and approved in writing by an appropriate body. 	<p>The approach to the potential presence of unexploded ordnance (UXO) put forward by the Applicant is as would be expected for the works proposed. This would not be a regulatory requirement associated with the assessment of land contamination. However, it is expected that UXO is considered as a component of the assessment of land contamination. It is both diligent and necessary to consider the presence of UXO before and during the works from an occupational health and safety perspective and to prevent risks to the public and property. UXO is not considered a 'substance' and is therefore outside the scope of the contaminated land regulatory regime.</p>	<p>The Applicant acknowledges the response from FCC that the approach to the potential presence of unexploded ordnance (UXO) put forward by the Applicant is as would be expected for the works proposed.</p> <p>An updated UXO assessment will be produced prior to the commencement of the construction stage by a competent provider. The Applicant's Construction Contractor will use the findings to inform health and safety documentation, risk assessments and inductions. This has been included as REAC commitment D-LS-019 [REP1-</p>	

			<p>The assessment of UXO is site specific and it is expected that updated UXO assessments would be sought for each location where the disturbance of the ground or works within the ground are taking place. Again, this would be from a health and safety perspective and should therefore be captured by the associated risk assessment process and method statements relied upon by the Applicant during the works.</p> <p>If UXO is suspected or discovered during the works, it is expected that the advice of the emergency services should be sought without delay. This would also be captured from a health and safety perspective.</p>	<p>015 and CR1-109], as secured by Requirement 5 of the dDCO [REP1-004].</p>	
11.	Habitat Regulations Assessment				
Q1.11.4	<p>Methodology FCC</p>	<ul style="list-style-type: none"> • HRA – Information to inform an appropriate assessment [APP-226] indicates that there are 9 European sites within 10km of the DCO proposed development area: <ul style="list-style-type: none"> i) River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid SAC. ii) Deeside and Buckley Newt Sites SAC (immediately adjacent to the DCO proposed development area). iii) Halkyn Mountain/ Mynydd Helygain SAC (400m north at its closest point). iv) Mersey Estuary SPA (approx. 1.05km to the north). v) Mersey Estuary Ramsar (approx. 1.05km to the north). vi) Dee Estuary/ Aber Dyfrdwy SAC (approx. 1.2km to the north). vii) The Dee Estuary SPA (approximately 1.2km to the north). viii) The Dee Estuary Ramsar (approximately 1.2km to the north). ix) Alyn Valley Woods/ Coedwigoedd Dyffryn Alun SAC (approximately 6km to the southwest). • IPs 	<p>FCC concur with the list provided and agree that there are no omissions for the purposes of formal assessment.</p> <p>It is considered that the defining features of all European sites have been properly addressed by the Applicant.</p>	<p>The Applicant acknowledges the response of FCC and has no further comments.</p>	

		<p>Do IPs concur with the list and agree that there are no omissions for the purposes of formal assessment? Have the defining features of all European sites been properly addressed by the Applicant?</p> <p>• Applicant The River Dee flow channel appears to run out towards, around and behind Hilbre Island. Where does the SPA/Ramsar boundary for the Dee Estuary formally run to? Can a plan be provided/signposted of the SPA boundaries relative to the pipeline route</p>			
Q1.11.5	Mitigation FCC	<p>• The ExA acknowledges that the Applicant's proposal is that the REAC [APP-222] would be secured & implemented within the CEMP (an Outline CEMP [APP-226] is provided). Overall mitigation referred to includes best practice to control dust arising from construction processes. What 'best practice' is covered and what would it entail? Is any locally applied best practice applicable/ relevant in the respective administrative areas?</p>	<p>It is understood that the detailed Dust Management Plan would be submitted as part of the detailed Construction Environmental Management Plan (Requirement 5).</p> <p>The Dust Management Plan would provide details of dust management and how the applicant would ensure dust arising from the construction processes would be managed to acceptable levels to ensure that dust would not give rise to nuisance.</p> <p>Planning Officers within the North Wales Minerals and Waste Planning Service, hosted by Flintshire County Council are familiar with a number of best practice and dust management practices from the monitoring and enforcement of quarry and waste sites in the region.</p> <p>The Service are familiar with approving Dust Management Plans that are required pursuant to mineral planning permissions and therefore FCC officers could advise the applicant on these measures when considering the submission of the Dust Management Plan at each stage of the development at the requirement stage.</p> <p>However, it is considered that it would be the Applicant's responsibility to propose what types of dust management techniques would be appropriate for their construction.</p> <p>Possible measures include ensuring access tracks are dampened by water bowser/sprays,</p>	<p>The Applicant can confirm that a Dust Management Plan (DMP) will be implemented on site by the Applicant's Construction Contractor, as secured by Requirement 5 of the dDCO [REP1-004].</p> <p>An Outline Dust Management Plan (document reference D.7.24) has been submitted at Deadline 2 and the Applicant would be happy to have discussions on the content.</p>	

			stockpiles of soils to be dampened, covered or seeded as appropriate.		
Q1.11.6	Mitigation FCC	<ul style="list-style-type: none"> Measures are referred to in the ES that aim to avoid entrapment of otters in pipes. How will these measures be made compatible with the mitigations suggested for general safety and drainage technical details? Additionally, are there any further technical constraints anticipated in light of this added provision? 	<ul style="list-style-type: none"> It is understood that this is standard procedure for laying pipelines to prevent animal entrapment and satisfy H&S matters. 	The Applicant acknowledges the response of FCC and has no further comments.	
Q1.11.7	Mitigation/ Enhancement FCC	<ul style="list-style-type: none"> The ExA notes that Biodiversity Enhancements Planning Policy Wales 10 sets out that “planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. This policy and subsequent policies in Chapter 6 of Planning Policy Wales 10 respond to the Section 6 Duty of the Environment (Wales) Act 2016. In line with that what options are available to provide ecological enhancements in offsite locations for Priority Habitats or other habitats including both terrestrial and aquatic environments? 	Please refer to FCC response to Q1.4.7 regarding local and regional environmental strategies Also, please refer to Q 1.4.5 which suggests mechanisms for offsite enhancement projects.	The Applicant refers FCC to the responses provided for Q1.4.7 (page 32) and Q1.4.5 (page 29) in the Applicant’s Responses to the ExA’s EXQ1 [REP1-044] .	
Q1.11.8	Mitigation/ Enhancement FCC	<ul style="list-style-type: none"> Point out within the ES documentation (or elsewhere) where there are local strategic nature improvement or recovery strategies in the geographical area subject to the DCO that could potentially be used for the delivery of further ecological enhancement. 	Please refer to FCC response to Q1.4.7 regarding local and regional environmental strategies	The Applicant refers FCC to the responses provided for Q1.4.7 (page 32) in the Applicant’s Responses to the ExA’s EXQ1 [REP1-044] .	Noted
12.	Landscape and Visual				
Q1.12.1	Update FCC	<ul style="list-style-type: none"> Have there been any changes to the built environment in the vicinity of the land subject to scheme improvement currently submitted? If so, please identify where, and consider if the plans and statements would need to be updated/ amended. 	FCC is not aware of there being any significant changes to the built environment in the vicinity of the land subject to the proposed DCO development.	The Applicant acknowledges the response and has no further comments.	
Q1.12.2	Update Applicant and IPs, including CWCC	<ul style="list-style-type: none"> Within Chapter 12 – Landscape and Visual Table 12.1 – Summary of Consultation Undertaken highlights Areas of concern for CWCC along the Newbuild CO2 Pipeline route are those 	FCC considers that the submitted Arboricultural Impact Assessment is essentially a scoping exercise of the trees that will be removed, may need to be removed or won’t be removed according to their positions within the DCO. The	<p>The Applicant refers FCC to its response to Q1.4.18 above.</p> <p>The Applicant accepts that the Arboricultural Impact Assessment</p>	Noted and no further comments.

		<p>where open cut trench method would impact upon vegetation and in particular mature trees. The ExA shares those concerns.</p> <p>Whilst it is stated by the Applicant this is to be avoided where possible via micro-siting the route and/ or using tunnelling methods. Can the Applicant further explain with signposting to other elements of the ES how the visual impact would be mitigated?</p> <p>Can a plan be submitted showing this detail to give more certainty?</p>	<p>Outline Arboricultural Method Statement (OAMS) refers to the AMS being a working document that will be developed at the detailed design stage. Although it is not expressly said in the Introduction to the OAMS it is assumed, at the detailed design stage, it will be stated what amber (At Risk of Removal Aiming to Retain) trees will be retained and how they will be protected. FCC also shares the ExA and CWCC's concerns regarding the uncertainties relating to the mature trees and the impact that the loss of many could have on the landscape. Greater detail is requested at this stage. (Also see response to Q1.4.18)</p>	<p>[APP-115] provides a worst-case scenario and can confirm that during the detailed design stage the impacts on arboricultural features will be reviewed and fully presented within a detailed AMS.</p>	
Q1.12.3	Update FCC	<ul style="list-style-type: none"> • Applicant and IPs <ul style="list-style-type: none"> i) Please confirm if a local 'Design Review' (or any Conservation/ Heritage Working Party decision or similar) process anticipated to be undertaken for any aspect of the DCO scheme proposed? • Applicant <ul style="list-style-type: none"> ii) Explain how any working change or modification to the scheme as a result of local design considerations/ representations could be accommodated if necessary. 	<p>FCC can confirm that a design review has not been undertaken for any aspects of the proposed DCO development.</p>	<p>The Applicant acknowledges the response and has no further comments.</p>	
Q1.12.4	Methodology IPs	<ul style="list-style-type: none"> • Chapter 12 Landscape and Visual, Table 12.2 lists the elements scoped out of the assessment. This includes recognition each AGI, BVS and control cabinet will require a connection to the local electricity network at the nearest practicable connection points. For the EIA, it is assumed that would be via the closest adopted highway. Any connection works up to that point would be undertaken via the respective statutory undertakers so are not included as part of the DCO Proposed Development. Do statutory undertakers agree the use of the highway is feasible? Do IPs agree with the elements scoped out? If not state why not. 	<p>FCC agree with the elements scoped out of the LVIA.</p>	<p>The Applicant acknowledges the response and has no further comments.</p>	
Q1.12.5	Methodology IPs	<ul style="list-style-type: none"> • ES Chapter 12 – Landscape and Visual indicates that for all stages of construction, operation and 	<p>FCC agrees that the thresholds applied to the LVIA are suitable.</p>	<p>The Applicant acknowledges the response and has no further comments.</p>	

		<p>decommissioning, the following elements have been scoped into the assessment:</p> <ul style="list-style-type: none"> – Landscape character and visual amenity of residents and recreational users within the 2km Study Area of the Newbuild Infrastructure Boundary; – Landscape character and visual amenity of residents and recreational users within the 500m Study Area of the three BVSs along the Flint Connection to PoA Terminal Pipeline. Do IPs agree with the suitability of those thresholds? If not state your reasons. 			
13.	Mineral Resources				
Q1.13.1	<p>General FCC</p>	<ul style="list-style-type: none"> • Having regard to the Applicant's assessments contained within Appendix 11.3 Minerals Resource Assessment – Part's 1 & 2 [APP-131] and [APP-132], are there any MSAs which are impacted upon by the proposed DCO in a way not already considered by the ES? If so, how is the impact different to the conclusions reached in [APP-131] and [APP-132]. What are the implications? If relevant highlight how any further sterilisation of mineral extraction areas not accounted for (formally safeguarded or otherwise) would specifically occur. Suggest any avoidance/ alteration/ mitigation that is needed. Are any new MSAs expected/ proposed by way of plan update or any other means? Highlight the details and status of any restoration plans for minerals areas relevant to the DCO area. 	<p>Applicant's assessments in Appendix 11.3 Minerals Resource Assessment - Part's 1 & 2 [APP-131] and [APP-132] have used the most up-to-date safeguarding map available. As a result, all relevant MSAs have been taken into account during the assessment process. No further avoidance/ alteration/ mitigation is suggested.</p> <p>The Flintshire LDP was adopted in January 2023, which includes the most recent and relevant data on MSAs. As the LDP has only recently been adopted, no new MSAs are expected or proposed during the plan period.</p>	<p>The Applicant acknowledges the response and has no further comments.</p>	
Q1.13.3	<p>Mining Risks FCC</p>	<ul style="list-style-type: none"> • Hawarden Community Council [RR-038] comment that Flintshire is a heavily mined area (historically) with numerous mine shafts (coal, iron, lead) and, the country rock below the drift geology is extensively faulted. The ExA also acknowledges that historic mining is shown to be present across the western section for the pipeline route. There is potential for historic shallow workings along Colliery Lane, Deeside along the 	<p>FCC would respectfully defer The Examining Authority to any comments made by the Coal Authority with regards to this matter.</p> <p>FCC would support any requirements the Coal Authority deem necessary.</p>	<p>The Applicant acknowledges the response and has no further comments.</p>	

		<p>road and edges of the road itself. This includes areas to the west of Gladstone Way where a previous opencast was present.</p> <p>The area of Alltami Brook is also evidenced as having significant historical mining for which records have been obtained. It is recommended in the Applicant's assessments that pipeline routing be performed to avoid these historic workings albeit there is always the potential encounter unknown workings across this area. There are other coal shafts evidenced as recorded from the Coal Authority along the route, yet none have been observed during site walkovers and so it is not known how these have been capped and backfilled. With the above in mind, how would human safety be protected during construction given those potential hazards?</p> <p>In addition to the above, the ExA notes the Applicant's Coal Mining Risk Assessment, Part 1 [APP-121], which states that the risk of potential shallow workings around Colliery Lane and Gladstone Way should be considered in any construction plan and that site investigation will be performed. When would the details of the construction plan and site investigation become available?</p> <p>Furthermore, the ExA asks how would/should unexpected ground conditions be dealt with if the DCO is granted consent?</p> <p>Are adequate consultation measures, in regard to this matter, included within the DCO?</p>			
Q1.13.4	<p>Post Development Infrastructure Risks FCC</p>	<ul style="list-style-type: none"> Applicant <p>The ExA notes that the ES states that mineral extraction would not be permitted within the pipeline easements. Can the Applicant explain the specific DCO mechanism(s) dealing with that restriction and the extent/ size of the easements involved?</p> <p>The ExA understands that above ground access over the pipeline route would be</p>	<p>Based on the recently adopted Flintshire LDP, which includes the most recent and relevant data on MSAs, FCC is not aware that permanent acquisition of the subsurface would inhibit minerals extraction over the plan period.</p>	<p>The Applicant concurs that there is no identified inhibition of known or planned mineral workings. As set out in the Applicant response to this question in the Applicant's Response to ExA's EXQ1 [REP1-044], the Applicant will return land currently in agricultural use to that use, including ensuring that farm machinery can operate over the pipeline. The pipeline is designed to</p>	Noted

		<p>unrestricted by the DCO having regard to current and any future mineral extraction in the local areas involved. What specific elements of the DCO allow such potential future access provision? Or is the provision achieved through omission of such restrictions only? Please clarify.</p> <p>• IPs Would permanent acquisition of the subsurface inhibit minerals extraction elsewhere?</p>		<p>allow access by farm machinery and traffic currently known to use the land. If very heavy machinery was needed, for example for mining, that use would be restricted without consent where it could damage the pipeline. That does not mean consent would not be granted where suitable protection for the pipeline is put in place, only that it would be assessed on the specific circumstances and with regard to what works of protection are required and practicable.</p>	
14.	Noise and Vibration				
Q1.14.1	<p>Monitoring FCC</p>	<p>• Applicant</p> <p>i) Outline how monitoring thresholds would be identified and implemented, and indicate whether the DCO should include a commitment to secure remedial measures should monitoring identify higher than predicted noise and vibration levels?</p> <p>ii) Can the Applicant explain if monitoring (and appropriate trigger levels) would be required to determine whether measures need to be implemented to further reduce noise? If so, how would these and any requisite remedial measures be secured?</p> <p>iii) How can noise/ vibration mitigation for ecology be relied upon as being suitable based on the information presently known? Or is further information expected?</p> <p>iv) Provide an update where necessary.</p> <p>• Relevant Planning Authorities/ IPs:</p> <p>v) Comment on the need for monitoring of construction/ operational phase noise and mitigation.</p>	<p>FCC would support the need for monitoring during the construction phase to enable the Local Authority to undertake the necessary investigations should concerns and/or complaints be received and to ensure compliance with the CEMP and REAC.</p> <p>During the operational phase, noise and vibration monitoring should be undertaken in the vicinity of the AGI and BVS to ensure no breaches take place.</p> <p>Again, monitoring data would be required to undertake any investigation and to enforce any requirements that may be imposed, or enforce any limits set.</p>	<p>The Applicant's Response to the ExA's ExQ1 [REP1-044], Q1.14.1 (page 101), submitted at Deadline 1, confirms that during construction the noise and vibration monitoring locations will be stipulated in the Noise and Vibration Management Plan, committed in D-NV-001 of the Register of Environmental Actions and Commitments [REP1-015 and CR1-109] required under Requirement 5(2)(b) of the dDCO [REP1-004].</p> <p>Furthermore, the Applicant's Response to the ExA's ExQ1 [REP1-044], Q1.14.1 (page 101), submitted at Deadline 1, confirms that prior to the commencement of the development, the Applicant will submit a plan to the relevant authorities for approval detailing how noise monitoring will be undertaken within the initial six months of operation, as stipulated in Requirement 14(3) of the dDCO [REP1-004]. Requirement 14(3) also stipulates that the plan must specify a monitoring location point for each AGI and BVS, which must be in as close proximity as the undertaker can lawfully access, or at the points representative of noise sensitive receptors, as shown in Table 15-23 of the ES. Requirement 14(4) of the dDCO [REP1-004] also states that the results of the monitoring must be submitted to the relevant planning</p>	Noted

				authority at the intervals set out in the plan.	
Q1.14.4	FCC	<ul style="list-style-type: none"> The ExA notes the Applicants decision not to submit an Operational Vibration Assessment and that no discussions, in regard to this matter, were held with the relevant Local Authorities (CWCC and FCC). However, the ExA would ask: <ul style="list-style-type: none"> i) the Applicant for a fuller explanation as to why it considered such an assessment was not required; ii) and ii) whether the Relevant Local Authorities (CWCC and FCC) agree with the Applicant's decision that such an assessment was not required and, if not, why they do not agree. 	<ul style="list-style-type: none"> ii) FCC agrees with the Applicant's decision that an Operational Vibration Assessment is not required. <p>Our understanding is that vibration during operational stage is not a concern so FCC would agree with the applicant's decision based on previous discussion.</p>	The Applicant acknowledges the response and has no further comments.	
Q1.14.6	FCC	<ul style="list-style-type: none"> Having reviewed the methodology and calculations set out in ES Chapter 15 (Noise and Vibration) [APP-067], it would appear that very noisy equipment will be in use at certain locations for approximately 80% of the time. Indeed Paragraph 15.9.4 notes "...some receptors in all sections are likely to experience either a medium or a high adverse noise impact at some point during the construction phase." It also records the magnitude of impact as being considered to be a "significant effect (significant)". Bearing this in mind the ExA would ask the Relevant Local Authorities (CWCC and FCC) whether they: <ul style="list-style-type: none"> i) consider there to be a potential for complaint resulting from the use of such equipment and/ or the duration of such use of equipment; ii) and ii) have any concerns in regard to Article 9 (Defence to Proceedings in respect of statutory nuisance) as set out in the draft DCO [APP-024]. 	<ul style="list-style-type: none"> i) Given the predicted noise output for certain locations during the construction phase, there is a high probability and severe likelihood of the FCC receiving complaints from residents. ii) FCC do not agree with the defence to statutory nuisance methodologies that the applicant has proposed. Mitigation is not a defence if any proceedings are brought under the Environmental Protection Act. Clarification is required in respect the defence to proceedings and arbitration in respect of statutory nuisance for noise and its interplay with existing statute. Furthermore, FCC are not clear on construction/operational /decommissioning time frames 	<ul style="list-style-type: none"> i) The Applicant acknowledges that noise complaints from individual receptors are possible when construction works are in proximity. However, due to the linear nature of the construction works, any impacts would be of relatively short duration. Under D-NV-003 of the REAC [REP1-015 and CR1-109], and as secured by the CEMP in Requirement 5 of the dDCO [REP1-004], the Contractor is obliged to nominate a community liaison representative, who would be responsible for managing and responding to complaints in accordance with the Noise and Vibration Management Plan, which will be approved by the Local Authority in the CEMP as committed in D-NV-002 of the REAC [REP1-015 and CR1-109]. Temporary re-housing will also be considered through consultation with the Local Authority, if necessary, in accordance with D-NV-010 of the REAC [REP1-015 and CR1-109]. 	FCC are in agreement that the applicant 'may' have a defence to any statutory nuisance complaints by use of Best Practical Means, however the detail of any mitigation to meeting Best Practical Means has not been provided at this time and it will be under discussion when completed final Management Plans are submitted and assessed as part of the Requirements.

				Allegations of statutory nuisance from construction works would typically be dealt with using the Control of Pollution Act. Under those circumstances, mitigation (Best Practicable Means (BPM)) is a statutory defence. It is recognised that proceedings can also be brought under the Environmental Protection Act (EPA); however, Article 9 of the draft DCO would also similarly protect the Applicant from proceedings under the EPA based on use of BPM or compliance with the approved CEMP as committed in D-NV-002 of the REAC [REP1-015 and CR1-109] . FCC are required to approve the CEMP secured in Requirement 5 of the dDCO [REP1-004] , and so will ultimately have control of the mitigation measure therein.	
15.	Planning Policy				
Q1.15.1	Applicant and IPs	<ul style="list-style-type: none"> The Levelling-up and Regeneration Bill: reforms to national planning policy open consultation which opened in December 2022 is currently running to 2 March 2023, run by the Department for Levelling Up, Housing and Communities. A raft of reforms is being considered. <p>The Applicant is requested to acknowledge that changes to national planning policy during the examination period would fall within the definition of important and relevant considerations in regard to the consideration of the DCO application made. Secondly, the Applicant is asked to address any of the policy changes currently anticipated, as they would be relevant to this DCO Application.</p> <ul style="list-style-type: none"> IPs comments in regard to the above mentioned potential changes to national planning policy are invited. 	As this legislative consultation applies to England, Flintshire County Council has not been consulted on these planning reforms and will not be responding.	The Applicant acknowledges the response and has no further comments.	
Q1.15.2	FCC	<ul style="list-style-type: none"> Have direct/ indirect impacts related to planning policy for traveller sites/ communities been adequately addressed? 	The Flintshire LDP allocates in Policy HN8 a total of three residential Gypsy and Traveller Sites.	The Applicant acknowledges the response and has no further comments.	

			<p>HN8.1 relating to an existing site on Magazine Lane, Ewloe which is located 150m to the south west of the DCO boundary. This site now has the benefit of planning permission and is for the remodelling of the existing site to accommodate an additional 9 pitches. The site is separated from the DCO route by both Magazine Lane and intervening land and it is not considered there would be any impacts on this site or its residents.</p> <p>HN8.3 at Riverside, Queensferry relates to an extension to an existing Council run residential site. The existing HN8.3 site is proposed to be remodelled and extended to deliver an additional 10 pitches (subject to planning permission, a planning application is presently being drafted up in relation to this allocated site.) It is noted that during the Scoping stage of the project there was a westerly route option which would have potentially directly affected allocation HN8.3</p> <p>Allocation HN8.2 on Gwern Lane, Caer Estyn is located approximately 9km to the south of the proposed pipeline and therefore this application would not affect this allocation.</p> <p>As stated above in the response to question 1.1.14, planning application 061368 was refused on the 31st August 2022, and no appeal has been submitted to date pursuant to Section 78 of the Town and Country Planning Act 1990 and the appeal period has now lapsed.</p> <p>The full application details, along with committee report, the link to the recording of the committee meeting, minutes of the meeting and decision notice can be found at the links below.</p> <p>Full application details and committee report- https://planning.agileapplications.co.uk/flintshire/application-details/63543</p> <p>Committee report - https://committeemeetings.flintshire.gov.uk/documents/s7 1885/061368%20-%20Change%20Of%20Use%20Of%20Land%20To%20Residential%20Gypsy%20Traveller%20Community.%20The%20The%</p>		
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			<p>20Sie%20To%20Contain%20One%20S.pdf?LLL=0</p> <p>Recording of the committee meeting: https://flintshire.publici.tv/site/mg_bounce.php?mg_a_id=25524&mg_m_id=5227&language=en_GB</p> <p>Minutes of the Meeting: https://committeemeetings.flintshire.gov.uk/documents/g_5222/Printed%20minutes%2031st-Aug2022%2013.00%20Planning%20Committee.pdf?T=1&LLL=0</p>		
16.	Socio-economic Effects, Including Population and Human Health				
Q1.16.2	General FCC	<ul style="list-style-type: none"> Having regard to the list of Stakeholders the Applicant has engaged with listed in Appendix A Meetings with Stakeholders [APP-032]. <p>Do IPs have any points they would wish to raise about potential construction, engineering and manufacturing skills, which could have the potential to provide economic benefits or local opportunity? For example are there any local employment or cross linked educational initiatives to make the Applicant aware of which they may be able to take into account in gauging the overall social-economic opportunities available?</p>	<ul style="list-style-type: none"> It is considered that there are opportunities for the HyNet proposals to link into the green skills, advanced manufacturing and construction priorities for the Regional Skills Partnership. In addition, a close working relationship is encouraged with both the Deeside Decarbonisation Business Forum and the Ambition North Wales 'Low Carbon Energy' Programme and the Hydrogen Hub, which is part of the Growth Deal Capital Programme for North Wales. https://ambitionnorth.wales/lowcarbon-energy/hydrogen-hub/ Locally, it is hoped that the applicant will give early consideration to skills needs and recruitment and will take a proactive approach to planning these with local Further Education and Higher Education providers within the County/Region and the Council's Employment Team to ensure that the supply chain is able to recruit effectively. It is also suggested that the applicant contributes to the work underway locally and regionally to promote careers in manufacturing, green skills and construction to parents, children and young people and unemployed / career changing individuals. 	The Applicant acknowledges the response and would refer FCC to the Applicant's response to Q1.16.1 sections i) to v) (pages 106 to 110) in the Applicant's Response to ExA's ExQ1 [REP1-044].	Noted and welcomed.
Q1.16.3	General FCC	<ul style="list-style-type: none"> Scope for a Community Benefit Fund is referenced within the full Relevant Representations received from FCC [RR-034] [RR-035]. They specifically comment "<i>that the construction of</i> 	<p>HYNET COMMUNITY BENEFIT FUND</p> <p>FCC is of the view that HyNet should provide a voluntary community benefit scheme, established and managed by the developer to mitigate against the impacts of the development.</p>	The Applicant would refer to the Applicant's response to ExA's ExQ1 Q1.16.3 (page 112) in the Applicant's Response to ExA's EXQ1 [REP1-044] submitted at Deadline 1.	The applicant's response to ExA's Qu1 is noted in relation to this point and would welcome further information with regards to the details of the proposed voluntary community benefit fund.

		<p><i>the pipeline would cause significant disruption to a number of communities in Flintshire for the duration of construction. Furthermore, should consent be granted, this would result in extending the life of the PoA Terminal which is currently expected to be restored by 2023. However, it is noted that the communities and industry of Flintshire would not benefit from receiving hydrogen until much later in the project as there are no immediate plans to construct a hydrogen pipeline in Flintshire. As such, it is considered reasonable for the developers to commit to providing a community benefit fund for those affected communities”.</i></p> <ul style="list-style-type: none"> • FCC <ul style="list-style-type: none"> i) Explain what the suggested Community Benefit Fund you describe would be specifically used for? ii) By what formal regulatory mechanism would you be seeking such funding from the Applicant if it is to be pursued? iii) Detail how any policy/ statutory test associated to securing the funding requests described would be met. iv) If you have not already done so advise on the full details any CILCS in place for the administrative area or any plans to introduce one. • Applicant <ul style="list-style-type: none"> v) What are your views on the principle of achieving a Community Benefit Fund having regard to the policy and legislative context it 	<p>The fund could be used to fund projects in the communities affected by the construction of the pipeline and the above ground installations/BVS, and also the development at the Point of Ayr Terminal.</p> <p>Projects that the fund could support include those that would either promote the use or invest in the development of the reduction of carbon emissions, skills and research regarding Carbon Capture Storage and green hydrogen production, and de-carbonisation of transport for example. It could also work in partnership with the Ambition North Wales Low Carbon Energy Hydrogen Hub programme as discussed above.</p> <p>Example of this type of developer funding scheme in Flintshire include the Parc Adfer Community Benefit Fund: Which supports local projects that will help or benefit the local environment in some way. There are five main project criteria, one theme includes carbon reduction and also de-carbonisation of transport. More details can be found:</p> <p>https://www.flintshire.gov.uk/en/Resident/Funding-Opportunities/Parc-Adfer-Community-Benefit-Fund.aspx</p> <p>The Gwynt y Môr Offshore Windfarm Community Fund is also available for communities in coastal areas of Flintshire.</p> <p>https://cvsc.org.uk/en/funding/gwynt-y-mor-community-fund</p> <p>The Burbo Bank Extension Community Fund is also another example of a large infrastructure project that has established a community fund to provide funding for those communities affected by the development.</p> <p>https://grantscape.org.uk/fund/burbo-bank-extension-community-fund/</p> <p>It is understood that there is no formal regulatory mechanism to seek such funding from the applicant. Furthermore, as stated above in the Council's response to question Q1.1.3, there is no</p>		
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		<p>would need to be considered within?</p> <p>vi) The submitted Planning Statement [APP048] references that mitigation is to be provided in accordance with paragraph 5.12.9 of EN-1 which states that the SoS should consider whether mitigation measures are necessary to mitigate any adverse socio-economic impacts of the development. Having regard to all existing adverse socio-economic impact mitigation envisaged and proposed, do you agree there is policy scope to provide an additional broader local community benefit package in line with EN-1?</p> <p>vii) If you are in agreement, how would those elements be formally captured by the proposed DCO?</p>	<p>Community Infrastructure Levy Charging Schedule in place in Flintshire.</p> <p>Following the adoption of the LDP on 24/01/23 Flintshire County Council will be reviewing the feasibility of introducing a Community Infrastructure Charging system compared against the continuation of the present s106 based approach. If a CIL were to prove viable it is unlikely to be implemented within the timescales for determining this present development proposal.</p>		
17.	Transportation and Traffic				
Q1.17.1	Traffic Management FCC Highways	<ul style="list-style-type: none"> Having regard to the Outline Construction Traffic Management Plan (OCTMP) [APP-224] submitted. The measures are indicative and there are several traffic management concerns being raised by IPs through relevant representations. Considering those concerns as well as the characteristics of the local road network the ExA requests that traffic management issues are resolved during the examination as far as possible. Relevant Highway Authorities What are your views in relation to the scope and content of the Outline Traffic Management Plan? Please explain your reasoning in relation to preferred 	<p>The OCTMP is a high-level document and does contain indicative detailed measures.</p> <p>It is considered that the scope and content of the OCTMP is adequate at this point. It is understood that with each phase/stage of the DCO development, should it be consented, that a full construction traffic management plan would be submitted for approval by the Local Highway Authority.</p> <p>FCC have no concerns with the outline traffic management plan at this stage. Meetings have taken place to discuss areas of concern in relation to temporary traffic management (B5129 Sandycroft & Chester Road, Northop Hall).</p>	The Applicant acknowledges the response and has no further comments.	

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

		mentioned documents are invited.			
Q1.17.3	Access Applicant and Relevant Highway Authorities and CWCC	<ul style="list-style-type: none"> Peel NRE in its Relevant Representation [RR078] states that the proposed access road from Grinsome Road roundabout to the Pipeline/ AGI conflicts with the delivery of the approved Protos Plastics Park (CWCC Planning application ref. 21/04076/FUL) and that this could constrain the delivery of the development. Therefore, at this stage, Peel NRE objects to the proposed access to the Ince AGI and the Pipeline. <p>The ExA notes Peel NRE's claim that it is the stated owner of land required for the Pipeline for the Ince AGI, and the associated proposed access, pipeline corridor, and construction compound (as shown on Works Plan ref. EN070007-D.2.4-WP-Sheet 1) ('Affected Land'). The Affected Land includes land at Ince Park, known as Protos – a 130ha development site comprising a major energy and resource recovery hub and ecological management areas which is a major employer near to Ince, Cheshire. Protos has extant planning permissions in place and the delivery of development is already well advanced. Protos benefits from outline planning permission (ref. 14/02277/S73) for a resource recovery park, and additionally, separate planning consents have been secured across individual plots for developments that are aligned to the ethos of Protos, including an Energy from Waste Facility (ref. 18/01543/S73), a biomass facility (ref. 14/02278/S73), a timber recycling plant (ref. 14/02271/S73), a plastic to</p>	This particular site is located within Cheshire West and Chester therefore FCC Highways Authority have no comment to make and would respectfully defer the Examining Authority to Cheshire West and Chester Council for comments on this point.	The Applicant acknowledges the response and has no further comments.	

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

	<p>Highway Authorities (ie Welsh Government, National Highways, Etc.)</p>	<p>have already been anticipated in the formulation of the OCTMP.</p> <ul style="list-style-type: none"> i) Can the Applicant further clarify how road maintenance issues associated with the condition of existing highway infrastructure is to be managed/ and or mitigated? ii) What specific provisions in the DCO deal with road maintenance matters and how do they relate to the acknowledgement of any existing highway structure affected? iii) How would compensatory measures be dealt with for any unintended damage caused to the public highway or highway related infrastructure inclusive of any local bridges. <p>• IPs</p> <ul style="list-style-type: none"> iv) Submit whatever comments you deem necessary. v) Are there any existing recognised surveys which have been conducted which provide a basis for detailing the condition of any existing highway infrastructure potentially impacted upon. If so, please provide that information to the Examination. 	<p>There is a reference in the OCTMP that condition surveys would be undertaken in consultation with the relevant Highway Authorities.</p>	<p>of the Strategic Road Network. The responsibility to monitor, and where necessary, repair this section of road lies with Welsh Government/North and Mid Wales Trunk Road Agent.</p> <p>The Applicant acknowledges the challenges of crossing the River Dee adjacent to the A494 Dee Bridge, and addresses the rationale for considering this route in the Applicant's Response to Relevant Representation RR-10 [REP1-042].</p>	
<p>Q1.17.5</p>	<p>Highway Infrastructure FCC Highways</p>	<ul style="list-style-type: none"> • The Welsh Government has announced (February) the cancellation of a series of road building projects. Does the announcement or the suggested alternative improvements envisaged to the A494 at Aston Hill have any implications for the proposed DCO development? If so, please explain what those implications are and what are they likely to involve? 	<p>Roads Review Panel recently released their report and recommendations to the Welsh Government, one of which related to the removal of the proposed A55 'Red Route' as a new road scheme.</p> <p>The Welsh Government has yet to finalise its response to the Panel's recommendations, as it is understood that there are ongoing considerations following a notice of motion.</p> <p>The Flintshire LDP was adopted prior to the panel's report being published, and the Red Route is therefore referenced within Policy PC10 New Transport Schemes, under criterion i., and is shown on the proposals maps as a protected route. Until such a time as the WG publish their formal response to the Road Review Panel Report, the position must be assumed to be as set out in the LDP and it cannot be said at</p>	<p>The Applicant acknowledges the response and has no further comments.</p>	

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

Q1.19.1 3	DCO Articles Relevant Local Authority	<ul style="list-style-type: none"> Article 2 (Interpretation) – Definition of ‘Commence’ Are the Relevant Local Authorities satisfied as to the list of exceptions within the definition of commencement? 	<p>Article 2 (Interpretation) – Definition of ‘Commence’. Suggested amendment to the following (in bold blue):</p> <p><i>“commence” means carry out a material operation, as defined in section 155 of the 2008 Act (which explains when development begins), comprised in or for the purposes of the authorised development other than site preparation works, remediation works, environmental (including archaeological) surveys and investigation, site, utility or soil survey, erection of fencing to site boundaries or marking out of site boundaries, installation of amphibian and reptile fencing, the diversion or laying of services or environmental mitigation measures, and any such accesses that may be required in association with the above exclusions and “commencement”, “commenced” and cognate expressions are to be construed accordingly;</i></p>	The Applicant is happy to propose this change in the next revision of the DCO.	Noted and welcomed. The Council reserves its position until the amendment is made in the next iteration of the draft DCO.
Q1.19.1 4	DCO Articles FCC Highways	<ul style="list-style-type: none"> Article 2 (Interpretation) – Definition of ‘Highway authority’ – This definition is noted, but the ExA would ask whether or not NHs and/ or The Welsh Government should be included in this definition. 	<p>FCC agree that this definition should be extended to include NHs and/or The Welsh Government.</p> <p>WG/NMWTRA are the relevant authority in relation to the trunk roads: A494(T) & A55(T)</p>	This was amended at Deadline 1 to include strategic highway authorities within the definition; please see the tracked version of the dDCO [REP1-005] which shows the deletion of ‘local’ in this definition.	Noted
Q1.19.1 7	DCO Articles Applicant/ FCC	<ul style="list-style-type: none"> Article 4 (Operation and use of the authorised development) – <p>Please confirm whether or not the use of the existing pipeline is currently restricted to the carrying of a specific gas/ liquid?</p> <p>Should such a restriction exist please provide full details of that restriction and whether, other than the DCO, any other permissions, consents, licences, etc. would be required for the repurposing of the existing pipeline.</p>	<p>The existing Point of Ayr to Connah’s Quay pipeline proposed to be repurposed as part of this DCO application that was granted under the Pipe-Lines Act 1962 under reference 5/A/93 PL B52 on 16th December 1993. The Consent restricts the use of the Pipeline for the conveyance of natural gas.</p> <p>Flintshire County Council’s submission to the Examining Authority for Deadline 1 includes a copy of the Point of Ayr to Connah’s Quay Pipeline consent for information. FCC is not aware of, other than the DCO application, any other permissions, consents, or licences that would be required for the repurposing of the existing pipeline.</p>	The Applicant acknowledges the response and has no further comments.	
Q1.19.2 3	DCO Articles Relevant Local Authorities/ Statutory Undertaker FCC Highways	<ul style="list-style-type: none"> Article 10 (Street works) <p>Article 10(5) refers to the consequences of a failure to notify the undertaker (Applicant/ developer) of a decision within a fixed period of time. In this instance it is 42 days, but there are some incidents of 28 days (see Articles</p>	FCC have no concerns with proposed timescales set within DCO with regards to Article 10 (Street works)	The Applicant acknowledges the response and has no further comments.	

		<p>19(9) and 21(7)) . The need to provide a decision within a fixed period, and the consequence of the failure to do so, occurs throughout the draft DCO generally (eg Articles 11(5), 14(7), 18(7), Etc.). The ExA would ask whether the Relevant Local Authorities/ Statutory Undertakers are satisfied in regard to the time limits specified and if not what alternative would be considered acceptable?</p> <p>In addition to the above, in regard to all Articles that express a consequence for failure to notify, the ExA would ask whether such articles should also specify the procedure to follow in the event of the Relevant Local Authority/ Statutory Undertaker making a negative decision which is received by the undertaker within the relevant period? Should there be some form of cross reference to Article 47 (Requirements, Appeals, etc.) and Schedule 2, Part 2, Etc. of the draft DCO for example? If not please explain your reasoning in full.</p>			
Q1.19.3 2	DCO Articles Applicant/ Relevant Local Authority	<ul style="list-style-type: none"> • Article 23 (Removal of human remains) <ul style="list-style-type: none"> i) In terms of Article 23(2)(a), bearing in mind the prospective length/ width, which includes the limits of deviation, of the Proposed Development, the ExA would ask whether it would be appropriate to include the Work Number(s) where such human remains were found to be included within any such advertisement. If not please explain the reasons why. ii) In terms of Article 23(2)(b), should this require the display of the notice in a conspicuous place on or near the Order land which is close to the location where the human remains were found? iii) Article 23(3) – How long is ‘reasonably practicable’? 	<p>FCC has sought internal advice on Article 23 in order to answer the questions and is awaiting a response.</p> <p>FCC would respectfully request the Examining Authority defer this question to ExQ2 should the following response require further detail from FCC.</p> <p>i) FCC considers that during the construction, should human remains be found it would be appropriate to include the Works Number(s) within any such advertisement, to indicate the location of where such human remains were to be found.</p>	<p>This was amended at Deadline 1 to include a requirement to give more detail on the location where remains were found (see updated version of the dDCO [REP1-004]).</p>	Noted

		Please clarify and amend, if required.			
20.	Other				
Q1.20.1	Lighting IPs EHO	<p>• The ExA notes that changes to light levels in the immediate area through artificial lighting during construction periods or subsequent operation has the potential to alter amenity conditions for existing nearby properties and/ or have potential impacts to wildlife and the wider local environment. Considering the scheme as a whole:-</p> <p>Do any IPs have any concerns regarding lighting during proposed construction phases, or arising from any other element of the scheme?</p>	<p>FCC do have concerns about artificial lighting as it is not clear on periods of time during construction phases we would require a more detailed lighting mitigation plan relative to operational hours</p> <p>None of the BVS sites are located within the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty (AONB) but they are close to this designation and the lighting would affect the setting of the AONB.</p> <p>The Dark Night Skies SPG gives useful advice on how to reduce glare, design appropriate lighting to safeguard wildlife and reduce the impact on the night sky.</p> <p>https://www.clwydianrangeanddeevalleyaonb.org.uk/wpcontent/uploads/2020/07/Dark-Skies-Strategy-Final.pdf</p> <p>The Planning statement mentions that the height of the lighting has been lowered to reduce the impact on the surrounding area, it may be that further alterations can be made to reduce any impact to a minimum.</p>	<p>The detailed CEMP, secured by Requirement 5 of the dDCO [REP1-004], includes the details of lighting during construction, including working methods and mitigation measures to ensure the reduction/removal of potential adverse impacts as a result of construction lighting. REAC commitments D-PD-013, D-PD-014, D-BD-015, D-BD-040, and D-LV-021 [REP1-015 and CR1-109] provide mitigation measures to avoid and reduce potential adverse impacts arising from lighting during construction which align with best practice guidance. Additionally, the ECoW/team of ECoWs, as committed to through D-BD-001 of the OCEMP [REP1-017], will oversee and monitor the implementation of mitigation measures during the construction stage, inclusive of items associated with light use and provision.</p> <p>Refer to Chapter 3 – Description of the DCO Proposed Development [APP-055] for full details of lighting. At operation, lighting will only be in use to facilitate periodic, short-lived maintenance or security visits REAC commitment D-PD-013 [REP1-015 and CR1-109]. At all other times during hours of darkness lighting associated with the BVS and AGI compounds will not be operational and will, therefore, not be visible in the night-time environment. This approach is consistent with the guidance set out in the Clwydian Range and Dee Valley Area of Outstanding Natural Beauty SPG; <i>Planning for the Dark Night Sky</i>. It should also be noted that lighting will be perceived in relation to existing illumination from settlements, individual properties and farms, the transport network and skyglow from the wider Liverpool conurbation. A Lighting Plan</p>	Noted

				will be developed which will detail operational lighting and associated mitigation D-PD-014 [REP1-015 and CR1-109].	
Q1.20.2	Safety FCC	<p>• Relevant Representation [RR-081] indicates that the new pipeline and the AGI terminal at Ince is within very close proximity to land which is the subject of a Control of Major Accident Hazards (COMAH) impact zone.</p> <p>Applicant Please advise what consultation has taken place with the Health and Safety Executive (HSE) and whether the HSE have provided any site plans showing the HSE Zones. (Note: The ExA is aware that such plans may have been issued on a confidential basis and is not seeking the submission of such plans at this time. However, during the course of the examination it may seek the submission of such plans. If such plans are requested they would be likely to be sought through the submission of a public version that is redacted, along with an unredacted confidential version for the ExAs consideration).</p> <p>Please provide a copy of any correspondence received from the HSE in regard to this Proposed Development, excluding any plans that may have been issued by the HSE confidentially, or signpost the ExA to where within the submitted application documentation such correspondence can be located.</p> <p>Also please confirm what provision would be made during the construction and operational phases to safeguard the public health of those involved in construction and operation of the facility? How would such provision be secured by the DCO?</p> <p>Health and Safety Executive/ Relevant Local Authorities Please confirm whether:</p>	The AGI Terminal at Ince lies within the administrative boundaries of Cheshire West and Chester Council and therefore FCC have no comments in relation to this question but would respectfully defer the Examining Authority to comments from Cheshire West and Chester Council and the Health and Safety executive.	The Applicant acknowledges the response and has no further comments.	

		<p>i) the Proposed Development lies within the proximity of any designated Control of Major Accident Hazzard site(s), and if so please advise the ExA of any concerns you may have in regard to the Proposed Development and its proximity to those sites.</p> <p>ii) the HSE has issued any comment and/ or issued any advice in relation to the Development which is the subject of this DCO Application. (ie has the HSE issued any letters in relation to the development proposed by this DCO Application that states they 'Do Not</p>			
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