

Hynet_6 June_ISH1_PT3

Created on: 2023-06-06 15:20:14

Project Length: 01:40:50

File Name: Hynet_6 June_ISH1_PT3

File Length: 01:40:50

FULL TRANSCRIPT (with timecode)

00:00:05:17 - 00:00:17:04

Welcome back, everybody. The hearing has resumed. I'm just going to check with the case team at the back of the room to see if the live stream can be recommenced. Yeah. Thank you.

00:00:19:29 - 00:00:52:06

Um. So we left Section one this morning covering items 1 to 4. And there's various things on the agenda. We finished off with biodiversity interests, hedge and tree impacts broke for lunch and now we're resuming at item number five. This covers the Water Environment Water Framework Directive elements, flood risk, decommissioning, landscape and design matters.

00:00:53:06 - 00:01:15:06

Also the bits and pieces. So there is a bit of a mixed bag here of things. So I'm asking part is just to bear with me. It does skip about a bit on the on the agenda, but I am optimistic. We're probably looking to finish about 3:00 or half past something like in terms of the running order. Um.

00:01:17:19 - 00:01:49:02

I'm aware natural England and the Environment Agency are in the background online, and some of these aspects I'm going to ask will need some of their inputs. Um. I realize the applicant has made various bits and pieces of presentation material to to set the scene on various topics. I'm not going to do that so much with this topic. There's quite a few questions from me and I'll be moving from the applicant to the various parties as as I go.

00:01:53:20 - 00:01:54:12

So.

00:01:56:04 - 00:02:14:09

What I've asked for in the background. If the applicant's team is able to assist with this is to display application plan 218 and that is the watercourses in the local area. Don't know if that can be displayed on the screen.

00:02:28:00 - 00:02:32:11

Just wait a few moments. But if there is a technical issue with that, just let me know.

00:02:40:21 - 00:03:11:27

Okay. So that's being displayed. Thank you. And I'm aware the development crosses were cited as near to somewhere in the order of 19 Main Rivers, some 54 or so other watercourses. I won't name all of those as this is information I'm referring to in the US. But notable no notable watercourse crossings do include the Shropshire Union Canal and the River Dee. When the scheme was first submitted.

00:03:13:06 - 00:03:13:21

Um.

00:03:16:16 - 00:03:28:06

I'm also aware there are sensitive, sensitive land uses identified within 250m of sections four, five and six of the pipeline route, which includes

00:03:31:00 - 00:03:48:16

a. As a C and a designated area of ancient woodland. So the local water environment we're discussing is interconnected to wider land areas. And there are perhaps.

00:03:50:02 - 00:04:10:25

Hydro and geological pathways which may be relevant or not relevant, is important to considerations as we go on. But. That short introduction aside, I'm just now going to invite the Natural Resources Wales to give a summary of their

00:04:12:16 - 00:04:23:12

water environment concerns to date and the scope for any solutions which may be available if they are available online.

00:04:25:29 - 00:04:29:25

Thank you, sir. Just Justin us for Natural Resources Wales.

00:04:32:21 - 00:04:50:07

The written representations for deadline one that an submitted set out between paragraphs 2.1 and 15 2.15 of the document. A lot of detail about the

00:04:51:22 - 00:04:55:08

position that was taken and its concerns around.

00:04:56:29 - 00:05:06:14

But to summarize the relevant compliance assessment submitted by the applicant.

00:05:08:06 - 00:05:47:21

In chapter 18.3 has been reviewed by our specialists and the conclusions that the applicant's assessment reaches as regards deterioration to the Brook water body of no deterioration, and further that in essence that the construction and operation of the proposed crossing the open trench cut crossing into the bedrock would not jeopardize the attainment of good status of the water body.

00:05:48:05 - 00:05:58:18

And nobody cannot agree with those conclusions. And in large part, it's due to the evidence base that has been presented.

00:06:00:21 - 00:06:26:29

The consequences of the advice that gives in this regard. If followed, would be that the examining authority could not recommend the approval of the project unless there were a derogation. And at present there is no information provided for a derogation under the regulations.

00:06:35:07 - 00:06:43:16

The position regarding how matters can potentially be resolved.

00:06:45:21 - 00:07:10:15

I appreciate that. Perhaps I can deal with it in this manner that we are aware of material change to that's been submitted. And I'm mindful of what was said earlier on by the panel in regard to that. So we won't go into any details of that, but it is potentially a relevant issue in this regard, as I'm sure you'll appreciate.

00:07:10:19 - 00:07:52:06

Yes. Just to interject, my colleague, Mr. Butler did make a note of that earlier, that we're not presently discussing any of the aspects of the change request. They're not examination documents before which have been accepted into the examination. They are subject to consultation and different things. So that that is a reference point. There you are right. And in saying that, we're not discussing that at this stage, but you can allude to certain things that perhaps may be done or not done in giving you responses just to of expanded on that slightly.

00:07:52:27 - 00:07:55:26

Sorry to interject, but back over to you.

00:07:56:16 - 00:07:59:15

Thank you. No fully understand.

00:08:01:19 - 00:08:02:10

The.

00:08:03:26 - 00:08:44:20

As as outlined a moment ago, that if if the consequences are that the advice that W has given is is accepted and there may be deterioration or the construction and operation may jeopardize the attainment of good status of the water body that the case law governing this area is very clear that the project should not be authorized without a derogation and that is something that hasn't been to date examined.

00:08:45:02 - 00:09:02:13

So and you can't comment on a derogation because no, no. Case for a derogation has been made and no supporting evidence has been submitted. Um, in terms of taking matters forward with how the

00:09:04:02 - 00:09:25:03

application is currently presented. We are mindful that the applicant does not agree with an assessment. Um, and um, we'll, we'll maintain what perhaps it might be helpful to call option one for the crossing of the brook.

00:09:27:03 - 00:09:45:21

In that in that regard, we have in our written representations at paragraph 2.10 in paragraphs A to G. Set out further information that we have suggested should be submitted by the applicant.

00:09:47:18 - 00:09:56:05

Um, and that could be done with an updated compliance or a compliance assessment report.

00:09:59:25 - 00:10:24:02

I should say. An updated report could also include if the applicant was so minded. Information in support of a derogation. But that is a matter for the applicant. And these issues go to to summarize whether or not the Army brook is losing or gaining water to or from the bedrock.

00:10:25:23 - 00:10:45:06

The depth to local groundwater and thickness of any zone beneath the stream bed. If the stream is losing water to bedrock. Local stratigraphic controls permeability of local bedrock and thickness of the stream bed on top of that bedrock.

00:10:46:24 - 00:10:54:13

The degree to which the bedrock can be excavated would depend on the hardness of the bedrock at the crossing point.

00:10:56:19 - 00:11:03:18

Whether stream diversion would be required and how this would be achieved from a practical perspective.

00:11:05:05 - 00:11:38:02

Information regarding any legacy mine workings in the area of the proposed crossing point and the influence that any workings might have or may have on activities for the construction and operation of the crossing at all timey brook. So that would cover excavation construction and operational phases inclusive. And finally, the potential that stream bed excavation works could significantly damage the current stream flows.

00:11:40:04 - 00:11:55:24

And remove flow that is relied upon downstream. And the concern that that would lead to deterioration of the hydro morphology element and potentially other elements, including water quality and biological elements.

00:11:57:19 - 00:12:03:00

So these are matters that the. A written response as identified

00:12:04:29 - 00:12:33:15

it. It's it's fair to say that that the assessment of these things is something that's outside of my competence. And it may be a useful juncture to pass to Mr. Stefan Leroy, who is an expert in a specialist for another in these matters, to deal with the reasoning as to why he was unable to accept the conclusions in the compliance assessment report.

00:12:35:06 - 00:12:38:08

Yes, that would be useful if he's available.

00:12:40:24 - 00:12:41:20

Yes, I'm available.

00:12:41:22 - 00:12:44:10

Stefan Lacroix Natural Resources Wales.

00:12:47:03 - 00:13:35:12

Thanks for the background there from my colleague. Um, the issue that we have fundamentally is that, um, when you have complexity in the ground with respect to the geological materials, the hydro geologic regime, the juxtaposition of the rocks that exist together, um, when you have faulting that's present and when the rocks are fractured. It's very difficult to have the necessary level of certainty in the behavior when you interact with an environment like that in terms of what could happen when you excavate into the bedrock.

00:13:37:08 - 00:13:54:12

And there is currently no site specific information that has been gained, which is normally done on either side of a crossing point B as a bridge or something like that, that you would

00:13:56:01 - 00:14:26:28

progress some boreholes. Find out what the nature of the ground materials are, understand what the nature of the fracturing is, what groundwater levels are doing, and that you use that to to develop a judgment. As to whether or not there is a possibility of loss of of water when you're excavating into the materials. And what is currently being relied upon are some historic boreholes.

00:14:27:26 - 00:14:59:29

And there are a number of those in the area. I think the closest one is about 110m away. Um. And a review of those boreholes paints a rather disparate picture of of of of. The rock characteristics. So there isn't uniformity in terms of of. Being able to say something with certainty about the degree of fracturing or what groundwater is doing.

00:15:00:01 - 00:15:42:09

There is one borehole that has shown an artesian condition. That borehole was drilled on the highway. It was think it's from 1974. But I've looked at the boreholes on either side of of of that particular borehole and some other boreholes and they for example show a fluid loss in the near shallow ground materials when you're drilling returns are lost. So you know, that suggests that there's a difference in the performance of the of the of the groundwater and how it behaves.

00:15:42:11 - 00:16:09:12

And our main concern really is that if you go and excavate into a bedrock channel. Um, the the potential for aggravating the condition causing pathways, breaking the rock up which has a poor rock quality index. That means that.

00:16:12:22 - 00:16:43:28

The percentages, if you like, of rock that can be retrieved from a from a from a core are roughly around 50%, certainly in the top sort of 5 or 10m. It means that the rock is likely to be broken not just in the excavation, but also the fracturing will probably go a little bit laterally as well. And because of that uncertainty of what that means, when you then put the watercourse back,

00:16:45:15 - 00:17:03:21

assuming it can be diverted, there's an unknown and uncertainty about whether or not there could be some loss. I don't know if there could be some loss, but that's that's largely based on on the on the lack of information. And I think that.

00:17:05:08 - 00:17:29:24

Reliance on a conceptual model and boreholes that are distal. Which is far removed or not that close. Not in close proximity or certainly not in the proximity that you would wish to have for an infrastructure job like this. That means that there is uncertainty and therefore we cannot rule out the possibility of loss of flow in the water cause.

00:17:33:06 - 00:17:41:29

And the uncertainty and the risk elements that you're referring me to. Um, just to be clear, those would have.

00:17:42:01 - 00:17:43:03

Ecological.

00:17:43:17 - 00:17:58:12

Consequences, would they as and the would the consequences also extend to perhaps, I don't know, for example, human health type issues? What are the consequences?

00:17:59:16 - 00:18:30:17

Um, that that that's not necessarily my area of expertise. In broad terms, I would expect that any derogation may cause down flow impacts on any flora and fauna that relies upon particular flow patterns. You know, I don't know that that would be something that maybe my colleague could answer. Um, I don't know. Chris, do you want to maybe interject here? Perhaps who might be best to answer that? Or maybe we could take that away? Don't know.

00:18:35:25 - 00:19:07:02

I mean, can take written submissions if need be. Um, it is a useful explanation you've given in terms of the risk and where you are with the, the actual concerns. So yeah, if you are able to, um, give an idea of what the consequences would be if those risks were not. Uh, you know, in a worst case scenario, the risks weren't addressed properly. It would be useful to know what.

00:19:07:04 - 00:19:09:29

What the actual consequence would be of that.

00:19:10:19 - 00:19:33:00

I think that that, that that is the that would be at the heart of what that sort of derogation assessment would be. Think that's what my colleague was referring to before, which was, you know, what would the the implications, what would the impacts of of a range of losses be? That's think what that would report would consist of.

00:19:35:18 - 00:19:40:00

Understood. Thank you. Um, I'm going to, um.

00:19:41:23 - 00:19:53:23

Is there anything else you would like to add? I'm just conscious. There are various parties with the hands up on the screen in front of me, and before I invite those in, perhaps if they're.

00:19:55:14 - 00:19:58:22

I think the only other thing that I would like to say is that.

00:20:01:07 - 00:20:33:22

This is a this is an intervention, if you like, into a natural system. So the fact that you have to break the rock, which is obviously a short term activity compared to what is naturally happening in terms of erosion and the filling of fractures, etcetera. The two processes, the two dynamics are completely different. One is a long term behavior that occurs or processes that occur over a long, long time.

00:20:33:24 - 00:20:43:19

And the other one is a short, direct intervention interaction. Which of unknown consequence, shall we say?

00:20:46:14 - 00:21:13:13

Uh, all of those points are noted. Thank you. Um, if there's nothing else to add. Uh, your side. I'm going to invite the. The parties with the hands up just to speak, and then I'll go back to the applicant team and just get their views and responses on what's being discussed. So, uh, I can't make the name out fully. I think this, uh, but.

00:21:15:06 - 00:21:18:18

Is it Initials J. Justin.

00:21:20:18 - 00:21:41:27

Yes. Just the name was for. Thank you. I was simply going to invite Helen Miliband of Natural Resources Wales to potentially assist the panel in relation to the question regarding losses and the impacts of concern to another.

00:21:43:10 - 00:21:44:19

Uh, yes, please do.

00:21:47:26 - 00:22:33:16

Hello. Hello. Miliband Natural Resources Wales. Just to pick up the what my colleague Stefan was saying, reduced flow can affect freshwater wildlife and water quality in a variety of detrimental ways. Things like it can change the physical shape and structure of the watercourse so that there's reduced habitat available for certain species like fish or invertebrates or aquatic plants. And there can be changes, Usually reductions in dissolved oxygen in the water pollutants and nutrients can become more concentrated without that extra water to dilute them that that that can cause some impacts on on the the aquatic

00:22:35:17 - 00:22:41:15

wildlife so that that just some of the some of the examples that can result from reduced flow.

00:22:43:03 - 00:23:04:07

Okay. And that's useful. And in terms of other, say, wider human health impacts, perhaps it's beyond your area expertise. Tell me if it is and is there anything you'd wish to comment on that side or is it just primarily the ecology side you're raising for now?

00:23:04:29 - 00:23:09:22

It's yeah, that's beyond my remit to comment on the human health aspect.

00:23:11:00 - 00:23:13:27

Okay. And in terms of, um.

00:23:15:15 - 00:23:17:18

Habitat regulation assessment.

00:23:19:25 - 00:23:38:04

Again, don't know if this might be something that you have views on or not or you you defer elsewhere to other colleagues. Would you think the ecological impacts you've just taken me through would have a bearing on on formal habitat regulation assessment?

00:23:40:20 - 00:23:48:21

If it's beyond your area of expertise or if you don't have any comments, then you know that I'll equally accept that as a response.

00:23:49:08 - 00:23:59:14

Yeah, I've currently been involved in the, you know, the impact on terms of water framework directive regulations. So I'd need to defer to a to a colleague for habitats regulations.

00:24:00:27 - 00:24:03:11

Okay, Understood. Thank you. Okay.

00:24:09:10 - 00:24:23:15

Okay. So there is quite a lot of information for me in the context of this item. I'm just going to go over to the applicant team and just get their thoughts and views on what they've heard from Natural Resources Wales.

00:24:29:02 - 00:24:59:19

Thank you, sir. Paula Mcgeady for the applicant. As Mr. Amos noted, we don't agree that we are not water framework directive compliant and we stand by the water Framework Directive assessment submitted and we understand in our representations and we do take them very seriously. We have been looking at derogation. We have not as yet submitted a delegation case, partly because we have been doing the environmental work to support such a case and partly because we had a site visit set up within our group.

00:24:59:21 - 00:25:33:00

We were hoping to scope down their concerns or at least identify the key points so that we could focus those submissions to put before you. We are working on that case and it will be submitted. We remain of the opinion that the option that we have put before you is the best one in terms our next option would be to go for derogation and our ultimate fallback would run into change request to and therefore want to cover that today. In terms of the technical points raised, I would like to invite Dr. Helen Parsons and John Chapman from that applicants team to address those.

00:25:33:24 - 00:25:35:04

Yes, thank you for that.

00:25:36:17 - 00:26:24:05

I'm. Hi, sir. It's Helena Parsons from for the Applicant. And we have listened to our concerns regarding this open cut crossing on the Artemis Brook. And we do believe that our case is robust. We have used proportionate information, both test based, field based and historical information, to inform our assessment, and that is standard practice for doing our impact assessments for water framework Directive compliance in terms of the ground investigation data and during the preparation of the submission, we did not have land access to the site, which is why that data wasn't there to us to inform our assessments and so that control for this project.

00:26:24:08 - 00:26:50:05

Otherwise we would have gone and collected such data in terms of section objections relating to the potential loss of water flow. I'd like to draw to your attention that in their relevant reps they did say in a worst case scenario, in the way we assess our impact assessment for water framework Directive compliance, we do look at reasonably foreseeable outcomes rather than worst case.

00:26:51:26 - 00:27:22:03

And we are, as I say, listening to concerns and we are undertaking a hydrogeological risk impact risk assessment to undertake further work. And John Chapman will provide further updates on that momentarily. And we have also submitted a request and options appraisal, which is both engineering, health and safety and environmental assessment of different options that we had considered as the applicant for this crossing of the Artemis Brook.

00:27:23:26 - 00:27:24:11

Um.

00:27:26:01 - 00:28:00:21

In terms of the stream diversion that will be used by standard techniques for during the construction phase to divert the flow probably by overpumping, so that we will maintain that connectivity of flow during the construction phase. So during the construction there will be that continuity, continuity of flow, and that's fairly standard construction methods for crossing watercourses. Um, in terms of the damage of the stream flow and hydro morphological change and the impacts on ecology, Um, should this open cut crossing go ahead.

00:28:01:03 - 00:28:31:14

And we have got um, measures within our um, register environmental actions and commitments to reinstate the riverbed at our Army. Brook And that would include the grouting of any of the open cut crossings, the grouting of any fissures that may be, um, identified during the open cut to create an impermeable surface. And that impermeable surface during the open quarter will prevent the loss of flow and then there'll be concrete capping.

00:28:31:16 - 00:29:04:23

And on top of that, we will reinstate bedrock to mimic the natural conditions of the watercourse. So once the watercourse is reinstated, it will look very much like it does in baseline condition and the hydro morphology will be behaving as it is on the baseline. We also have a commitment to undertake a bespoke morphological assessment and detailed design. We did offer to in order to bring that forward during the examination period and we could have had that work done. But him and said that they didn't think it would help at this stage.

00:29:04:25 - 00:29:37:24

So that has still been deferred to the detailed design stage. Um, we also have a commitment to undertake further work at the detailed design stage to look at micro siting again using the data which we'd then have the powers to collect in order to eliminate risk as far as possible and to manage any risks that we did encounter and to site the crossing point at the most favourable position from the hydrogeological and other environmental aspects as well.

00:29:39:06 - 00:29:47:03

So I'll pass over now to John Chapman to provide you with further information on the Hydrogeological impact assessment. We've been doing okay.

00:29:48:10 - 00:29:49:06

John Chapman.

00:29:49:15 - 00:30:19:18

Hydrogeologist for work in behalf of the applicant. So yeah, I'd like to, I guess, give our sort of technical position and understanding where we currently are at doing to address concerns which we've said were taken seriously. Um, so we've undertaken or we are undertaking a hydrogeological impact appraisal. So that's to understand the Hydrogeology um, undertake a high level assessment of the potential risk of a lot.

00:30:19:27 - 00:30:22:19

Sorry to interrupt you. Is that desktop based?

00:30:22:21 - 00:30:32:16

Yeah. Yeah. With some, um, guess site based evidence as well from observations from walkovers. So there is some, there is a site element to it as well.

00:30:32:23 - 00:30:43:10

Perhaps you'll describe later on. But um, did note there was a bone of contention about the actual borehole information, so don't know if you'd like to address that as you go on.

00:30:43:12 - 00:31:20:00

But yeah, can, can come to that. Yes, that's fine. Um, so yeah, so we're undertaking the, um, call it the um, which is to, you know, to understand the potential for loss of flow. We've considered multiple sources of, of, you know, of the available information that we do have to hand in the absence of ground investigation. So that's various documents from the, from the or geological maps, which is the 1 in 10,000 year old geology map, 1 in 50,000 geological memoirs, the Deeside thematic Geological Mapping Technical Report, Hydrogeology of Wales Technical Report.

00:31:20:06 - 00:31:21:26

Um again that you know as mentioned, the

00:31:24:00 - 00:31:55:21

Logs Geophysical Ground Investigation report, coal mining risk assessment, field information, so observations from various walkovers and technical notes, a technical know that's been produced for

the book crossing and also the old timey brook crossing options appraisal. Um, so yeah, so the report we produced considers all this, this information. Um, and essentially just to give a background about that, you know, what we know about the geological conditions along the stretch of the Artemis Brook.

00:31:55:23 - 00:32:26:21

So within the newbuild infrastructure boundary at the, like the upstream end of that boundary along the watercourse, you've got the, the middle coal measures formation which are fond of the hole in rock at that location downstream at the location of the the preferred crossing point as the sandstone which is part of the millstone grit group. And then downstream of this and the lower portion of the normal infrastructure boundary is the Pennine lower coal measures.

00:32:26:26 - 00:32:58:04

So all of these formations have approximately similar mythological makeup which consists of intermediate mudstone, stones, sandstones and coal seams and the coal measures, the hole in rock and the gasp of sandstone and more sandstone dominant. Um, there are two faults of note as well. So there's one cutting across the watercourse itself, um, which is sort of in a perpendicular fashion that separates the hole in rock and the middle coal measures.

00:32:58:06 - 00:33:29:04

And I should say that's just upstream of the preferred crossing location and then slightly downstream, um, of the noble infrastructure boundary, but of still importance is the, is a fault which is running for approximately 80m along the actual stretch of the old timey brook as well or very near to the, to the watercourse where we would expect fracturing to be present where there is a fault. So the watercourse is running along, a fault for a stretch. Um, so the hydrogeological flow conditions.

00:33:29:15 - 00:33:46:18

So moving on to the hydrogeology. So for all these bedrock formations are primarily driven by fracture flow, which means that water can flow through fractures in the rock. Um, there's very little into granular flow and that's, that's negligible. Um, and the, what we know from the,

00:33:48:05 - 00:34:20:10

not the BGS that the literature is that the fracture flow which is present is laterally discontinuous. So it's generally confined to specific areas, not allowing a, um, you know, a more regional flow pattern which as Stefan was mentioning before, you've got this, this, um, guess a discontinuity over short distances. So that kind of, you know, confers with, with that understanding. So we agree with that. Um, but what it means is that lateral lateral flow is limited.

00:34:21:12 - 00:34:46:00

Um, which is important to note. Um, so just to, just to move on slightly. Um, there are known what is important is that there are known former collieries present. These are near to Pinfold Lane on the abandonment plans. The workings are approximately 100m north east of the proposed crossing, the preferred crossing point. We know that these, um,

00:34:47:27 - 00:35:22:21

these mines there will work to about a depth of about 60m below ground. There are some minor edits shown on the historic maps. These are indicated to be buried in an area of made ground beneath the main ground which is on the, um, gas that forms the eastern slope of the valley of the old timey brook. Um, and guess the now we want to come on to just a few sort of key findings and observations. So one is, is the borehole which was mentioned, which was situated, you know, the northern side of the A55.

00:35:22:23 - 00:35:58:23

So that was a ground investigation borehole. And that does show, um, you know, does, does indicate an artesian groundwater level of 0.3m above above ground. The other boreholes which Steph mentioned, which are not far away, do show somewhat different conditions. But again, it kind of indicates the, the variable nature of the, you know, of the. I guess, of the the flow pattern in that that area, you know, with sort of, um, I guess flow, um.

00:35:59:27 - 00:36:40:23

Sort of patterns confined to a certain certain area. Um, so, but what the, what, um, what the artesian borehole does indicate is that there is an upwards hydraulic gradient in the bedrock, at least at that location. Um, but in addition to this are also observations taken on site walkovers which showed groundwater seepage to be occurring at the boundary of the lower coal measures and the sandstone which is in the within the new build infrastructure boundary. Um, what towards that indicates is that there's likely to be a base flow contribution of flow from the sandstone into the army brook, which again we consider evidence of an upwards hydraulic gradient in the area.

00:36:41:19 - 00:37:18:25

Um, and then there are additional observations as well of on sidewalk or was of seepage emanating from the ground on the eastern slope. Um, which again indicates, um, because you see the seepage from that ground which sits on top of the bedrock, it indicates an upwards hydraulic gradient within the bedrock. Um, so in terms of this flow, we're not sure there could be a connection associated with the former mine adit from the, you know, from the former mine under the ground.

00:37:18:27 - 00:37:53:00

This is not confirmed, however. Um, but there was no visual evidence of mine water discharge like in the form of water. Um, there's no mine water treatment schemes present. Um, and because of the time since abandonment of the the mines, the information we have indicates it's not confirmed, but we think it's the late 1940s. We consider it likely that the water levels within the mine have more than likely recovered to natural levels and that those mine mine workings, if there are voids present, are likely to be saturated.

00:37:53:28 - 00:38:26:27

Um, and then as mentioned before, the fault located it is just downstream of the downstream of the preferred crossing point and slightly downstream of the newbuild infrastructure boundary. Um, but because there's a fault present along the watercourse, we would expect fractures to be present there. The watercourse is actually from visual, um, observations appears to be growing in size that are not reducing. So it appears that the, again, the, the bedrock is contributing to the base flow of the watercourse.

00:38:27:18 - 00:38:41:14

Um, because, um, we have all this, you know, we've got these, these various pieces of evidence. Well, I just get on to that, actually. Um, the, um. Sorry.

00:38:44:05 - 00:39:21:06

Yeah. So the what I wanted to say. Yes, sorry. So. So you've raised the issue of complexity and uncertainty in terms of the fracturing present, which is true. Um, however, we, our position on this is that there is no clear mechanism for a significant loss of flow from the watercourse because in order for that to occur, the needs of the water needs to be able to flow to somewhere. And we haven't identified, you know, a location or a receptor which could accept the the flow to to create a significant loss of flow in the watercourse.

00:39:21:20 - 00:39:39:07

Um, we think there's also an assumption on our position that there is a fracture, a, um, a fracture capable of accepting significant flow which will be encountered at the crossing point. That's not a guaranteed point. Um.

00:39:40:23 - 00:40:12:20

And then also just to sort of kind of respond to a point Stefan made about the, um, I guess the, the works being of a short term nature compared to, um, I guess the faults and, and fractures occur in long term. There are, you know, there are instances in nature where faults and fractures kind of, you know, occur over a short time. You can have landslips and you can have tremors, which can also create that.

00:40:12:22 - 00:40:50:07

So would contest somewhat that they are always of a short term nature. Um, so and I guess the one final point, I just wanted to talk about the, the engineering design as well. Um, so the engineering design itself, um, is intended to avoid using percussive methods that could further fracture the bedrock and prevent, you know, so that would be intended to prevent water loss. Um, but also be any identified fractures during the excavation would be sealed with grouting can ensure a no water loss.

00:40:50:26 - 00:41:13:08

Any wash out of grout would be controlled by appropriate grant materials or grow accelerators to ensure a rapid gel setting and strength gain. Um, and then this would be maintained in the long term through the implication of a of a maintenance plan. And the proposed reinstatement groundwater regime would aim to match the preconstruction conditions.

00:41:16:15 - 00:41:38:25

Yeah. Um. Yeah. So in order. Guess to summarize our position, um, we. Because we don't. Because we believe there is a, you know, there is sufficient evidence to indicate a saturated bedrock and an upwards hydraulic gradient. We don't see that there is a pathway for, you know, a loss of significant flow. So that's why we we our position is that the scheme is compliant.

00:41:41:20 - 00:42:05:14

And all that information you've taken me through, it's it's obviously very technically based and Natural Resources Wales have identified their views that and you know is it stands they in their view uh. It should be recommended for refusal on this basis. Now, the the applicant has

00:42:07:03 - 00:42:30:14

you've gone through that information on your side. But I'd just like to understand your views on risks. Um. There are uncertainties, there are risks. And what would be the consequences, in your view, if the list of measures and provisions that were detailed by your colleague were not effective?

00:42:30:28 - 00:42:51:24

Well, sorry. John Chapman On behalf of the applicant. Our position is that should those measures not be effective, that there would not be a significant loss of flow because of the our understanding of the hydrogeology preventing that loss because we don't see that there is a mechanism for significant loss of flow.

00:42:52:17 - 00:42:58:26

So in your view there would be no consequence? Yeah. And understood. And.

00:43:02:03 - 00:43:11:05

That assists greatly. I'd like to go back to Natural Resources Wales just to see if they have any, any further comments or views on what we've just heard.

00:43:21:04 - 00:43:24:04

Steffan Leroy Natural Resources Wales, if may.

00:43:25:26 - 00:43:26:20

Uh, yes.

00:43:27:07 - 00:43:37:07

Yeah, yeah. Um. Yeah. Thank. Thank you for that response. Bye bye, John. Um. I think ultimately this comes down to

00:43:39:09 - 00:44:08:00

having to look at the degree of uncertainty that exists in a in a complex system. Um, and typically we would be in a position where there would be site specific information that would have been gained in order to decipher the behaviors and dynamics that exist in a complex system like this. We're not in that position. There is reliance

00:44:09:29 - 00:44:56:10

placed upon particular lines of evidence. Um, they may be right. They may be partially right. I don't know. Um. What I do know what from my experience anyway over the years, is that when you have complexity, you have to try and decipher that complexity with getting site specific data and think that's the key thing here. We don't have it. So my view is that whilst I understand all of the evidence that's been presented in terms of death study and in terms of maybe some site specific observation, there is nothing like actually knowing what's happening within a very close proximity to the piece of ground within which you want to do your engineering.

00:44:58:10 - 00:45:21:12

And my understanding is that Natural Resources Wales are presently involved in a statement of common ground proposal from the applicant. And obviously this is an issue and dispute between yourself and the applicant. So is that reflecting in the discussions with the statement of common ground so far?

00:45:24:18 - 00:45:31:06

The current position, as far as I understand it, is to develop

00:45:32:25 - 00:45:51:24

a bespoke site investigation. But this would be post consent that we would we and our would be involved in in forming upon to understand what the conditions are in the locale of the crossing point.

00:45:54:08 - 00:45:59:17

Okay. So there are avenues to address certain elements.

00:46:00:06 - 00:46:05:22

Yes. Yeah. Yeah. Think that would be. That's a fair. That's a fair judgment. Yes.

00:46:06:09 - 00:46:08:13

Okay. Um.

00:46:12:24 - 00:46:16:07

Just briefly referring to my notes. Just bear with me a second.

00:46:19:04 - 00:46:44:21

Whilst Mr. Shrigley is doing that can just clarify. Clearly Network Resources Wales are maintaining their objection at the present time and that will continue until such time as you've seen the evidence, I'm assuming. So if that doesn't come about prior to the close of the examination, Network Resources Wales will be maintaining the objection throughout until the close of the examination, is my understanding, correct?

00:46:51:26 - 00:46:52:11

Thank you, sir.

00:46:52:13 - 00:47:32:22

Justin Amos for an RW Yes, that in summary is correct, although as has been explored this afternoon, there are a number of other matters that need to be assessed before we get to that stage. Namely, we've been told that further information is to come from the applicant. It's anticipated that a derogation package is to be submitted, which of course we'll look at and provide our advice to the panel and to the applicant.

00:47:33:25 - 00:47:50:16

And the other matter is the material change to which we make no comment at all on that. But it's something that, as as was discussed earlier, may have a significant bearing potentially on on the matters that have been discussed this afternoon.

00:47:52:07 - 00:48:11:03

That's understood. Thank you. Again, in terms of change, request to that will be subject to to later hearings. Um, as I say, it's it's currently being consulted on and closing date for that is and for some time yet so we we won't discuss it until the hearings in August. Thank you.

00:48:13:14 - 00:48:26:16

Okay. I've got no further questions for Natural Resources Wales on this particular item. I'm just going to go back to the applicants team just to say if they want to write a reply to anything raised just just now.

00:48:30:07 - 00:49:01:11

Parliament giddy for the applicant. We don't need to reply to any of that sort. Think would just concur that we're father was being discussed that would be post any consent and therefore would not assist you on the query currently before you. The reason that we don't have the site specific data we would like in this location is because we did seek access licenses from the landowner. They were granted and then they were revoked, which is entirely their right, but didn't mean we could not get on site at the time that we had talked to and when that competing was ongoing.

00:49:01:23 - 00:49:03:21

So we didn't understand.

00:49:03:23 - 00:49:04:08

Yeah.

00:49:14:21 - 00:49:34:18

Okay. I'd like to move to. There is an element of riparian enhancement issues that feature in the examination. The Environment Agency are in the background. They are joining it the call online.

00:49:41:15 - 00:49:58:17

The information in the case. It does go through enhancements proposed at East Central Drain. Think it's pronounced Finch. It's Gutter tributary, Blackford Brook Fryers, Park Ditch,

00:50:00:05 - 00:50:05:05

as well as the brook. We've just discussed where the issues are now. Um.

00:50:06:26 - 00:50:36:23

I'd like to understand if there are any comments or views from either the Environment Agency or also the um, any engagement with the two councils, um, on possibilities of other schemes being

considered, such as Park Gate Road, Hermitage Road, um, that may benefit from watercourse enhancement and attenuation.

00:50:38:26 - 00:50:45:26

I'm going to firstly move to whether or not the Environment Agency have any comments online because I know they've been waiting patiently.

00:50:48:27 - 00:51:23:01

Afternoon. Anne-Marie McLaughlin, Environment Agency. Um, unfortunately, we don't have a specific technical advisor, um, on this call to discuss any specific comments related to this. Um, but I'd be happy to take that query back and provide a specific response to that at a future date. But we do have, um, I'm aware that we do have a discussion with the applicant forthcoming where we will be talking about um, WFD matters and potential riparian enhancements in that respect.

00:51:24:13 - 00:51:34:21

Yeah, that would be welcomed in terms of a written response at a later date. I think deadline four would probably probably be the best option. Um.

00:51:36:24 - 00:51:42:23

Don't have the date in front of me. Yeah, Sorry. It's the 20th of June. Um.

00:51:44:27 - 00:51:50:12

So that's when we would want some comments from you on those particular aspects.

00:51:51:14 - 00:51:53:22

That's fine. Yeah, I can provide that.

00:51:54:25 - 00:52:12:10

Okay. Thank you. I'm going to move to the two councils now, so I'm going to ask you to give their views as the, uh, council for the area. And then also I'm going to ask Flintshire their views to see if they've got anything else to add.

00:52:13:04 - 00:52:27:13

Michelle Spark on behalf of Cheshire West and Chester Council. Similarly, we do not have the appropriate technical expert with us here today. So again, if we can come back by deadline for on the 20th of June, that would be appreciated. Yeah. Thank you.

00:52:27:15 - 00:52:30:21

Noted. And Flintshire County Council.

00:52:32:01 - 00:52:32:29

Hannah Parish on behalf of.

00:52:33:01 - 00:52:41:04

Flintshire County Council. That's the same position for ourselves. So yeah, we'll be able to try and get something for you if we do indeed have any any comments.

00:52:41:06 - 00:52:43:16

Okay. And that's deadline for you? Yeah.

00:52:51:17 - 00:52:54:04

Okay. There are a couple of aspects of.

00:52:56:07 - 00:53:03:25

Private water supply and I just like to touch on with the applicant. Um.

00:53:16:00 - 00:53:30:14

Okay, but what what commitments can the applicant give in terms of the project as a whole, not degrading any private water supply that might be in place presently?

00:53:33:10 - 00:54:08:05

John Chapman on behalf of the applicant. So we have considered the the possible impacts on private water supplies in the environmental statement. So we identified 13 private, unlicensed groundwater abstractions. These are identified within one kilometre of the new build infrastructure boundary. Um, we want to take an a conservative or a dewatering assessment of the, um, the proposed dewatering which considers the radius of influence and the impact on the surrounding groundwater.

00:54:09:04 - 00:54:29:26

Um, for all of the excavations that are proposed for the for the proposed scheme. Um, and our sort of conservative calculations indicate that none of the identified abstractions are situated within any of the, the calculated radius of influences for the dewatering. Um,

00:54:31:12 - 00:55:01:14

it's worth mentioning also that the exact radius of influence for the private groundwater abstractions is not not known. But because we know that the maximum sort of daily legal abstraction rate for a private water supply is 20m³ per day. They're expected to have only a small radius of influence on the surrounding groundwater level because it's quite a fairly modest abstraction rate which they can abstract. Um, there is one, um, borehole groundwater abstraction which is situated quite close.

00:55:01:16 - 00:55:32:00

It's just outside one of our, um, calculated radius of influences. This is for crossing the crossing of the Shropshire Union Canal, um, which is the cross and rod call abstraction identified in the years. Um, but because we've used quite conservative assumptions as part of the radius of influence calculation, we assume that the algebraic construction method is used and that we assume they would quite, quite have quite a deep excavation of 9.5m.

00:55:32:14 - 00:56:09:19

Um, and also that any such pit would be, um, you know, open on the sides allowing groundwater inflow. It's quite a conservative approach to, to calculate the radius of influence. Um, so in all likelihood the actual method would be would have a smaller radius of influence than what's calculated. Um, so we don't expect to an impact on that, that abstraction which does, you know, it does sit outside the calculated radius of influence anyway. Um, and then for the remaining 11, sorry, the 12 abstractions which we consider to be, um,

00:56:11:07 - 00:56:22:10

sorry, I'm getting ahead of myself here. Um, there is one other. So one other abstraction which is also close to the, um, one of the cross ins, which is the, um.

00:56:25:08 - 00:56:42:06

It's the private abstraction on the land is near to the Oil for Whales garage that's situated very close to the petrol station and very close to one of the crossings as well. But because again, that

00:56:44:05 - 00:57:14:18

the radius of influence that we've calculated for that crossing excavation is only four metres and again, it's based on conservative assumptions of a 9.5m deep excavation, when in reality it's more likely

going to be more like 4 to 5m. We don't expect an impact there either. For the remaining 12 um, private water supplies, they are considered to be two to distance of any any impact whatsoever.

00:57:14:20 - 00:57:19:15

They had a long, long, a long distance away from the calculated radius of influence.

00:57:23:03 - 00:57:48:12

And again at just in relation to risk. If an additional private water supply did transpire. What would be the protections in the data or the licensing regime to sort of deal with that situation? Or is that situation just so not not it's not even on the horizon that that would occur?

00:57:49:00 - 00:58:04:18

John Chapman On behalf of the applicant, um, my position on that is that the private abstractions are there's no requirement for them to be notified to the local authority. So there is no, um.

00:58:07:06 - 00:58:15:02

You know, No, no means of them being known about like anybody could go and and drill a private abstraction, which, you know.

00:58:16:26 - 00:58:34:17

Yeah. Yeah. Anybody could control a private water abstraction for themselves without notifying anybody as long as it's less than 20m³ per day. And also, it's important to know that any impacts on the groundwater would be short term for during construction only. Um, whilst the abstraction is whilst dewatering is being undertaken.

00:58:38:26 - 00:58:56:13

So all in all, the the level of risk is very low. Is what you're saying to me and the isn't really a safeguard in itself or the licensing system because of given the factors and parameters that you've described to me. Is that right? Yeah. Yeah.

00:58:59:28 - 00:59:11:06

I think that completes my questions for this item on on water environment. Um, unless any of the other parties can see a hand raised in the background on the screen in front of me.

00:59:17:14 - 00:59:46:04

Good afternoon. It's in Manderson, environmental control officer for Flintshire County Council. Um, just comment on the the previous, um, answer. As a local authority, we are, um, we have to be aware of any new supplies within Flintshire. So it's unlikely, but it's not impossible that we may become aware of a new private water supply. It is.

00:59:46:12 - 00:59:54:12

If that was the case, would you be able to give a commitment to update the examination if those circumstances arose?

00:59:54:22 - 01:00:09:06

Yes, of course. It's in the private water supply regulations, Wales, that the local authority has to be aware of private water supplies and new supplies that come into their area. So if that were the case, then of course it would be notified straight away.

01:00:10:23 - 01:00:11:27

Understood. Thank you.

01:00:16:04 - 01:00:52:27

Okay. I did suggest there was a bit. Quite a mixed bag of things in this last item. I'm conscious of the time, so I've got a few questions to run through and then we'll run through to the action points thereafter very quickly. The citing the design of the pipeline route. I realise there are below ground aspects of this primarily, but the above ground aspects. Flintshire County Council have raised a policy issue in relation to the wording of their policy.

01:00:52:29 - 01:01:01:21

If they want to describe what that is and if it has any connotations to the design parameters of the scheme.

01:01:03:12 - 01:01:38:11

Thank you. Hannah Parish of Flintshire County Council. Are you referring to the green barrier? Green wedge? Um, yes. Okay. So I think I've addressed this within the representations Deadline three in response to the applicant's updated planning statement. So it was clear that the application hadn't taken regard for the green barrier or green wedge, whatever you want to call it. It's effectively the same policy kind of constraints as a green belt. And we were we were happy with the, um.

01:01:39:26 - 01:02:19:00

Whilst the Africans hadn't taken regard to that they have now in their updated planning statement. But in terms of the purpose for that green belt and it is obviously the same sorry, green wedge as it is now referred to in the policy to be in line with W. So there may have been some confusion from the applicant's point of view that our policy in the deposit referred to green barrier and now it is green wedge to be in line with W, but effectively it's the same kind of policy constraints as a green belt which the applicant may be more familiar with.

01:02:19:02 - 01:02:52:21

Being over the border in England. However, notwithstanding that they hadn't hadn't taken regard of it in their initial planning statement, which we obviously made in our representations in the local impact report of the purpose of the green wedge is the same kind of purpose to protect the openness, prevent urban sprawl. And with regard to the Aston but above the Aston held block valve station, that's the only element that is an element of the project that is above ground within the green wedge.

01:02:52:23 - 01:03:32:02

So in terms of the considerations that were made by the applicant in their updated planning statement, we would concur with with that and agree that the the pipeline is considered to be an engineering operation and obviously below ground, the the only element that is within the green wedge above ground is the Aston Hill Block rail station. And we we concur with the arguments and the way that they have set out their special circumstances, which I think I've noted with in our recent representation.

01:03:32:17 - 01:03:36:27

So in terms of any we don't have any disagreement.

01:03:38:05 - 01:04:00:03

And did pick up on those responses is what you've described to me. But my question is, is there any design implications? Right. I know you've just described it as comparable to green belt issues, but say, for instance, would the council be still satisfied with the landscaping accessory for the above ground aspects?

01:04:00:05 - 01:04:07:22

My advisor, if you want if you if you want specific questions on landscape, the landscaping elements, I think we're largely happy.

01:04:08:25 - 01:04:19:18

Yeah. Mean again if that line for is a is an option for you to review that if you need to and and yeah but otherwise if you're broadly happy I've got no further questions.

01:04:20:03 - 01:04:20:21

Thank you.

01:04:26:09 - 01:04:27:06

Okay. And.

01:04:30:12 - 01:04:44:10

The applicants team might not need to respond to the the the elements just now. But I've got a few questions about local community benefit aspects. Um, very briefly, the, um.

01:04:46:05 - 01:05:04:00

The legislation. It is quite wide ranging in Wales. And Flintshire County Council have given comments early on about various aspects of considering community benefit associated to the scheme.

01:05:05:19 - 01:05:06:04

Um.

01:05:10:13 - 01:05:24:13

There's also reference to cultural aspects or cultural benefits, and that may be supported by policy and law. Possibly both. Don't know. And.

01:05:26:17 - 01:05:34:21

I'd like some views from the applicants as to how they've considered achieving any cultural or community benefits from the scheme.

01:05:47:19 - 01:06:19:10

Julian Boswell for the applicant. Um, just going back, as it were, to the beginning. Obviously in the first questions we were asked about community benefit and we gave, we gave a response in Rep 144 page 112 And in that we, we explained that we had considered, um, whether there was any um, impacts that would justify a Section 106 obligation.

01:06:19:16 - 01:06:50:18

Um, and we certainly our firm conclusion that, that there isn't and we've equally we have said that it is our intention for there to be a voluntary community benefit fund and any has a track record in that space in relation to the existing gas project which is mentioned as well. Um, and so that that is our headline position, i.e.

01:06:50:24 - 01:07:29:27

we don't think that we could lawfully put forward a community benefit proposal that was formally linked to the planning decision because as you know, there are legal limits on what can and can't be done under the relevant Cil regulations. Um, coming on to your question on the cultural side, we're slightly thrown by that, to be honest, and so we would want to think about that. I think our immediate um, reaction is that that doesn't, that isn't raising anything that, that takes us in a different direction to our, to the headline position that I've just outlined.

01:07:30:03 - 01:07:44:09

But we will uh, reflect on that. And if we think we need to liaise further with Flintshire to make sure we understand the point that is being, um, being raised.

01:07:45:07 - 01:08:17:17

Yes. Thank you. And that those points have just raised the actual terminology I'm using. It does seem to be quite wide ranging and how it applies typically in planning phase, it may be a point of culture being assessed and say heritage um, matters, but it does appear to be quite wide ranging in terms of how it could be applied and in Wales and perhaps England as well.

01:08:18:01 - 01:08:42:03

So I would encourage the applicants to consider those terms in a wider sense. It may involve, say, the other environmental aspects that we touched on this morning, so it could extend solely to ecology depending on the nature of the community benefit. Um, but you know, I would want the applicant's thoughts and views on that.

01:08:43:26 - 01:08:44:11

Um.

01:08:46:23 - 01:08:58:10

Other than that, don't have actual anything else in terms of questions, unless the other councils or other parties want to raise anything before give the applicants team a right of response.

01:09:02:09 - 01:09:44:04

Thank you for May Hannah Parish Flintshire County Council. The applicant and yourselves and the examining authority be aware that this is an issue in terms of community benefit that the Council has raised and our members who obviously also represent have made it clear that with regards to the carbon dioxide pipeline within Flintshire and does not, there is no at this present time proposal for a hydrogen pipeline. So in terms of the benefits that the hydrogen pipeline will bring to communities and industry in Cheshire, that at the moment is not being proposed in Wales.

01:09:44:06 - 01:10:24:15

So there's a kind of a perception that, well, well, what are the benefits and hence our representations. And we acknowledge that there's a lot of work that is done obligations through the um, the existing planning regime point of er for the, the, the gas terminal down there and also outside of those, all the other agreements which I understand from discussions with them that subject to the planning, permission for the modifications down at point of air and, and the repurposing and the proposal down there, that's subject to obviously a separate planning application.

01:10:24:17 - 01:11:13:07

And they are, they've got a commitment to continue those obligations through a 106 there. But obviously that's outside of this system. And and we understand that the applicant is saying that they're committed to potentially a hydrogen pipeline for it to to run through in Cheshire in Flintshire. However, that may not get consent. We don't know whether that will ever, ever come. So that's what the kind of the starting point is that well what are the benefits that that the communities um down particularly down at point of air the gas terminal has got an end date of 2033 and that should then once that end date comes subject to no further extension of time would be restored and go back to nature conservation with all those other designations that surround it.

01:11:13:16 - 01:11:49:08

And whilst obviously that is not part of the development consent order, it's intrinsically linked to the whole high net project. The wider high net project does not work. If this carbon dioxide pipeline, if the if it doesn't get consent and furthermore, if the works down at point of air don't get consent. So it's really that kind of consideration of the disruption to the communities for the the the construction of the pipeline and also the sterilisation of that pipeline easement. Um, and so, you know, we acknowledge that there's no legislatively, legislatively, we can't say it.

01:11:49:10 - 01:12:16:10

The framework's not in place to come through the development consent order process, but there are a lot of other infrastructure projects in North Wales that have a voluntary community benefit fund. So that's kind of like our representation is based on the fact that the developer should be offering that and we would welcome further discussions because note that their representation at deadline three was solely based on the works that they propose to do down the point of that.

01:12:17:15 - 01:12:58:27

Thank you. Mean, in terms from our point of view, we'll be picking probably be picking some of this up in the development consent order. Um the issue specific hearing on Thursday. Um but you're you've hit it on you've hit a couple of times hinted a couple of times about the tests that we have to go to demonstrate about including community benefits in, in any legal agreement or legal agreements generally. So we'd need to address those to be able to satisfy the Secretary of State that that they are actually required in accordance with the the rules and the requirements and the legislation.

01:12:59:09 - 01:13:24:14

Um, Mr. Boswell mentioned the, the infrastructure levy regulations, for example, Section 122 So you'd need to, to ensure that there is compliance with that one, two, two and one, two, three. Um, but again, we'll come back hopefully to discuss this time permitting on Thursday. Um, did the applicant want to say anything in relation to that?

01:13:24:26 - 01:13:54:26

Yes, please. Um, Julian Boswell For the applicant, I do think we have to be really quite careful at this point. Um, we've really got to approach this in a, in a structured way and make sure that we're not mixing different things up. Uh, so the starting point is, is what you've just said, sir. And picking up something I said a few minutes ago, um, we want this to be a lawfully robust DCO, assuming that it's granted.

01:13:54:28 - 01:14:35:16

We don't want to be in the courts potentially, because something's been taken into account that is not. It makes makes the decision unlawful. There's a long history of obviously regulation and case law trying to make sure that appropriate things are taken into account when granting planning decisions and inappropriate things are not taken into account. And so we have set out very clearly that we do not think that a community benefit using that phrase, which does can mean slightly different things to different people, um, package could be lawfully linked to the planning decision in this case.

01:14:35:25 - 01:15:07:18

And I'm not sure that I'm hearing any real opposition to that proposition. Then we move into a different arena altogether, which is separate to this process. Wouldn't it be nice if, um, any as the, the, the, the, the project promoter was prepared to, to, to put forward a community benefit proposal and that's precisely what any has said that it is prepared to do but it is separate to this process.

01:15:08:05 - 01:15:39:06

Um, it's also the case as, as Flintshire has just acknowledged that any has taken a position as summarised at a deadline, one in relation to the point of air situation where there is a historic Section 106 arrangement which is intended to be rolled forward. Um, and so as far as, um, as far as. That sort of category of things is concerned.

01:15:39:08 - 01:16:13:03

I think that's as far as one can take it. If one then stands back and looks at the wider sort of concept of benefit, the applicant would very firmly say that in terms of benefit within Wales, um, there are two there are two obvious areas of benefit. One is in relation to um, the jobs that will be preserved at the terminal point of air. Um, recognising that the decision on the parallel planning application is of course with Flintshire Council itself.

01:16:13:05 - 01:16:46:05

So um, do you please consider that and lawfully determine it and hopefully grant it if you agree with the force of the application that's been made and that will, you know, make its contribution to the overall delivery of this project. So but there really there is a terminal that otherwise, as you rightly said, has a time limit on it, doesn't it? That was that was firmly included at the time the original terminal was granted and that terminal would otherwise be closing. The jobs that are linked to that terminal would otherwise be coming to an end.

01:16:46:07 - 01:17:25:05

And instead there is this obviously very credible proposition to repurpose that terminal as part of this project and to preserve that as a as an ongoing employment site in that part of in that part of Flintshire. And then the other strand is and I recognise that that's not part of the DCO at the moment is the fact that that the, the, the Hanson page would cement um, which is a, which is a major employer um, in, in, in Flintshire is going to benefit from this project which was certainly intended to benefit from this project.

01:17:25:07 - 01:18:01:02

And as was explained earlier by Mr. Glass, um, in relation to the routing decision that was made, one of the important routing considerations was how best to contribute to the industrial decarbonisation in North Wales as part of this project. And the Hanson paid wood facility was very much at the top of that list as, as an obvious potential beneficiary of that. And then um, as I know the council are well aware, um, the and was.

01:18:02:25 - 01:18:37:21

Mentioned in passing as well think this morning that under. Under the the subsequent competition that the government ran in terms of projects or secondary projects linked to the main clusters. The paid wood proposal has received backing from the government as part of that competitive process. In other words, that is that that is very real, that, you know, there is a real intent behind promoting firstly the carbon capture facility at Pace.

01:18:37:23 - 01:19:18:04

Would that that Hanson are proposing and the necessary spur pipeline to connect to this this pipeline. And so I think in those two areas there very much is intended to be a palpable benefit for for North Wales. I think the final point that I should address is the passing reference to the hydrogen pipeline. Um, that is as I know, you know, not part of this, this, this specific application that is being promoted separately by, by cadent.

01:19:18:14 - 01:19:19:27

Um, and

01:19:22:04 - 01:20:04:23

there is a longer term. And so I'm not, we're not really authorized to speak specifically on behalf of that project per se. Um, but in general terms and it's on the website, you know, there is clearly that that whole hydrogen proposition has different phases and, and there certainly is an intention in due course for that to come into, into North Wales. But that's as much as we, we could sensibly, sensibly comment. So I don't think it's important that we keep the the CO2 aspect of this pipeline project separate from that separate um, but linked project.

01:20:04:25 - 01:20:42:09

And the link is important as, as we acknowledged in, in my opening remarks this morning. So and finally, if I may, we we really are struggling as to what you want us to address on this question that's kind of come under this cultural banner, because if it's the case, as we as we are saying that, that we've

got, you know. We've analyzed the the legal position in terms of what we could or couldn't do in relation to a community benefit type proposition under formerly under Section 106 that was formally linked to the planning decision.

01:20:42:11 - 01:21:12:20

And we have reached a firm conclusion that that is not is not appropriate. We're obviously happy to consider any arguments that that, you know, either of the councils or anybody else might want to make as to why they might think we've got that wrong and then we can consider that and we can respond to that. But in terms of anything that goes beyond that, it would seem to take us outside of the the obvious kind of remit of this, of this application.

01:21:13:04 - 01:21:24:27

Um, and so it would be really helpful. I think we need something much more precise as to what it is that we're being asked to consider that is, is referencing legislation or policy. Okay. Yes.

01:21:25:11 - 01:21:59:06

Thank, thank you. Mr.. Boswell. Yes. In terms of. What I would like to know or like to be undertaken would be the discussions with Flintshire County Council, which you've already indicated just now in terms of community benefit and also cultural benefit. Did refer to my question really was whether local policy aims and any law attached to those is being met.

01:22:00:18 - 01:22:37:04

And I would encourage a review of those elements by the applicant. Um, but in terms of. If the bottom line in terms of the applicants view is certain elements, you know, it would jeopardize the permission. It wouldn't be lawful to do certain elements. It just simply be a reference note to say why or that those have been considered. And this is why you've rejected, um, seeking any cultural or community benefits.

01:22:37:06 - 01:22:49:00

I know you've made comments to questions already, but it just struck me as a lot of these terms that were referring to as in terms of benefits are quite broad.

01:22:51:24 - 01:22:56:27

So that would be my, my response to, to Mr. Boswell on that. Um.

01:22:58:13 - 01:23:13:14

I don't have any further questions. Don't see necessarily. It's a big barrier just to seek a review of what what benefits are on offer and what is lawful and what isn't relative to law and policy

01:23:15:01 - 01:23:19:09

in my estimation, but will give the applicant a right of response.

01:23:22:21 - 01:23:31:07

Julian Boswell for the applicant. I'm not sure. Then is that. I'm not sure there's anything more that we can sensibly say in response to that. Um.

01:23:33:10 - 01:23:52:13

So we'll we'll reflect on that. And we will we will. Um, suppose there's a question of when we, when we reply in writing whether that's for the next deadline in the context of the summary of case or whether it's a further deadline after that.

01:23:54:27 - 01:24:05:04

Um. Yes. Mean if it's deadline for then fine. If if it's not possible to to do it, then the following deadline might be an option. Think it's.

01:24:05:14 - 01:24:28:02

I suspect it's more likely to be the following deadline. But in the end, I don't want I do want to manage your expectations in the sense don't think our position is going to change. Yeah, but it might be that it might be only might be that we can say a bit more about what the community fund that we are actually proposing is might cover because that might or might not give you more comfort on that. And if it's a voluntary fund.

01:24:28:04 - 01:24:47:19

And as you say, it's a separate entity to what's covered in the and there is a clear separation. So, yes, I would welcome that. And also any clear separation as to what's proposed, what is and what is lawful and what isn't in any discussions with with Flintshire County Council.

01:24:53:00 - 01:24:54:14

You have nothing more to say. Thank you.

01:24:55:00 - 01:25:02:17

Okay. Thank you. That completes my question. So don't have any further items to raise unless any other party wants to raise anything before I go?

01:25:07:23 - 01:25:40:02

Not sure whether it's the right format for these questions, but. Neil Parry Flintshire County Council. Flood Risk Management. Normally for crossing a watercourse, we would ask the applicant to provide an ordinary watercourse consent whereby we look at bedding, boundary and statement pollution, environmental issues, etcetera. I'm not quite sure specifically what the applicant is proposing in this scenario.

01:25:41:11 - 01:26:13:07

The secondly, for the likes of the the valve stations in Wales, we have a SAB approval. Anything in excess of 100m². So that again, I'm not quite sure what the applicant is proposing there. My final point is regards to temporary hard standings. You know, these might be hard standings that are in place. All roads might be in place for six months or something like that.

01:26:13:10 - 01:26:17:29

And it's just how the applicant intends to deal with that runoff.

01:26:19:10 - 01:26:30:10

I'm aware there is a drainage strategy and there is lots of information about drainage in the actual application as well as flood risk. I'm going to offer it to the applicant's team to respond to the point.

01:26:33:08 - 01:27:11:07

Well, let me get you for the applicant. I suspect so. We might be starting to step on the toes of the hearing. However, in summary, our proposal is that we would not be seeking ordinary watercourse consents. That would be done under the various strategies secured by a requirement. So for the permanent works, that would be through surface water drainage strategy. So for example, aboveground sites that connect on watercourses for construction works, that would be through the various plans secured under the Construction Environmental Management Plan, which at the moment include, for example, dewatering plans, groundwater management plans and surface water management plans.

01:27:11:20 - 01:27:28:06

The drainage of construction compounds would also fall under that plan. We we are producing some more outlines for some of those sub plans and we would be very happy to talk to the council about what they felt it was necessary for the scope of those to be to give them the information sufficient.

01:27:30:25 - 01:27:39:19

We do also believe that we responded to those points and our deadline through submission in Rep 3025 if that's of any assistance to the Council.

01:27:42:02 - 01:27:55:00

Just for clarification, believe that Repp also highlights requirement eight in the draft development consent order, which relates to surface water drainage as well and how that's secured through the development consent order.

01:28:00:22 - 01:28:04:00

And there are some questions at the back of the room. Think.

01:28:06:10 - 01:28:36:29

Good afternoon, sir. My name is John Williams. I'm an infected person by the scheme. Being a joint landowner with my brother Earl Williams. And we own 45 acres of land just east of the old Sammy Brook. Going back to your morning session and the environmental mitigation area. It comes as a surprise to us. It had never been indicated in any of our earlier meetings until we seen the full application on your site.

01:28:37:01 - 01:29:12:17

That 10.2 acres of our land is to take in as a permanent mitigation area. Your questions to Mr. David Chatterton this morning. He seemed quite vague in his what was quantifying to be 1% above and below. But Mr. Chatten explained to me, please, what percentage is 1% quantified into acreage so we can get some understanding of why he intends to take 10.2 acres of our land. Is that the total 1% of what he requires, or is that a partial amount of what is required in.

01:29:12:19 - 01:29:43:05

Relation to some of these aspects that might be avenues to discuss things in the compulsory acquisition or the development consent order hearings in further detail? We did already discuss extensively issues in relation to the 1% earlier on. Don't want to resurrect too much discussion on that, but I'm going to turn to the applicant's team and just to get their responses to how they wish to go on on these matters that are actually in dispute at the moment.

01:29:45:06 - 01:29:46:05

For the applicant

01:29:47:21 - 01:30:22:00

would make two very brief comments, if I may, sir. The first is I would suggest that our proposal to take land for mitigation would be a matter more properly for the hearing tomorrow when we talk about compulsory acquisition and Mr. Williams may wish to attend that, we would be very happy to talk to him about quantum. But the 1% relates to priority habitats for biodiversity net gain. It does not relate to mitigation. That's a different type of planting and they're serving different purposes and we would be very happy to take Mr.

01:30:22:02 - 01:30:24:00

Williams through that. That would be of assistance to him.

01:30:24:18 - 01:30:55:04

Yes, I think that assists greatly. I think some of the elements of what you're raising. It perhaps is going to be better to discuss those in a different hearing. There are technical elements and separations and what is meant by 1% and why is it required mitigation, etcetera. We have covered those off quite thoroughly. Today. There are possibilities for further written questions as well as hearings. So I think that would satisfy it.

01:30:55:12 - 01:31:06:01

Now, in terms of acknowledging that it is a point that you are raising in the background, but don't think it can be covered in this hearing fully here and now.

01:31:07:01 - 01:31:34:12

John Williams again might ask, considering that mitigation area of the of the quantity proposed to be taken, considering that there is no tree planting within 12m either side of this pipeline, what would be proposed to be put on this land? And also that this strip of land is severing us from the land at the back of that which is consists of another 30 acres.

01:31:35:29 - 01:31:46:03

I mean, those questions perhaps could be covered in other hearings as well. Do you have availability to come to the hearing tomorrow or. Yes.

01:31:46:19 - 01:32:23:28

The other thing I'd say, Mr. Williams, is you've made these representations already to a degree in your mean, except you didn't hear the biodiversity net gain versus mitigation discussion before now. But a lot of what you've said is has already been put in writing by you, and we have read that. So we we we can't go over ground that's already been covered in your submissions, but we can see if we can discuss further with the applicants responses tomorrow in the compulsory acquisition hearing to see if we can come to.

01:32:24:21 - 01:32:48:09

I'm not going to say resolution, but to to to try and explain further so they can try and explain further what they are doing in terms of your land land acquisition effectively and what implications that has on you. That's the whole purpose of the compulsory acquisition hearing tomorrow to try and for for us as the examining authority to get an understanding of how it impacts on you. Thank you.

01:32:52:12 - 01:32:55:24

Uh, yes. There's another hands up. Think from the.

01:32:57:18 - 01:32:58:27

That's it. Just to name us.

01:33:00:15 - 01:33:25:01

Thank you, sir. Yes. Just to name us from again. So could just enquire. Mr. Gwyn, solicitor and RW sent an email yesterday. Believe I'll just get it up. I just wondered if that had made its way to the panel because it requested the panel to consider

01:33:26:27 - 01:33:56:29

a point of discussion which. Which hasn't been added, of course. Um, relating to access rights concerning flood. Defense works that has responsibility over. We have Mr. Chris Hughes, who is the relevant officer here present but don't know if that request has made its way to the panel. And and if so, the chance has been given to consider it.

01:33:57:28 - 01:34:07:25

Yeah, I'm not aware of that presently. It might be something that actually has been received in the background, but I'm not aware of it presently.

01:34:07:27 - 01:34:26:19

No, it's not been drawn to our attention as the panel members. Um, what I would suggest is we'll look at that submission and we'll, if we can hold it over to written questions or if we can hold it over till the next set of hearings, would that be convenient?

01:34:29:12 - 01:34:36:11

I think so, yes. That will have to be that will have to be the case. Yes. Thank you. Thank you for considering.

01:34:36:13 - 01:34:58:21

We haven't seen it. The there was a flurry of information that was received late yesterday afternoon, but yours is not one of the ones that was drawn to our attention. So I do apologize for that. But we will we will endeavor to pick it up either in written questions or indeed in the next set of hearings, which is currently scheduled for a week commencing 7th of August.

01:34:59:14 - 01:35:01:03

I'm grateful. Thank you very much. Thank you.

01:35:03:00 - 01:35:25:21

And I don't think there's anybody else who wanted to raise anything mean. Well, just check with people online and also in the room. Uh. It's no hands and the applicant has already had a right of response. So that brings me to the action points we recorded and run through those and I'll pass to Mr. Bartlett to close the hearing.

01:35:29:07 - 01:36:06:07

In terms of, uh. Think it was alternatives and cumulative impacts. The two councils gave commitments to update those as and when any changes occurred until the close of the examination. The second point I have record of is there was an issue on the subject of ecological enhancements and future resilience. Uh, that's going to be possible within the submitted strategy or ecological ecological package as a whole.

01:36:06:09 - 01:36:32:20

Submitted at deadline five. The applicants indicated what their intentions are with that as an important examination theme. Um. A further review was sought for cultural and community benefit implications by all, particularly Flintshire County Council and also the applicant. Um.

01:36:34:27 - 01:36:47:23

I think that I think there was a couple of elements of policy that was going to be submitted from both of the councils. And other than that, I don't think there was anything else. You tell me if I'm wrong.

01:36:47:25 - 01:37:21:14

I've got a couple of points noted down. Mr. Boswell was going to open the submit his. Response to your first question in writing. Um, the applicant is also going to submit the tree presentation pre the tree presentation, put my teeth in. Um, excluding slide two. So that's in the public domain and people can comment on it. Um, was it network resources? Wells were going to look at concerns regarding derogation and consequences.

01:37:21:27 - 01:37:31:04

Um, if the, if the works, if works were not addressed is what I've got. But um, might need to clarify that.

01:37:31:06 - 01:37:38:07

Yes. Think that is a live examination issue in the background anyway regardless of an action point. Yeah.

01:37:38:09 - 01:37:39:13

And.

01:37:46:24 - 01:37:55:03

Yeah. Environment Agency. We're going to respond on riparian enhancements. Um, that's the only other one I've got.

01:37:55:11 - 01:38:07:03

Yes. Yes. The Environment Agency was the. The extra one. Think so. And that was comments on the the enhancements that they've deferred to their technical colleague on.

01:38:08:00 - 01:38:13:03

Does does anybody else have anything that they think we've missed Mrs. Parish.

01:38:13:17 - 01:38:20:11

Kind of parish since she came to council. Our tree officer just raised a query about what was there an action point with regards to veteran trees?

01:38:21:03 - 01:38:55:24

Uh, the only one that I recall, the the applicant said that they would go away and have a look at and speak to their engineers, but we didn't mark it down as an action point. The only action point that we actually had related to trees was in relation to the submission of the um, the submission of the presentation. But clearly the applicant understood what was saying about the veteran trees and they are going to go and have a look and I would be surprised if they don't, don't submit something further at a further deadline related to that.

01:38:55:26 - 01:38:57:05

But it isn't an action point.

01:38:59:17 - 01:39:17:27

But thank you for reminding me. Anything else from anybody else in the room? And online. Okay. I've got no indications at all. So what I'm going to do is I'm going to move on to the close of the hearing. Um.

01:39:20:04 - 01:39:52:23

Uh, before I do that, I'll just remind you that for most of the submissions today, the timetable for the for this examination, those those action points have to be submitted by Tuesday, the 20th of June 2023, which is deadline for I think the one exception is, is the last one. We spoke to the applicant about where we've agreed a further deadline of of deadline five, but don't have that specific date in front of me. Um, in terms of the closure of the hearing, thank you very much for your participation in this hearing today, which has been extremely helpful and useful to the examining authority.

01:39:53:03 - 01:40:27:09

As I've said before, digital recording of the proceedings of today's meeting will be made available as soon as possible on the project page of the National Infrastructure website. In addition, we request that you submit in writing the points that you have made here today for publication on the website. Um, the deadline for the written representations again is the 20th of June deadline for. Um, thank you again for participating today. Thank you as well to all those watching the live stream. I know it's been

quite a long meeting and you've only had limited involvement or limited comments made, but thank you for your time.

01:40:27:28 - 01:40:43:27

Um, and the time is now. Uh, 3:45 1545 and declare this issue specific hearing regarding the environmental matters for the high net carbon dioxide pipeline project closed. Thank you.