

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

Issue Specific Hearing 1 (ISH1) (Environmental Matters)

Date: 6 June 2023

Venue: Village Hotel, St David's Park, Ewloe, Flintshire, CH5 3YB
& Blended Virtual Meeting, via Microsoft Teams

Action Points

Number.	Party	Action	Deadline
ISH1-AP1	Cheshire West and Chester Council (CWCC)/ Flintshire County Council (FCC)	To consider, and keep under constant review, whether any further developments subject to planning permission need to be declared for cumulative impact consideration purposes and to update the Examining Authority. Ongoing throughout the Examination.	Deadline (DL) 4 (20 June), and ongoing until the close of Exam.
ISH1- AP2	Applicant	Submission of the overall ecological enhancement/ resilience measures/ and Biodiversity Net Gain (BNG) Strategy to be submitted as a single document.	DL5 (4 July 2023).
ISH1-AP3	Applicant/ FCC/ CWCC	Undertake a further review of community benefit/ cultural benefits possible relative to law, as well as national and local policy in England and Wales, in tandem with item 2.	DL5
ISH1-AP4	Natural Resources Wales (NRW)/ Environment Agency (EA)/ FCC/ CWCC	Highlight any outstanding technical points concerning: 1. Derogation issues raised by NRW; 2. Suitability of riparian enhancement for additional areas raised by all parties; and 3. Any flood risk management details not addressed at the Hearing. All Interested Parties (IP) listed.	DL4
ISH1-AP5	FCC/ CWCC	Submit copies of relevant policies/ strategies, discussed at the Hearing, as relevant to the Proposed Development.	DL4
ISH1-AP6	Applicant	Submit a copy of the note/ paper providing a brief introduction/ overview of the Development Consent	DL4

Number.	Party	Action	Deadline
		Order (DCO) scheme, along with a copy of tree impact presentation material, excluding slide 2.	
ISH1-AP7	Applicant	Submit clarification as to the risk of veteran tree removal, in the light of what was said in the Hearing concerning such loss, bearing in mind Paragraph 5.3.14 of the National Policy Statement EN-1.	DL4

Compulsory Acquisition Hearing (CAH) 1

Date: 7 June 2023

Venue: Village Hotel, St David's Park, Ewloe, Flintshire, CH5 3YB
& Blended Virtual Meeting, via Microsoft Teams

Action Points

No	Party	Action	Deadline
CAH1-AP1	Applicant	Update from the Applicant on Plot No. 10-11, with regard to REP1-081 appearing to suggest that Richard Benjamin Jones, as well as R.B. Jones and sons have an interest in this plot, but only one of these parties being listed in the Book of reference (BoR) [REP3-014] as having any land interests. Applicant to review and respond by DL4.	DL4
CAH1-AP2	Applicant/ Canal and River Trust (CRT)	CRT made a comment that the waterway at Plot No. 18-03 is registered as 'Infrastructure Trust Property and that a separate consent is required from the Department of the Environment, Food and Rural Affairs. If that is the case, the ExA asked whether this plot should be listed in Part 4 (Owner of any Crown Interest in the Land) of the BoR [REP3-014]? Applicant and CRT to review and respond by DL4.	DL4
CAH1-AP3	Applicant	Plot No. 17-02 is registered in the BoR [REP3-014] as Special Category Land, being Open Space. The Applicant considers this plot to be exempt from Special Parliamentary Procedure, as when burdened with the order right, it will be no less advantageous than it was before to the persons specified in Section 132(3) of	DL4

No	Party	Action	Deadline
		the Planning Act 2008. The ExA asked for the Applicant to confirm the Plot No. in question was Special Category Land and explain how such land could be exempt from Special Parliamentary Procedure when the proposed drainage connection works would clearly dig a trench through the area of open space, albeit only for a brief period of time. The Applicant to review its position further in this regard and respond by DL4.	
CAH1-AP4	Applicant	Applicant to review Plot No. 7-02 with regard to explaining its purpose and justifying the width of the land subject to prospective temporary possession, including any health and safety issues, need for vehicle movements/ passing bays and the location of any veteran trees. Applicant to review its position further in this regard and respond by DL4.	DL4

Issue Specific Hearing 2 (ISH2) (Development Consent Order)

Date: 8 June 2023

Venue: Village Hotel, St David's Park, Ewloe, Flintshire, CH5 3YB
& Blended Virtual Meeting, via Microsoft Teams

Action Points

No	Party	Action	Deadline
ISH2-AP1	Applicant	Development Consent Order (DCO) - Article 2 'Interpretation'. In the light of CWCC maintaining its position, at DL3, concerning the definition of "Commence", where it is seeking the removal of 1) erection of fencing to site boundaries or marking out of site boundaries; 2) installation of amphibian and reptile fencing; 3) the diversion or laying of services; and 4) environmental mitigation measures, from that definition. The Applicant indicated it would review its position in regard to whether the items listed above were intended to be temporary or permanent and respond in writing at DL4.	DL4 (20 June), and ongoing until the close of Exam

No	Party	Action	Deadline
ISH2-AP2	Applicant	Article 6(1)(d)(ii) allows the deviation of works other than the pipeline vertically downwards to any extent as may be found necessary or convenient. The Applicant was asked why is the no similar limitation to that specified for above ground works as set out in Schedule 2 Requirement (R) 4? It sought to respond in writing at DL4.	DL4
ISH2-AP3	Applicant/ CWCC	In regard to Article 10 (Street Works) to update the ExA as to whether there is any need for a pre-consultation stage to be inserted into the DCO in regard to submissions under this Article or whether it can be adequately dealt with outside of the DCO to the satisfaction of the Applicant, CWCC and relevant IPs? Response in writing at DL4.	DL4
ISH2-AP4	Applicant/ FCC	Article 11(3) concerning restoration and being satisfied in regard to any streets that has been temporarily altered under this article. FCC advised under the Street Works Act it would have a two-year period where FCC could notify the applicant or the person who has conducted the work of a defect and they would have to remediate it. FCC advised it has been in discussion with the Applicant over revising the provisions in Article 11(3) with a view to ensuring a 24-month period is specified. FCC and Applicant to keep the ExA advised of its progress with negotiations in this regard starting at DL4.	DL4
ISH2-AP5	CWCC	The ExA noted CWCCs DL1 submission [REP1-061], as well as the Applicant's response [REP2-044] at Para 2.2.25, and asked CWCC in its role as Lead Local Flood Authority whether, in the light of the Applicant's response, it was still seeking additional information and if so what information it was seeking and why? CWCC to respond by DL4.	DL4
ISH2-AP6	CRT	CRT advised in its representations it would object to surface water drainage being discharged into the canal. However, the Applicant has pointed out that Article 19(3) states "the applicant/ undertaker must not discharge any water into a watercourse, public sewer or drain except with the	DL4

No	Party	Action	Deadline
		consent of the person to whom it belongs.” As the CRT were not present at the Issue Specific Hearing into the DCO, it is asked to respond in writing by DL4 as to whether or not its concerns had been satisfied in this regard by the Applicants response.	
ISH2-AP7	Applicant	Applicant to review wording of all Rs generally to see whether any of the Rs required a subclause or addition to an existing subclause in regard to maintaining whatever is being secured by the R. For example there is a R to implement surface water drainage works, but should the R include the need to ‘maintain’ those works for the duration of the development? Applicant to review, provide a written response justifying its position and/ or update the DCO Rs, as necessary, at DL4.	DL4
ISH2-AP8	Applicant	The ExA noted CWCC was questioning the definition of ‘Environmental Effects’ with the Applicant responding by pointing out it is standard wording in many DCOs. The Applicant asked to respond in writing to the ExAs question asking for a comment on the source of the wording? Applicant to respond at DL4.	DL4
ISH2-AP9	CWCC/ FCC	The ExA asked both CWCC and FCC to comment on the observations made by them concerning R4 containing an element of ‘self-approval’. CWCC and FCC both asked to come back to the ExA in writing on this matter, as their appeared to be a discrepancy in the wording of the response provided. CWCC and FCC to clarify their position re R4, in writing, at DL4.	DL4
ISH2-AP10	EA	CWCC and EA raise the point concerning the need for a verification report to be approved, in accordance with national policy. EA to submit relevant documents at DL4.	DL4
ISH2-AP11	Applicant	FCC raised concerns related to the proposed Soil Management Plan and argued that a 5-year aftercare provision should be in place, rather than just the land being returned after a year with no comeback. CWCC supported this position in the Hearing. Whilst the Applicant maintained its position, the ExA ask it to	DL4

No	Party	Action	Deadline
		give further thought to what it had heard from the IPs and respond in writing at DL4.	
ISH2-AP12	Applicant/ CWCC/ FCC	To review Rs 21 (Applications made under this R) and 24 (Further Information) with regard to cross referenced Rs and timescales, as previous revisions have cross-referenced different Rs and caused some confusion. Applicant/ CWCC/ FCC to review and revert back to the ExA at DL4.	DL4
ISH2-AP13	Applicant/ CWCC/ FCC	With regard to any agreements securing BNG, please could the Applicant and the IPs listed give the ExA a clear explanation as to what has been/ is being agreed between the Applicant and IPs. Additionally, could the Applicant and relevant IPs explain: how such an agreement(s) is to be secured, including what is required; how it relates back to the DCO; and whether or not there is an intention to enter a copy of the completed agreement(s) into the examination as evidence. In the event a copy is not intended to be entered into the Examination, please advise how the Applicant and relevant IPs intend to demonstrate to the ExA an agreement in this regard has been completed between the Applicant and relevant IPs to the satisfaction of all relevant IPs?	DL4