

## DRAFT STATEMENT OF COMMON GROUND WITH THE WOODLAND TRUST

HyNet Carbon Dioxide Pipeline DCO

**Planning Act 2008**

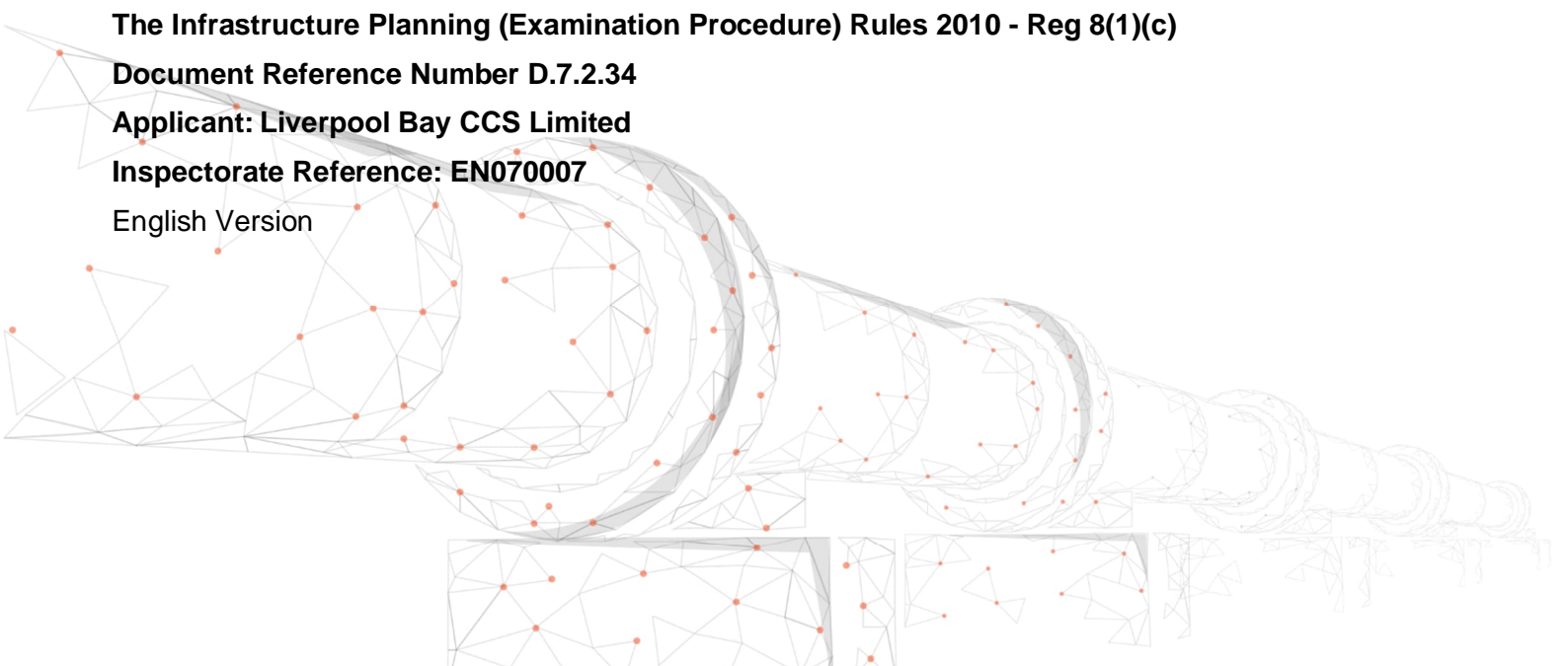
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**STATEMENT OF COMMON GROUND**

**This Statement of Common Ground has been prepared and agreed by (1) Liverpool Bay CCS Limited and (2) The Woodland Trust**

Signed .....

**[NAME]**

**[POSITION]**

on behalf of Liverpool Bay CCS Limited

Date: **[DATE]**

Signed .....

**[NAME]**

**[POSITION]**

on behalf of The Woodland Trust

Date: **[DATE]**

# TABLE OF CONTENTS

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DRAFT STATEMENT OF COMMON GROUND WITH THE WOODLAND TRUST .....	1
<b>1. INTRODUCTION.....</b>	<b>4</b>
1.1. Purpose of this document.....	4
1.2. The DCO Proposed Development.....	4
1.3. Terminology .....	5
<b>2. RECORD OF ENGAGEMENT .....</b>	<b>6</b>
<b>3. ISSUES .....</b>	<b>8</b>

## TABLES

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Table 2-1 – Record of Engagement in relation to the DCO Proposed Development	7
Table 3-1 – Engagement & Other Application Documents	9
Table 3-2 – Issues related to Ancient Woodland and Veteran Trees	9
Table 3.4-- Issues related to Other Consents, Licences and Permits Required outside the draft DCO	11
Table 3.5-- Issues related to Biodiversity Net Gain Offerings	11

# 1. INTRODUCTION

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## 1.1. PURPOSE OF THIS DOCUMENT

- 1.1.1. This draft Statement of Common Ground (SoCG) has been prepared by Liverpool Bay CCS Limited ('the Applicant') and The Woodland Trust.
- 1.1.2. For the purpose of this draft SoCG, the Applicant and The Woodland Trust will jointly be referred to as the 'Parties'.
- 1.1.3. The purpose of this draft SoCG is to set out the agreement that has been reached between the Parties in respect of a number of matters related to the Development Consent Order (DCO) Proposed Development. It also lists any points on which discussions are ongoing. SoCGs are an established means in the DCO planning process of allowing all Parties to identify and focus on specific issues that may need to be addressed during the examination.
- 1.1.4. **Chapter 2** of this draft SoCG records the consultation undertaken with the Woodland Trust by the Applicant. **Chapter 3** of this draft SoCG sets out the areas of agreement in relation to the above matters, and any areas of ongoing discussion between the Parties.

## 1.2. THE DCO PROPOSED DEVELOPMENT

- 1.2.1. HyNet (the Project) is an innovative low carbon hydrogen and carbon capture, transport and storage project that will unlock a low carbon economy for the North West of England and North Wales and put the region at the forefront of the UK's drive to Net-Zero. The detail of the project and the DCO Proposed Development can be found in the main DCO documentation. The DCO Proposed Development and this SoCG relate to the onshore CO<sub>2</sub> pipeline element of HyNet only. Other elements of HyNet are subject to separate consenting processes and are not addressed here.
- 1.2.2. The DCO Proposed Development impacts The Woodland Trust primarily as a woodland conservation charity and land interest.
- 1.2.3. A full description of the DCO Proposed Development is detailed in Chapter 3 of the Environmental Statement (ES) [APP-055]. On the 27 March 2023, the Applicant's submitted Change Request 1 which includes '2023 ES Addendum Change Request 1' [CR1-124 to 126] and ES Addendum Chapter 3 provides an update to the description of the DCO Proposed Development [APP-055]. On the 2 June 2023, the ExA accepted the Applicant's Change Request 2; subsequently the description of the development has been updated, to include Chapter 3 of the 2023 ES Addendum Change Request 2 [CR2-017].

### 1.3. TERMINOLOGY

- 1.3.1. In the Issues tables in **Chapter 3** of this draft SoCG, 'Agreed' and 'Not Agreed' indicates a final position, and 'Under Discussion' indicates where these points will be the subject of on-going discussion wherever possible to resolve or refine, the extent of disagreement between the Parties.

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## **2. RECORD OF ENGAGEMENT**

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- 2.1.1. This chapter provides a summary of the engagement undertaken to date between the Parties in relation to the DCO Proposed Development.

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**Table 2-1 – Record of Engagement in relation to the DCO Proposed Development**

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
28/02/2023	Phone call from Applicant to The Woodland Trust with follow up email to <a href="mailto:enquiries@woodlandtrust.org.uk">enquiries@woodlandtrust.org.uk</a>	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Invitation to engage with contributing to a SoCG</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Woodland Trust contact, Richard, advised the Applicant sent an email to their enquiries address.</p>
21/02/2023-18/04/2023	Email conversation between the Applicant and The Woodland Trust	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Further discussion regarding the DCO Proposed Development and SoCG.</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Woodland Trust confirmed that they will engage regarding the SoCG. Applicant also made reference to the project wishing to engage with respect to Biodiversity Net Gain (BNG). Meeting invitation sent for a call on 19/04/2023.</p>
19/04/2023	Microsoft Teams Meeting between the Applicant and The Woodland Trust	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Introduction to the SoCG Process</li> <li>• Project background and status</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Woodland Trust agrees to provide comments and send back for progressing.</p>
02/05/2023	Email conversation between the Applicant and The Woodland Trust	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Further discussion regarding the DCO Proposed Development and SoCG.</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Woodland Trust provided comments on the first draft of the SoCG.</p>
31/05/23 to 02/06/23	Email conversation between the Applicant and The Woodland Trust	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Discussion between the Applicant and the Woodland Trust on potential BNG Provision.</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Woodland Trust confirmed their position, that given they have registered an objection to the DCO Proposed Development, they are not able to pursue further discussions on this topic.</p>
16/06/23 to 20/06/23	Email conversation between the Applicant and The Woodland Trust	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Further discussion regarding the DCO Proposed Development and SoCG.</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Woodland Trust provided comments on the second draft of the SoCG.</p>



## **3. ISSUES**

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3.1.1. This chapter sets out the areas of agreement in relation to specific issues relating to the DCO Proposed Development, and any areas of ongoing discussion between the Parties. The topics discussed between the Applicant and Woodland Trust are as follows:

- Engagement & Other Application documents;
- Ancient Woodland and Veteran Trees;
- Other Consents, Licences and Permits outside the draft DCO; and
- Biodiversity Net Gain offerings.

**Table 3-1 – Engagement & Other Application Documents**

Ref.	Description of Matter	Current Position	Status
<b>Engagement</b>			
<b>Woodland Trust 3.1.1</b>	Engagement	The Parties agree that engagement has been ongoing in the pre-examination and examination period as set out in the record of engagement) and the Applicant has sought to bring forward a design which has had regard to Woodland Trust's views.  The Woodland Trust has been consulted following the inclusion of the Woodland Trust in the ExA's Rule 6 letter <b>[PD-011]</b> .	Agreed (subject to clarifications)
<b>Other Application Documents</b>			
<b>Woodland Trust 3.1.2</b>	Other application documents	The Woodland Trust agrees that its interests are correctly reflected in the Book of Reference <b>[REP3-014]</b> .	Agreed.

**Table 3-2 – Issues related to Ancient Woodland and Veteran Trees**

Ref.	Description of Matter	Current Position	Status
<b>Woodland Trust 3.2.1</b>	Impact to Ancient Woodland	<p><i>Woodland Trust Relevant Representation [RR-077]:</i></p> <p>“We hold serious concerns with regards to the potential impact to several areas of woodland designated as ancient on Natural Resource Wales’ Ancient Woodland Inventory, plus numerous veteran trees as outlined in the Arboricultural Impact Assessment <b>[CR1-058]</b>.</p> <p>We are concerned that the woodlands adjacent to the pipeline boundary will be subject to noise and dust pollution during construction, plus potential direct impact to one woodland which is subject to a trenchless crossing.”</p> <p><i>Applicant Response:</i></p> <p>As part of early design commitments, efforts have been made by the Applicant to avoid sensitive habitats and features, wherever possible, including Ancient Woodland and veteran trees. Further efforts will be made during the detailed design stage to further reduce and/or avoid such receptors as secured by Requirement 4 of the dDCO <b>[REP3-005]</b>. This includes a number of commitments relating to work adjacent to Ancient Woodland. For example, Commitment D-BD-008, presented in the Outline CEMP <b>[REP2-021]</b>, states ‘<i>Design of the DCO Proposed Development has included use of trenchless crossing techniques to avoid and reduce adverse effects on Ancient Woodland present within the Order Limits.</i>’ Through this approach the Applicant has sought to avoid direct impacts (i.e., the felling of trees) to ancient woodland, specifically at Northop, and maintain the integrity of the woodland. Other areas of ancient woodland have been avoided and removed from the Order Limits and/or buffered wherever practicable from construction.</p> <p>In addition, Commitment D-LV-015, presented in the Outline CEMP <b>[REP2-021]</b> as secured by Requirement 5 and 11 of the dDCO <b>[REP3-005]</b>, states ‘<i>All ancient woodland areas will be protected with a minimum 15m works exclusion zone or in areas restricted by existing infrastructure, tree protection measures will be detailed within a site-specific Arboricultural Method Statement (AMS) and shown on a Tree Protection Plan (TPP). Where necessary, working methods will be monitored by a suitable Arboricultural Clerk of Works (ACoW). The Construction Contractor will prepare the AMS...</i>’.</p>	Under Discussion

		<p>In addition, Commitment D-LV-015, presented in the Outline CEMP <b>[REP2-021]</b> as secured by Requirement 5 and 11 of the dDCO <b>[REP3-005]</b>, states ‘All ancient woodland areas will be protected with a minimum 15m works exclusion zone. Where environmental mitigation works, drainage works or in areas restricted by existing infrastructure, tree protection measures will be detailed within a site-specific Arboricultural Method Statement (AMS) and shown on a Tree Protection Plan (TPP). Where necessary, working methods will be monitored by a suitable Arboricultural Clerk of Works (ACoW). The Construction Contractor will prepare the AMS...’.</p> <p>Where impacts to trees are unavoidable, mitigation has been prescribed to compensate for the loss of trees on a 3:1 ratio (planted trees: lost trees), as per item D-BD-063 of the Outline CEMP <b>[REP2-021]</b> as secured by Requirement 5 and 11 of the dDCO <b>[REP3-005]</b>. Mitigation areas for the planting of trees have been identified across the Order Limits, as presented within D.2.4 – Works Plans – Parts 1 &amp; 2 <b>[REP2-005]</b> and sought to tie into or enhance existing green corridors and green infrastructure.</p> <p>Mitigation and management of noise and air quality impacts during the construction of the DCO Proposed Development include a range of measures such as minimising construction traffic routing past sensitive receptors, as well as ‘Best Practicable Means’ to reduce any noise, air quality, and/or visual concerns. For example, choosing low noise equipment and optimising the location of equipment/activities. Construction works will be completed in accordance with a Dust Management Plan (see item D-AQ-004 of the Outline CEMP <b>[REP2-021]</b>) as secured by Requirement 5(c) of the dDCO <b>[REP3-005]</b> to be developed at the detailed design stage and will detail a range of measures and mitigation to suppress dust production and spread, including measures prescribed within the Outline CEMP <b>[REP2-021]</b> as secured by Requirement 5 of the dDCO <b>[REP3-005]</b>.</p>	
<b>Woodland Trust 3.2.2</b>	Buffer zone of 30m to Ancient Woodland	<p><i>Woodland Trust Relevant Representation [RR-077]:</i></p> <p>“Woodland Trust recommends that a buffer zone of 30 metres is implemented to all areas of ancient woodland to mitigate for the above impacts during construction.”</p> <p><i>Applicant Response:</i></p> <p>As part of early design commitments, efforts have been made by the Applicant to avoid sensitive habitats and features. Further efforts will be made during the detailed design stage to further reduce and/or avoid such receptors as prescribed within item D-BD-009 of the Outline CEMP <b>[REP2-021]</b> as secured by Requirement 5 and 11 of the dDCO <b>[REP3-005]</b>. The Outline CEMP <b>[REP2-021]</b> as secured by Requirement 5 of the dDCO <b>[REP3-005]</b> includes a number of commitments relating to work adjacent to Ancient Woodland. Commitment reference D-LV-015 of the Outline CEMP <b>[REP2-021]</b>.</p> <p>The Applicant and Flintshire County Council had a meeting on 5 June 2023 and agreed that the proposed intrusive works 13m from the ancient woodland that abuts the Order Limits at the Slurry Tank location (Design Change Request 1 – Option PS02b) would be acceptable. Non-intrusive works would be required within the 13m buffer upon the extant agricultural, worked field during construction. This approach has been agreed on the basis that the linear distance for the intrusive works are limited and the proposed mitigation outlined in the OCEMP <b>[REP2-021]</b> would be followed. This includes provision of an arboricultural method statement, a tree protection plan and attendance during works by an arboricultural clerk of works. It should also be noted that trees along the edge of the ancient woodland are young in nature and therefore the Root Protection Areas for these trees are not likely to extend significantly within the Order Limits.</p>	Under Discussion
<b>Woodland Trust 3.2.3</b>	Impact on six veteran trees	<p><i>Woodland Trust Relevant Representation [RR-077]:</i></p>	Under Discussion

	<p>“Furthermore, six veteran trees are likely subject to felling to facilitate the scheme. The Trust asks that these trees are retained, and afforded buffer zones of 15 times the stem diameter, or five metres beyond the crown (whichever is greater).</p> <p>In summary, the Woodland Trust objects to the proposed development on the grounds of impact to ancient woodland and veteran trees. We hope our comments are of use to you.”</p> <p><i>Applicant Response:</i></p> <p>The Applicant has submitted a change request to the Examining Authority (ExA) on 27 March 2023 to extend the Order Limits further north near Backford Brook. This change was accepted by the ExA on 24 April 2023 [PD-016]. This change will avoid the loss of veteran trees at this location (T849, T850, T858 and T1056).</p> <p>The NPPF standing advice for buffer zones of 15 times the stem diameter, or five metres beyond the crown (whichever is greater) has been applied to inform Appendix 9.11 - Arboricultural Impact Assessment Parts 1 &amp; 2 [CR1-058].</p> <p>Through ongoing design development and refinement, direct impacts upon veteran trees have been reduced and avoided wherever possible. All construction and operational impacts on such receptors have been assessed and reported within Chapter 9 – Biodiversity [AS-025] and Chapter 12 – Landscape and Visual [APP-064].</p> <p>Following the Issue Specific Hearing held on 6<sup>th</sup> June 2023, the Applicant has now committed to retaining all veteran trees within the Order Limits during construction, captured as ‘Retained with Protection Measures’. Appropriate tree protection measures as detailed within an Arboricultural Method Statement and Tree Protection Plan will be provided at detailed design (as required by the Outline CEMP [REP2-021]) alongside provision of an Arboricultural Clerk of Works where non-intrusive works are required in proximity to veteran trees to ensure these are safeguarded during construction. The REAC will be updated with reference [D-BD-070].</p>	
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**Table 3.4-3– Issues related to Other Consents, Licences and Permits Required outside the draft DCO**

Ref.	Description of Matter	Current Position	Status
<b>Woodland Trust 3.4.1</b>	Felling and Lopping of Tree's	A tree felling licence will be obtained if required. Full information is contained within the Other Consents and Licenses document (Rev B) [REP3-017].	Agreed

**Table 3.5-4– Issues related to Biodiversity Net Gain Offerings**

Ref.	Description of Matter	Current Position	Status
<b>Woodland Trust 3.5.1</b>	Provision of Welsh Woodland BNG Offering	Following advice from Flintshire County Council, the Applicant approached the Woodland Trust to investigate if the Trust would be interested in acting as a provider for, or facilitating the maintenance of BNG High Priority Woodland habitats in Wales.  After a review the Trust confirmed they are not able to pursue any further discussions with the Applicant, given the Trust have registered an objection to the scheme. This is the Trust's current policy and is non-negotiable.  The Applicant notes the Trust's position and that there is no way to further continue this discussion between the parties.	Agreed