

OUTLINE CONSTRUCTION ENVIRONMENT MANAGEMENT PLAN (OCEMP)

Appendix 3 – Outline Public Rights of Way Management Plan

HyNet Carbon Dioxide Pipeline DCO

Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010 – Rule 8(1)(c)

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1. INTRODUCTION

1.1. PURPOSE OF THIS DOCUMENT

1.1.1. This document has been prepared on behalf of Liverpool Bay CCS Limited ('the Applicant') and relates to an application ('the Application') for a Development Consent Order (DCO) that has been submitted to the Secretary of State (SoS) for Energy Security and Net Zero under Section 37 of the Planning Act 2008 ('the PA 2008'). The Application relates to the Carbon Dioxide (CO₂) pipeline which constitutes the DCO Proposed Development.

~~1.1.2. There are a number of PRowWs which will be affected by the construction of the DCO Proposed Development, comprising footpaths, bridleways, restricted byways and byways open to all traffic (BOAT). This document summarises the approach that will be taken to manage access to affected PRowWs, including proposed management methods to ensure safety, and minimal disruption to users during the construction stage.~~

~~1.1.3. Following the acceptance of Change Request 2 by the ExA on 02 June 2023, there is a possibility, should the SoS take forward the option at Work No. 43E (i.e. the crossing of Alltami Brook via an embedded pipe bridge), that the position of the abutments of that bridge may require the permanent stopping up and permanent diversion of part of the current route of Footpath 414/39A. Therefore, this document also outlines the approach to managing the PRowW, in this circumstance.~~

~~4.1.2-1.1.4. This is an outline document which sets out the principles which are to be followed when temporarily stopping up Public Rights of Ways (PRowWs) during the construction of the DCO Proposed Development and for the proposed permanent diversion, if required.~~

~~4.1.3-1.1.5. These principles will be incorporated into the final PRowW Management Plan (PRowWMP) which will also include further information to enable the relevant local authority to agree to the closures before each relevant stage of works as secured by Requirement 5 of the draft DCO [CR1-017]—CR2-008]. Where the crossing of Alltami Brook uses an embedded pipe bridge and the position of the abutments of that bridge require the stopping up of part of the current route of Footpath 414/39A, the information required by Requirement 4(9) of the draft DCO [CR2-008] should also be submitted.~~

~~1.1.4. There are a number of PRowWs which will be affected by the construction of the DCO Proposed Development, comprising footpaths, bridleways, restricted byways and byways open to all traffic (BOAT). This document summarises the approach that will be taken to manage access to affected PRowWs, including proposed management methods to ensure safety, and minimal disruption to the users during the construction stage.~~

~~1.1.5.1.1.6.~~ The environmental impacts of any closures and diversions are not assessed in this document and are instead contained within the Population and Human Health assessment (**2022 ES Chapter 16: Population and Human Health**) [APP-068].

1.2. BACKGROUND

1.2.1. The ProWsPRoWs have been identified using the ProWPRoW maps of Flintshire County Council (FCC) and Cheshire West and Chester Council (CWCC).

1.3. SCOPE OF THIS DOCUMENT

1.3.1. The final PRowMP will act as a working document during the construction of the DCO Proposed Development to include information on each ProWPRoW closure to be signed off by the relevant authority at the appropriate time; and as such will only apply during the construction period and will not impact on the operational or decommissioning stages.

1.3.2. The principles outlined in this document will apply for the final PRowMP.

2. TEMPORARY CONTROL MEASURES

2.1. OVERVIEW

2.1.1. This Section sets out the management principles and measures to be applied to the PRoWs which will be temporarily stopped up or diverted for the construction of the DCO Proposed Development.

~~2.1.2. No PRoWs are proposed to be permanently diverted or closed as a requirement of the DCO Proposed Development.~~

~~2.1.3.~~2.1.2. There are a number of locations where PRoWs are crossed by the DCO Proposed Development in both FCC and CWCC areas. The PRoWs to be temporarily restricted are listed in column (2) in Schedule 6 (public rights of way to be temporarily restricted) of the draft DCO [~~CR1-017~~~~CR2-008~~], to the extent specified in column (3), by reference to the numbered points shown on the access and rights of way plans [~~CR1-012~~~~CR2-006~~].

~~2.1.4.~~2.1.3. The Applicant has discussed the approach to diversions and closures of PRoWs with FCC and CWCC who have confirmed their agreement in principle for diversions (see Statements of Common Ground (SoCGs) ~~–[REP1-020]~~~~[REP3-025]~~ and [~~REP1-021~~~~REP2-027~~] respectively for FCC and CWCC~~–~~).

~~2.1.5.~~2.1.4. The Councils have however stated that they may seek to agree temporary closures at locations depending on the construction contractors' site management and the duration of works. The management for each PRoW and the duration of their closure, will be secured in the final PRoWMP to be signed off by each relevant authority prior to the commencement of the relevant stage of works, as required by Requirement 5 of the draft DCO [~~CR1-017~~~~CR2-008~~].

~~2.1.6.~~2.1.5. The final PRoWMP will contain the following information to be approved by the relevant authority for each PRoW:

- Plans (showing the relevant control measures in Section 2.3 below);
- Length (distance) of the closure;
- Route, length and any surfacing proposals for diversions;
- Details of any gates, stiles or similar features to be removed and reinstated on any PRoW;
- Details of signage to be provided for diversions; and
- The appropriate standards for reinstatement of the PRoW.

~~2.1.7.~~2.1.6. Works and reinstatements will be undertaken in line with BS5709:2018 British Standard for Gaps, Gates and Stiles.

~~2.1.8.~~2.1.7. No closure or partial closure will exceed 6 months, without the express agreement from the local authority.

~~2.1.9.~~2.1.8. Each affected PRoW will be managed in one of the following categories:

- Temporary closure with diversions (including sequenced); and
- Temporary closure without diversion.

~~2.1.10~~2.1.9. Table 2-1 of this document describes the management measure for each PRow.

2.2. TEMPORARY MANAGEMENT PRINCIPLES

2.2.1. All designated PRows within the Order Limits and affected by the construction of the DCO Proposed Development will be managed, with public access only restricted for short periods while construction activities are undertaken.

TEMPORARY CLOSURE WITH DIVERSIONS

2.2.2. There are instances where there is a necessity for the diversion of a PRow during the construction of the DCO Proposed Development for a limited period to enable the PRow to remain open.

2.2.3. The key management principles for this category are:

- Establishing a diversion route that is in proximity to the existing PRow and is of a condition to enable the same class(es) of use;
- Ensuring the same classes of users can access the diverted PRow (i.e. ensuring that suitable forms of gates or similar are used)
- All diversion routes will be contained within the Order Limits;
- Ensuring that the working area is separated from any diversion route through fencing or similar; and
- Reinstating original routes to an appropriate condition as soon as practicable.

2.2.4. The diversion route would remain in place until such time as the original route is reinstated to the reasonable satisfaction of the relevant local authority.

2.2.5. The width of the proposed diversions will be of a suitable width to enable the same class(es) of use.

2.2.6. Reinstatement of the PRow will occur as soon as practicable once the construction works on each section have been concluded.

2.2.7. There may be instances where PRow closures are sequenced, resulting in a partial closure as works cross the PRow from one end to another. When appropriate, a diversion will be provided at each stage of the sequencing. The principles in this section apply to each stage of the sequencing.

TEMPORARY CLOSURE WITHOUT DIVERSION

2.2.8. There may be instances, due to the limited duration of the closure or the infrequent use of the PRow, where there is no need for a diversion.

- 2.2.9. As with diverted PRowWs, construction works on closed PRowWs will be kept to a minimum time and the reinstatement of the PRowW will occur as soon as practicable.
- 2.2.10. The original route will be reinstated to the reasonable satisfaction of the relevant local authority.
- 2.2.11. The working areas will be appropriately fenced off and signage will be utilised to inform users of the closure.

2.3. TEMPORARY MANAGEMENT MEASURES

- 2.3.1. This section will outline the measures which will be taken by the Applicant to inform the relevant local authorities and public about any proposed closures.

SIGNAGE

- 2.3.2. All locations where a PRowW would be impacted by the construction of the DCO Proposed Development will have appropriate signage advising of dates and hours affected. The Applicant would develop, in discussion with PRowW Officers, a standard form of signage relating to temporary PRowW closures which would be used across the DCO Proposed Development.

- 2.3.3. ~~Signs~~Signage (bilingual in Wales) would be erected informing PRowW users of the presence of construction activities. Information ~~signs~~signage detailing the works would be in place and provide details of the DCO Proposed Development and the contact details of the Community Relations Team.

- 2.3.4. The location of ~~signs~~signage providing information on temporary diversions and closures would be discussed with the relevant local PRowW officer and included in the final PRowWMP. Where applicable, maps showing temporary diversions and/or alternative PRowWs would be provided at the site.

- 2.3.5. The Applicant recognises ~~signings~~signage well in advance of the areas of construction may be helpful to avoid users having to turn back in certain locations. The Applicant would progress to agree with the respective local authorities, a schedule of suitable locations for additional signage where this would be best provided outside the Order Limits to give users advanced information.

- 2.3.6. The following temporary traffic signage methods will be used:

Construction Traffic Routes and Temporary Access Signage

- 2.3.7. In the locations where accesses with adjacent PRowWs are identified, signage will be provided to manage the movements of PRowW users and ensure that they are accommodated safely during the construction stage of the DCO Proposed Development. The relevant locations are provided in Annex B of the Outline Construction Traffic Management Plan (OCTMP) [~~REP2-019~~REP3-020].

Temporary Access Road Signage

- 2.3.8. The off-road temporary access tracks associated with Construction Compounds will have signage in order to assist the Construction Contractor to operate safely and efficiently.
- 2.3.9. Where a temporary access track intersects with a PRow, the form and content of the ~~signs~~signage will be agreed with the PRow officers at FCC and CWAC, as stated in Section 5.3 of the OCTMP [~~REP2-019~~REP3-020].

3. PERMANENT DIVERSION PRINCIPLES

3.1.1. This section outlines the principles to be followed in the final PRowMP if the crossing of Alltami Brook uses an embedded pipe bridge and the position of the abutments of that bridge require the permanent stopping up and permanent diversion of part of the current route of Footpath 414/39A.

3.1.2. The key principles for this category are:

- Establishing a permanent diversion route that is in proximity to the existing PRow and is of a condition to enable the same class(es) of use;
- Ensuring the same classes of users can access the permanently diverted PRow (i.e. ensuring that suitable forms of gates or similar are used);
- The permanent diversion route will be contained within the Order Limits; and
- Establish adequate fencing around the embedded pipe bridge as required.

3.1.3. The temporary diversion would not be removed until the permanent route is open to use.

3.1.4. Appropriate signage will be established in line with Section 2.3 of this Plan, where relevant.

Table 3-1 - Proposed temporary control and management measures for PRowS

PROW (Access and Rights of Way Plans)	PRow Diversions (PRow Diversions Plans)	Designation	Proposed Control and Management Measure
Cheshire West and Chester			
123/FP3/1	Elton FP3	Footpath	To be temporarily stopped up with proposed diversion
123/FP5/1	Elton FP5	Footpath	To be temporarily stopped up with proposed diversion
294/FP2/1	Thornton-le-Moors FP2	Footpath	To be temporarily stopped up with sequenced diversion
318/FP1/1	Wimbolds Trafford FP1	Footpath	To be temporarily stopped up with proposed diversion
309/FP1/2	Wervin FP1	Footpath	To be temporarily stopped up with proposed diversion
309/FP3/1 241/FP6/2	Wervin FP3	Footpath	To be temporarily stopped up with proposed diversion
211/FP4/1	Mollington FP4	Footpath	To be temporarily stopped up with sequenced diversion
Flintshire			
308/1	Hawarden FP 308/1/10 Hawarden FP 307/3/10	Footpath	To be temporarily stopped up with proposed diversion
303/44	Hawarden FP 308/4/10 Hawarden FP 303/44	Footpath	To be temporarily stopped up with proposed diversion
303/32	Hawarden FP 303/32/10	Footpath	To be temporarily stopped up with proposed diversion

PROW (Access and Rights of Way Plans)	PRoW Diversions (PRoW Diversions Plans)	Designation	Proposed Control and Management Measure
	Chester Road	Footpath	To be temporarily stopped up with proposed diversion
303/30	Hawarden FP 303/30/10	Footpath	To be temporarily stopped up with sequenced diversion
303/34	Hawarden FP 303/34/10	Footpath	To be temporarily stopped up with sequenced diversion
303/26	Hawarden FP 303/26/10	Footpath	To be temporarily stopped up with proposed diversion
303/25	Hawarden FP 303/25/20	Footpath	To be temporarily stopped up with proposed diversion
303/22	Hawarden FP 303/22/10	Footpath	To be temporarily stopped up with proposed diversion
303/24	Hawarden FP 303/24	Footpath	To be temporarily stopped up with proposed diversion
303/20	Hawarden FP 303/20/10	Footpath	To be temporarily stopped up with proposed diversion
303/143	Hawarden FP 303/143/10	Footpath	To be temporarily stopped up with proposed diversion
303/21	Hawarden FP 303/21	Footpath	To be temporarily stopped up with proposed diversion
303/141	Hawarden FP 303/141/10	Footpath	To be temporarily stopped up with sequenced diversion
414/39	Northop FP 414/39/10	Footpath	To be temporarily stopped up with proposed diversion
414/39A	Northop FP 414/39A/10	Footpath	To be temporarily stopped up with proposed diversion.

PROW (Access and Rights of Way Plans)	PRoW Diversions (PRoW Diversions Plans)	Designation	Proposed Control and Management Measure
			<u>To be permanently diverted (if required);</u>
414/4	Northop FP 414/4/10	Footpath	To be temporarily stopped up with proposed diversion
414/2	Northop FP 414/2/10	Footpath	To be temporarily stopped up with sequenced diversion
414/1	Northop FP 414/1/30	Footpath	To be temporarily stopped up with proposed diversion
404/68	Flint FP 404/68/10	Footpath	To be temporarily stopped up with proposed diversion
404/70	Flint FP 404/70/30	Footpath	To be temporarily stopped up with proposed diversion
404/66	Flint FP 404/66/20	Footpath	To be temporarily stopped up with proposed diversion
404/39	Flint FP 404/39	Footpath	To be temporarily stopped up with sequenced diversion

3.4. PRE-COMMENCEMENT

3.1.1. Commencement is ~~described~~defined in the draft DCO [CR1-017]:

~~3.1.2.4.1.1. ““commence” means carry~~CR2-008 ~~and scopes out a material operation, as defined in section 155number of the 2008 Act (which explains when development begins), comprised in or for the purposes of the authorised development other than~~ site preparation works, remediation works, environmental (including archaeological) surveys and investigation, site, utility or soil survey, erection of fencing to site boundaries or marking out of site boundaries, installation of amphibian and reptile fencing, the diversion or laying of services or environmental mitigation measures, ~~and “commencement”, “commenced” and cognate expressions are to be construed accordingly”~~from constituting commencement,

~~3.1.3.4.1.2. Those activities which constitute pre-commencement should adhere to~~would be carried out in accordance with the principles contained within this document, where these activities will impact a PRow.

~~3.1.4.4.1.3. This is an outline document which sets out the principles which are to be followed when temporarily stopping up PRows during the construction of the DCO Proposed Development, and for the proposed permanent diversion, if the crossing of Alltami Brook uses an embedded pipe bridge and the position of the abutments of that bridge require the stopping up of part of the current route of Footpath 414/39A.~~

~~3.1.5.4.1.4. The final PRowMWP will include further information to enable the relevant local authority to agree to the closures before each relevant stage of works, as secured by Requirement 5 of the dDCO [CR1-017],draft DCO [CR2-008]. Where the crossing of Alltami Brook uses an embedded pipe bridge and the position of the abutments of that bridge require the stopping up of part of the current route of Footpath 414/39A, the information required by Requirement 4(9) of the draft DCO [CR2-008] should also be submitted.~~

4.5. CONCLUSION

- ~~4.1.1.5.1.1.~~ The ~~temporary~~ management principles and measures outlined in ~~Section~~Sections 2.2 and 2.3 of this Outline PRowMP will ensure that all designated PRowS crossing the ~~working areas~~DCO Proposed Development will be managed, ~~with access only closed for short periods while construction activities occur.~~
- ~~4.1.2.~~ ~~No PRowS are proposed to be permanently diverted or closed, and all impacted PRowS would be affected for a temporary period only.~~
- ~~4.1.3.5.1.2.~~ The Applicant, as the undertaker for the Authorised Development, will maintain regular contact with CWCC and FCC Officers during the construction of the DCO Proposed Development.
- ~~4.1.4.5.1.3.~~ The approach, which is outlined in this document, ensures that access to PRowS affected by the ~~construction of the~~ DCO Proposed Development will be appropriately managed.