

## **APPLICANT'S RESPONSES TO ACTION POINTS FROM HEARINGS HELD WEEK COMMENCING 5 JUNE 2023**

### **HyNet Carbon Dioxide Pipeline**

Planning Act 2008

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

Document Reference Number D.7.31

Applicant: Liverpool Bay CCS Limited

PINS Reference: EN070007

English Version

REVISION: A

DATE: June 2023

DOCUMENT OWNER: WSP UK Limited

PUBLIC

# TABLE OF CONTENTS

---

<b>1. INTRODUCTION.....</b>	<b>3</b>
1.1. Purpose of this document .....	3
1.2. The DCO Proposed Development.....	3
<b>2. APPLICANT’S RESPONSES TO ACTION POINTS .....</b>	<b>4</b>
2.2. Issue Specific Hearing 1 on Environmental Matters (06/06/2023).....	4
2.3. Compulsory Acquisition Hearing 1 (07/06/2023).....	5
2.4. Issue Specific Hearing 2 dealing with matters relating to the draft DCO (08/06/2023)	7

## TABLES

---

Table 2-1 – Issue Specific Hearing 1 on Environmental Matters (06/06/2023) .....	4
Table 2-2 – Compulsory Acquisition Hearing 1 (07/06/2023).....	5
Table 2-3 – Issue Specific Hearing 2 dealing with matters relating to the draft DCO (08/06/2023).....	7

# 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 Business, Energy and Industrial Strategy (BEIS) under Section 37 of the Planning Act 2008 ('the PA 2008'). The Application relates to the carbon dioxide (CO<sub>2</sub>) pipeline which constitutes the DCO Proposed Development.
- 1.1.2. This document provides the Applicant's responses to post hearing actions required by the ExA for Deadline 4 **[EV-026]**.

## 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 details of the project can be found in the main DCO documentation.
- 1.2.2. 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 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]**.

## 2. APPLICANT'S RESPONSES TO ACTION POINTS

---

2.1.1. This chapter provides the Applicant's responses to post hearing actions required by the ExA for Deadline 4 [EV-026].

### 2.2. ISSUE SPECIFIC HEARING 1 ON ENVIRONMENTAL MATTERS (06/06/2023)

**ISH1-AP1: 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. [CWCC/FCC]**

2.2.1. The Applicant acknowledges this action point and considers no further action is required.

**ISH1-AP4: 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. [NRW/EA/CWCC/FCC].**

2.2.2. The Applicant acknowledges this action point and considers no further action is required.

**ISH1-AP5: Submit copies of relevant policies/ strategies, discussed at the Hearing, as relevant to the Proposed Development. [CWCC/FCC].**

2.2.3. The Applicant acknowledges this action point and considers no further action is required.

**ISH1-AP6: Submit a copy of the note/ paper providing a brief introduction/ overview of the Development Consent Order (DCO) scheme, along with a copy of tree impact presentation material, excluding slide 2. [Applicant].**

2.2.4. The Applicant has submitted the presentation at Appendix A of this document. The introduction note is with the Oral Summaries, (document reference **D.7.30**), part 1, paragraph **1.2 to 1.15**.

**ISH1-AP7: 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. [Applicant].**

2.2.5. The Applicant has submitted an updated Appendix 9.11 (Arboriculture Impact Assessment) [CR1-058] to the Environmental Statement (ES).

2.2.6. This update states that through arboricultural protection measures to include the implementation of an Arboriculture Method Statement, Tree Protection Plan and provision of an Arboricultural Clerk of Works, the Applicant considers that the veteran trees can be protected and retained. The Applicant is not anticipating they will be felled.

## 2.3. COMPULSORY ACQUISITION HEARING 1 (07/06/2023)

**CAH1-AP1: 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. [Applicant].**

- 2.3.1. Plot 10-11 is owned by Jean Jones, as listed on the Land Registry and in the Book of Reference [CR2-013]. It is farmed and occupied by Jean Jones, R B Jones and S A Jones, all trading as R B & J Jones & Son. The Book of Reference therefore records this correctly.

**CAH1-AP2: 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. [Applicant/CRT].**

- 2.3.2. The Applicant will review the response from the Trust once received, but notes that it has not identified any Crown interest in this plot and understands at this time that the DEFRA consenting process does not constitute a Crown interest.

**CAH1-AP3: 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 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. [Applicant].**

- 2.3.3. The Applicant has responded to this action point as part of its Written summaries of oral submissions made at hearings held the week commencing 5 June 2023 (document reference **D.7.30**), which is submitted at Deadline 4.

- 2.3.4. Refer to part 2, paragraph 6.14 to 6.20, HyNet Carbon Dioxide Pipeline CAH1 (document reference **D.7.30**).

**CAH1-AP4: 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. [Applicant].**

- 2.3.5. The principal legal requirements applicable to the safe use of vehicles in the construction industry are as follows:
- the Health and Safety at Work etc Act 1974;
  - the Management of Health and Safety at Work Regulations 1999;
  - the Construction (Design and Management) Regulations 2015;
  - the Work at Height Regulations 2005, specifically when site operatives are offloading goods from flatbed transport;
  - the Supply of Machinery (Safety) Regulations 2008; and
  - the Provision and Use of Work Equipment Regulations 1998.
- 2.3.6. Struck-by accidents involving construction vehicles between 2003/04 and 2007/08 resulted in 47 deaths and 361 major injuries. Every year, construction vehicles striking workers and members of the public cause, on average:
- ten deaths; and
  - around 150 injuries.
- 2.3.7. Construction transport accidents occur throughout the industry, including during loading and unloading operations, material movements, groundworks and roadworks. Vehicle movements are considered one of the greatest hazards on pipeline construction sites, with the most recent death by vehicle collision being in December 2017 during the attempted recovery of a construction vehicle that had slipped off a narrow bog-matt haul road.
- 2.3.8. The use of bog-matts, 5m by 1m wide hard wood planks, is the most common form of haul road buildup on pipeline construction projects, particularly where the ground is a low quality or is poorly-drained and bearing water.
- 2.3.9. The Health and Safety Executive guidance note; *HS(G) 144 - The safe use of vehicles on construction sites*; provides a guide for clients, designers, contractors, managers and workers involved with construction transport.
- 2.3.10. HS(G) 144 highlights a priority of risk mitigation measures concerning construction traffic routes. At the top of the mitigation list is to use one-way systems to reduce head-to-head traffic and remove the need for reversing. Second is to reduce reversing operations as far as possible, and third is to design reversing areas that allow adequate space for vehicles to manoeuvre safely.
- 2.3.11. The Applicant has reviewed the land associated with the haul route at Picton Lane (plot 7-02 and plot 7-03), and concluded that the allocated land can be reduced.
- 2.3.12. A reduced corridor is shown on the updated Land Plans **[CR2-004]** and Work Plans **[CR2-005]** submitted at Deadline 4. The resultant 10m wide corridor enables the construction of a 5m wide bog-matt haul road, with sufficient space for the stripping and storage of top-soil and fencing of a pedestrian route

alongside. This will necessitate the occasional installation of passing places using twin sets of bog-matts over the full 10m width.

2.3.13. A 25m by 20m area has been retained at the road entrance in Plot 7-02 to enable:

- a HGV to be offloaded at the entrance location when appropriate, removing head-to-head traffic from the haul road;
- a HGV to undertake a three point or 'T' turn, and prevent the need to reverse onto the public highway; and
- a HGV to pull off the public highway whilst another HGV completes a manoeuvre, preventing the blockage of the public highway.

## **2.4. ISSUE SPECIFIC HEARING 2 DEALING WITH MATTERS RELATING TO THE DRAFT DCO (08/06/2023)**

**ISH2-AP1: 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. [Applicant].**

2.4.1. The Applicant has responded to this action point as part of its Written summaries of oral submissions made at hearings held the week commencing 5 June 2023 (document reference **D.7.30**), which is submitted at Deadline 4.

2.4.2. Refer to part 3, paragraph 1.35, HyNet Carbon Dioxide Pipeline ISH2 (document reference **D.7.30**).

**ISH2-AP2: 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. [Applicant].**

2.4.3. The Applicant has responded to this action point as part of its Written summaries of oral submissions made at hearings held the week commencing 5 June 2023 (document reference **D.7.30**), which is submitted at Deadline 4.

2.4.4. Refer to part 3, paragraph 1.42 to 1.46, HyNet Carbon Dioxide Pipeline ISH2 (document reference **D.7.30**).

**ISH2-AP3: 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. [Applicant/CWCC].**

2.4.5. The Applicant has responded to this action point as part of its Written summaries of oral submissions made at hearings held the week commencing 5 June 2023 (document reference **D.7.30**), which is submitted at Deadline 4.

2.4.6. Refer to part 3, paragraph 1.51 to 1.52, HyNet Carbon Dioxide Pipeline ISH2 (document reference **D.7.30**).

**ISH2-AP4: 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. [Applicant/FCC].**

2.4.7. The Applicant has responded to this action point as part of its Written summaries of oral submissions made at hearings held the week commencing 5 June 2023 (document reference **D.7.30**), which is submitted at Deadline 4.

2.4.8. Refer to part 3, paragraph 1.53, HyNet Carbon Dioxide Pipeline ISH2 (document reference **D.7.30**).

**ISH2-AP5: 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. [CWCC].**

2.4.9. The Applicant acknowledges this action point and considers no further action is required.

**ISH2-AP6: 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 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. [CRT].**

2.4.10. The Applicant acknowledges this action point and considers no further action is required.



**ISH2-AP7: 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. [Applicant].**

2.4.11. The Applicant has responded to this action point as part of its Written summaries of oral submissions made at hearings held the week commencing 5 June 2023 (document reference **D.7.30**), which is submitted at Deadline 4.

2.4.12. Refer to part 3, paragraph 2.4, HyNet Carbon Dioxide Pipeline ISH2 (document reference **D.7.30**).

**ISH2-AP8: 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. [Applicant].**

2.4.13. The Applicant has responded to this action point as part of its Written summaries of oral submissions made at hearings held the week commencing 5 June 2023 (document reference **D.7.30**), which is submitted at Deadline 4.

2.4.14. Refer to part 3, paragraph 2.8 to 2.13, HyNet Carbon Dioxide Pipeline ISH2 (document reference **D.7.30**).

**ISH2-AP9: 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. [CWCC/FCC].**

2.4.15. The Applicant acknowledges this action point and considers no further action is required.

**ISH2-AP10: 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. [EA].**

2.4.16. The Applicant acknowledges this action point and considers no further action is required.

**ISH2-AP11: 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 give further thought to what it had heard from the IPs and respond in writing at DL4. [Applicant].**

2.4.17. The Applicant has responded to this action point as part of its Written summaries of oral submissions made at hearings held the week commencing 5 June 2023 (document reference **D.7.30**), which is submitted at Deadline 4.

2.4.18. Refer to part 3, paragraph 2.23 to 2.23, HyNet Carbon Dioxide Pipeline ISH2 (document reference **D.7.30**).

**ISH2-AP12: 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. [Applicant/CWCC/FCC].**

2.4.19. The Applicant has responded to this action point as part of its Written summaries of oral submissions made at hearings held the week commencing 5 June 2023 (document reference **D.7.30**), which is submitted at Deadline 4.

2.4.20. Refer to part 3, paragraph 2.29, HyNet Carbon Dioxide Pipeline ISH2 (document reference **D.7.30**).

**ISH2-AP13: 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? [Applicant/CWCC/FCC].**

2.4.21. The Applicant has responded to this action point as part of its Written summaries of oral submissions made at hearings held the week commencing 5 June 2023 (document reference **D.7.30**), which is submitted at Deadline 4.

2.4.22. Refer to part 3, paragraph 4.12 to 4.14, HyNet Carbon Dioxide Pipeline ISH2 (document reference **D.7.30**).

# Appendix A

ISH-AP6 - Tree Impact Presentation

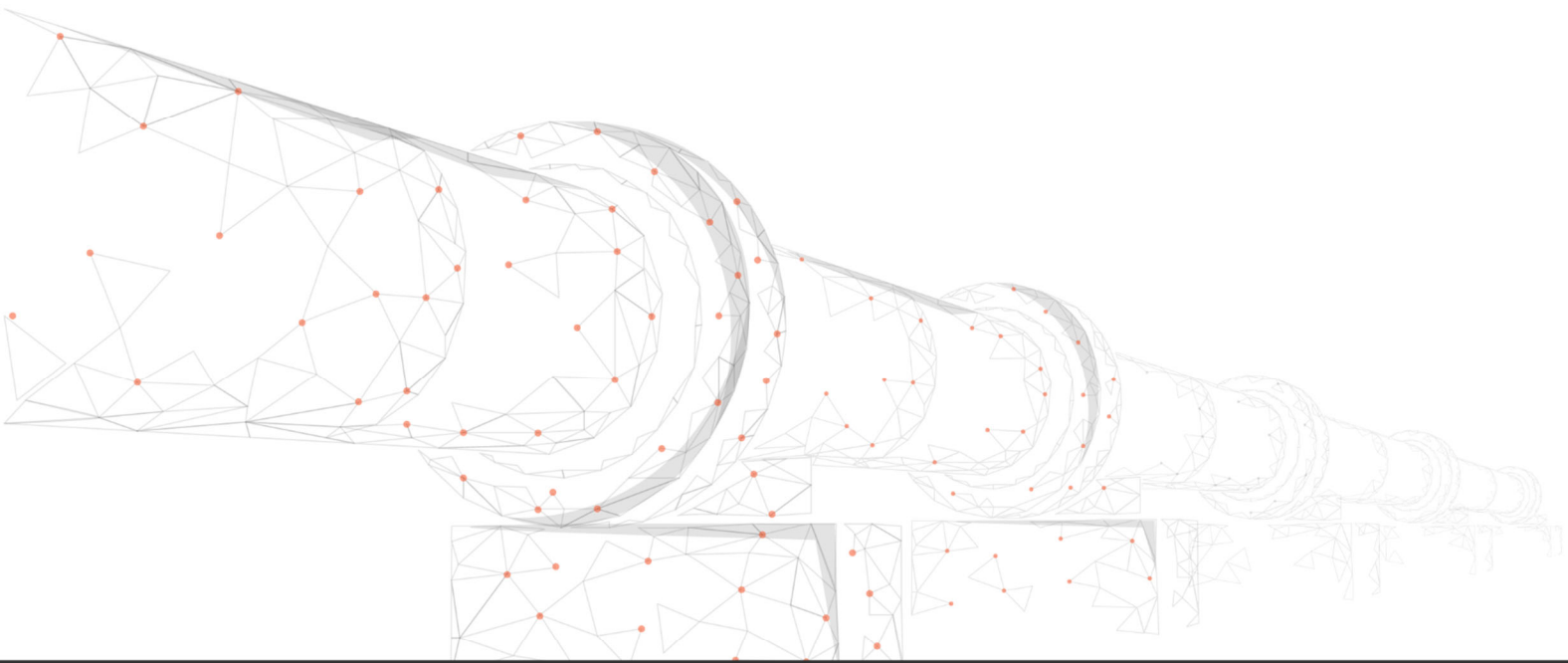
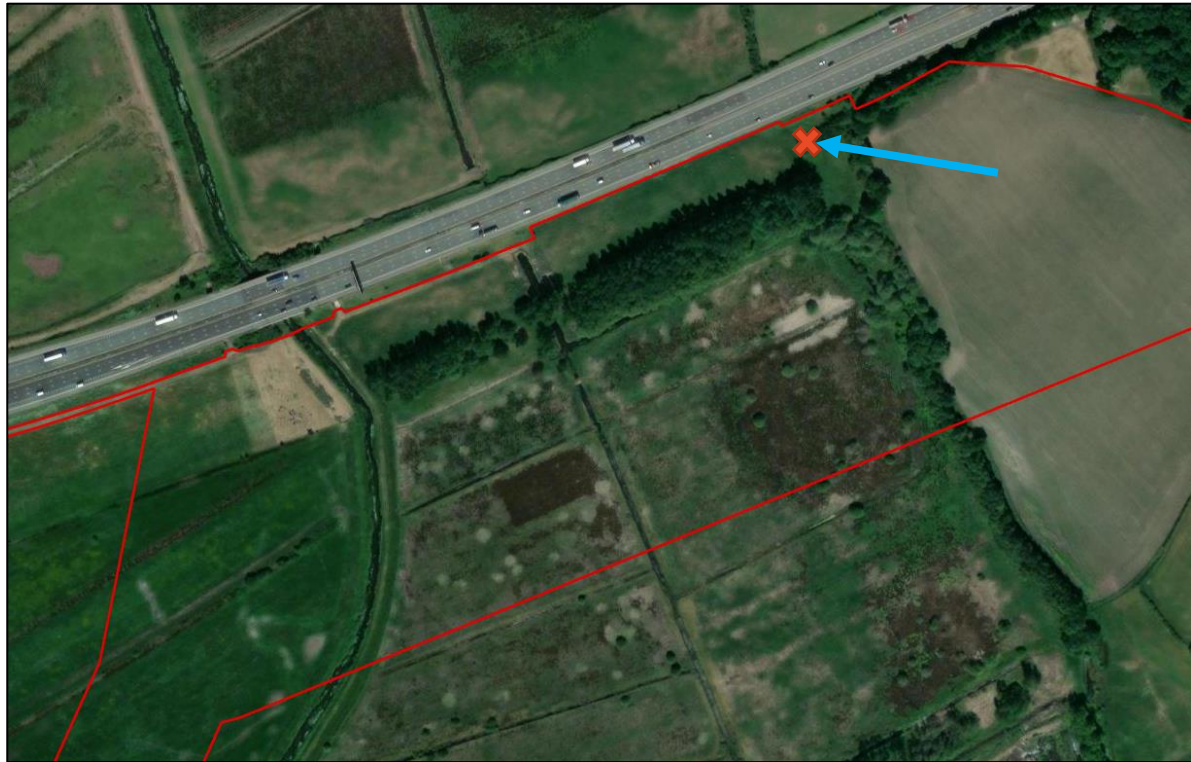


Figure 1 - Ancient Woodland – Northop Hall, Flintshire – Land Plan Ref. 20-12

Ancient Semi- Natural Woodland – To be retained and impacts avoided through proposed use of trenchless crossing techniques

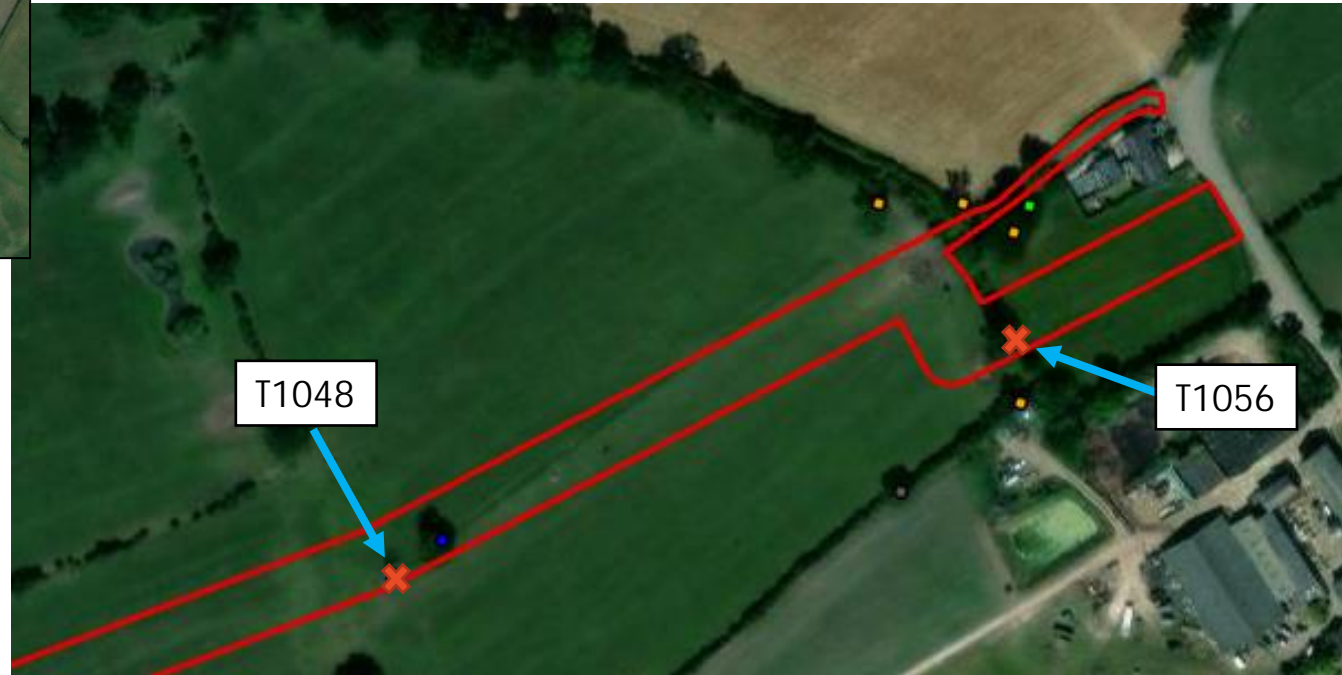


### Figure 3 – Arboricultural Features - Veteran Trees



Left: Tree T1074 – Feature at Risk, Aiming to Retain; Gowy LWS, Cheshire. Land Plan Ref. – 5-22

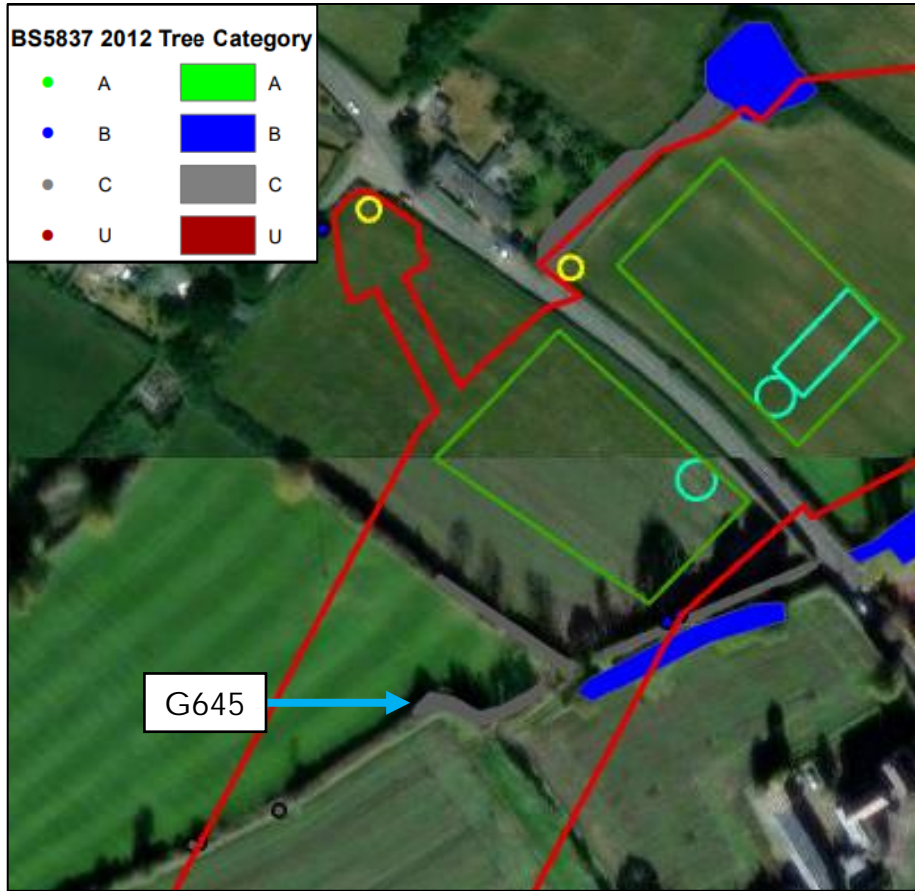
Currently considered sufficient gap between feature and block of woodland to navigate works without impacting feature, including use of mitigation measures.



Right: T1048 & T1056 – Feature at Risk, Aiming to Retain; Picton Lane, Cheshire. Land Plan Ref. – 7-03 and 7-02, respectively

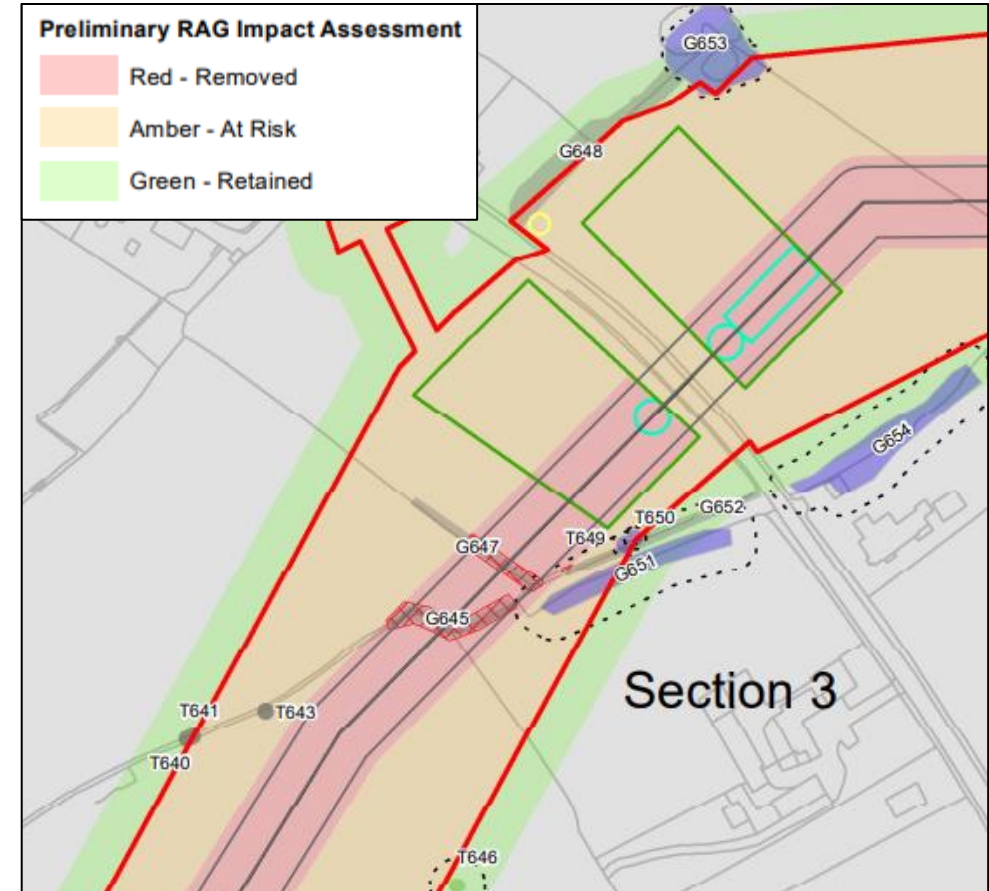
Route required for construction access only. Mitigation to be deployed to safeguard features during construction.

Figure 4 – Arboricultural Features – Groups of Trees & Red RAG Corridor Example



Feature G645 – Tree Group, Land Plan Ref. – 12-09/12-10, Hermitage Road, Cheshire  
 Feature precautionarily assessed to be removed.

Example Scenario:  
 Construction corridor moves west; reduces number of trees lost.



‘Amber – At Risk’ features categorised as such in the absence of a detailed design. Impacts to Arboricultural features will be constrained to within a final ‘Red – Removed’ corridor following detailed design, with those within the Amber zone safely retained (i.e. not at risk).

## Figure 5 – Mitigation Areas

Mitigation Areas chosen across the Order Limits in locations that will enhance, strengthen, and support existing green and blue infrastructure.



Example below at Elton Green, Cheshire. Land Plan Ref. 3-03 will strengthen existing small pocket of woodland and waterbody.