



**APPLICATION BY LIVERPOOL BAY CCS LIMITED FOR AN ORDER
GRANTING DEVELOPMENT CONSENT FOR THE HYNET CARBON
DIOXIDE PIPELINE**

**APPLICATION REF EN070007
PIBLINELL CARBON DEUOCSID HYNET /
HYNET CARBON DIOXIDE PIPELINE**

**FLINTSHIRE COUNTY COUNCIL'S WRITTEN SUMMARY OF ORAL
SUBMISSIONS TO THE ISSUE SPECIFIC HEARING 2 (8 JUNE 2023)**

SUBMITTED AT DEADLINE 4 – TUESDAY 20 JUNE 2023

1. Introduction

- 1.1 This document has been prepared by FCC 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 (DESNZ) (formerly BEIS) 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.
- 1.2 This document provides the written summary of oral submissions made by Officers of Flintshire County Council at the Issues Specific Hearing 2 (ISH2) on 8 June 2023.
- 1.3 This document does not purport to summarise the oral submissions of parties other than those representing Flintshire County Council (FCC).

2. Agenda Item 2 – Articles and Schedules of the Draft DCO

- 2.1 FCC confirmed that there are some concerns with regards to the application and modification of legislative provisions at Article 8(c) of the draft DCO with regards to the land drainage requirement provisions.
- 2.2 With regards to Article 10, FCC confirmed that there is no street permit scheme in Flintshire County Council.
- 2.3 With regards to Article 11, FCC have raised concerns with the applicant over Article 11(3) with regards to the restoration to reasonable satisfaction concerning streets that have been altered by the development. Under the Street Works Act there is a period of two years where the Local Highway Authority could notify the person/applicant who has carried out the works of a defect and the applicant would have to remediate it. FCC have been in discussions with the applicant with regards to this period, and revising those provisions. The applicant is proposing a 12 month period. FCC would not at present accept this Article in its current wording.
- 2.4 In relation to Article 19, FCC maintain concerns with regards to the disapplication of the requirement to submit a consent to the Local Authority for altering an Ordinary Watercourse. FCC would like to be assured that all documentation that would be required for an ordinary watercourse consent be provided as part of this requirement as it does not appear to be detailed in the draft development consent order, or specified in the requirements specifically.
- 2.5 With regards to Protective Provisions set out in Schedule 10, Part 7 with regards to the Protective Provisions for the Local Highway Authority, FCC confirmed that the Local Highway Authority and the applicant would be meeting to discuss these protective provisions.

3. Agenda Item 3 – Schedule 2 of the draft DCO – Requirements

- 3.1 Requirement 3; Stages of authorised development – FCC confirmed that a definition of a ‘stage’ would be required.
- 3.2 Requirement 5 (e); Material Management Plan. FCC have maintained the view that the Material Management Plan should include the term ‘minerals’. The applicant has assured FCC that an outline Material Management Plan will be provided for comment at a subsequent deadline. FCC reserves the right to comment on this document as and when it is published.
- 3.3 Requirement 8; Surface Water Drainage. FCC have concerns with regards to this requirement and the surface water drainage strategy as at this stage, the applicant cannot provide sufficient detail and that this is a high-level strategy. FCC has concerns that any works required to an ordinary water course would not necessarily be included in the documentation. FCC would like to see more detail with regards to these ordinary water course crossings.
- 3.4 Requirement 9; Contaminated land and ground water. FCC confirmed that the FCC Contaminated Land Officer is happy with the drafting on the requirement.
- 3.5 Requirement 16 and 17; Restoration of Land. FCC maintain that a five year aftercare period should be applied in this requirement as opposed to 12 months. The concern relates to potential settlement during the years post restoration. An annual aftercare review should also be applied for a period of 5 years to ensure that the land has been restored to the satisfaction of the planning authority, and that the land has been adequately restored.
- 3.6 Requirement 18; Decommissioning. The same reasoning would apply with regards to post restoration aftercare on above ground sites that are decommissioned in the future.
- 3.7 Requirement 24; Further information and timescales. FCC maintain that a period of 10 days is too short a time-period when the Local Authority would be reliant on external bodies to respond. This adds additional pressure to the process when the Local Planning Authority.

4. Agenda Item 4 – Article 44 of the draft DCO – Certification of Plans

- 4.1 FCC considers that all the appendices of the Construction Environmental Management Plan should be listed in Article 44 – certification of plans.

5. Agenda Item 5 - Consents, licences and other agreements

- 5.1 FCC confirm that discussions have been taking place between the applicant and FCC’s Countryside Services Manager and Ecologist with regards to securing off-site biodiversity enhancements. The legal officer had not been party to the discussions and have not had sight of a draft agreement.