



**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 RESPONSE TO THE  
TO THE EXAMINING AUTHORITY'S ISSUE SPECIFIC HEARING  
ACTION POINTS ISH1-AP4 (3): FLOOD RISK MANAGEMENT  
APPENDIX 1**

**SUBMITTED AT DEADLINE 4 – TUESDAY 20 JUNE 2023**

## **Lead Local Flood Authority (LLFA) Land Drainage Consent Provisions**

- 1.1 The following points are provided by Flintshire County Council (FCC) as the Lead Local Flood authority (LLFA). Under the Land Drainage Act 1991, any alterations or new connections to an ordinary watercourse requires formal land drainage consent from the LLFA. Building any structure, even a temporary structure or planting trees and shrubs within 8 meters of a watercourse in Flintshire is not permitted without consent from FCC. The land drainage consenting process is to ensure that any proposed works do not endanger life, property, or existing infrastructure by increasing the risk of flooding nor cause harm to the water environment and nature conservation. As a statutory regulator, the LLFA seeks to keep watercourses as open channels without obstructions to flow wherever is reasonably possible.
- 1.2 The HyNet CO2 Pipeline application seeks to remove the requirement for land drainage consent. Article 8 (c) of the draft DCO seeks to disapply the provisions of Sections 23 and Section 30 of the Land Drainage Act 1991.
- 1.3 Following a review of the submitted documentation, to protect our interests FCC currently have the following comments.
- 1.4 Document **D.6.3.18.5 FCA Part 1 Rev A Table 1 Watercourse Crossings [APP-168]** on Page 17 states there are 12 Ordinary Watercourse crossing/intersection points within Flintshire. It may be suggested that following further site investigation and excavation works as the scheme progresses, further culverted ordinary watercourses may be discovered. There are several significant ordinary watercourse crossings within the proposals that possess known areas of surface water flood risk associated. It is considered that there is insufficient information within FRA, surface water drainage strategy or the **D.6.5.4 Outline Construction Environmental Management Plan (OCEMP) [APP-228]** evidenced at this time to fully understand and assess the impacts that the pipeline and associated works would have on the watercourse both for temporary and permanent works.

1.5 In order to fully assess the impact and risks of the works on the intersections of ordinary watercourse, FCC would request the below detail be provided where practically possible. The below is a summary of what FCC as LLFA would typically request as part of any land drainage consent application.

- **Location of the Proposed Works:** FCC need to be able to easily identify where the proposed works will be carried out. The applicant should give details of; The location of the site; The name of the watercourse (if named); The National Grid Reference (12 figures)
- **Description and purpose of the proposed works.**
- **Plans and Sections:** The proposals shall include in-depth drawings and plans, showing Ordnance Datum Newlyn (the height above sea level).
- **Location Plan:** This must be at an appropriate scale and be based on an Ordnance Survey map. It must clearly show the general location of the site where the proposed work will be carried out and include general features and street names. It must also identify the watercourse or other bodies of water in the surrounding area.
- **Site Plan (general arrangement):** A plan of the site showing: The existing site (including any watercourse), the proposals, the position of any structures which may influence local river hydraulics (including bridges, pipes and ducts, ways of crossing the watercourse, culverts and screens, embankments, walls, outfalls and so on), and existing fish passes or structures intended to allow fish to pass upstream and downstream. The plan should be drawn to an appropriate scale, which must be clearly stated.
- **Cross Sections:** Where works encroach into any watercourse, you should provide cross sections both upstream and downstream of the proposed works. Cross sections should be drawn as if looking downstream on the watercourse and should include details of existing and proposed features and water levels.
- **Longitudinal sections:** Longitudinal sections taken along the centre line of the watercourse are needed. These must show the existing and proposed features including water levels, bed levels and structures. They should extend both upstream and downstream of the proposed work.

- **Detailed drawings:** These are to show details of the existing and proposed features such as the following; The materials to be used for any structures, the location of any proposed service pipes or cables which may affect the future maintenance of the watercourse, details of any tree, shrub, hedgerow, pond or wetland area that may be affected by the proposed works, details of any planting or seeding, dams and weirs. (FCC need a plan showing the extent of the water impounded (held back) under normal and flood conditions to assess the possible effect on land next to the river. The plan must also show any land drains to be affected.)
- **Construction details:** Separate consents are required for the permanent works and any temporary works that do not form part of the permanent works. Temporary works could include, for example, cofferdams (watertight enclosures) across a watercourse, or temporary diversions of water while work is carried out. For any temporary work, FCC need to know how it is proposed to carry out the work. A “method statement” should be provided that includes details of the specific measures to be taken to keep disruption to a minimum and reduce any unwanted effects while the work is being carried out. ***FCC understands that over pumping where possible is suggested, can the developer confirm what the alternatives would be if this method is not feasible? Can the developer also confirm that application will be made for SAB approval where required?***
- **A Risk Assessment** should be included for all activities pertinent to both temporary and permanent works.

1.6 Until the necessary information has been provided, FCC request appropriate protective provisions to safeguard our position as the statutory regulator for ordinary watercourses under the Flood and Water Management Act 2010.

1.7 FCC as LLFA also recognises the **D.6.5.13 Environmental Report** - Outline Surface Water Drainage Strategy [APP-241], which shows the preliminary drainage design for the compounds. Hydraulic calculations have been provided demonstrating appropriate attenuation storage for the compounds for all storm

events up to and including 1 in 100 year plus CC%, with restricted run off rates limited at greenfield run off rates.

- 1.8 FCC as LLFA can confirm the proposals are acceptable in principle, however FCC would take this opportunity to highlight to the developer that further investigation may be required on site to ensure the chosen outfalls for the development compounds are sustainable. Site investigations should confirm the route offsite, to ensure surface water flows are sustainably drained for the lifetime of the development and prevent against any exacerbation of localised flood risk. Confirmation of invert levels etc will need to be in place prior to construction.