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

APPLICATION REF EN070007
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FLINTSHIRE COUNTY COUNCIL'S RESPONSE TO TABLE 2-17 OF [REP5-015] – DEADLINE 5 SUBMISSION - D.7.37 APPLICANT'S COMMENTS ON SUBMISSIONS RECEIVED AT DEADLINE 4

SUBMITTED AT DEADLINE 6 – TUESDAY 18 JULY 2023

Please find in the column on the Right FCC's comments on Table 2-17 – Applicant's Comments on Flintshire County Council (FCC)- Deadline 4 Submission – Appendix 1 [REP4-288]

Reference	FCC Ref	FCC Response	Applicant's Response	FCC Response at DL6
		Lead Local Flood Authority (LLFA) Land Drainage Consent Provisions		
2.16.1	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.	The Applicant notes this response.	Noted
2.16.2	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.	The Applicant notes this response.	Noted
2.16.3	1.3	Following a review of the submitted documentation, to protect our interests FCC currently have the following comments.	The Applicant has responded to the points separately.	Noted
2.16.4	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.	The Applicant has submitted an Outline Surface Water Management and Monitoring Plan (OSWMMP) (document reference: **D.7.43**), which provides recommendations and guidance to the Construction Contractor on the requirements and measures to manage surface water quality, volumetric control, discharge locations and flood risk from temporary works such as construction compounds. In addition, the OSWMMP also provides preliminary guidance for working near watercourses and the management of flood risk during the construction phases from known areas of flooding from surface water flooding, fluvial and tidal flooding. The Flood Consequences Assessment **[REP4-180]** assesses	FCC notes the information submitted in relation to this matter as detailed in the column to the left. However, FCC will still require the information requested at DL4 in Document Ref **[REP4-288]** under points 2.16.5- 2.16.17 below to fully assess the impact and risks of the works on the intersections of ordinary watercourse. At present FCC do not have sufficient information to fully understand and assess the impacts that the pipeline and associated works would have on the watercourse both for temporary and permanent works.

			the risk of flooding to the permanent works only, and the OSWMMP outlines the mitigation measures to be adopted by the Construction Contractor for the temporary works to prevent impacts on flood risk and watercourses. The Construction Contractor will also provide their Risk Assessment and Method Statements for the detection and prevention of impacts on buried utilities (charted and uncharted) before the construction phases to ensure that there is no impact (on assets such as culverts).	
2.16.5	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.	The information requested by FCC would be provided as part of the FRAP / consenting regime for crossing, or working on, over, or near, watercourses. Such information will be progressed at detailed design.	It is FCC's understanding that the FRAP consenting regime is a matter for NRW in relation to main river crossings. The ordinary water course consenting process is a matter for the Local Authority. Therefore, confirmation is required that the applicant will be seeking ordinary water course consent for the ordinary water crossing points along the proposed pipeline route. The latest version of the draft DCO document reference Number D.3.1 (Revision G (Deadline 4), June 2023) **[REP4-008]** 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. FCC objects to the disapplication of this legislation as at present FCC have not been provided with the documentation detailed in points 2.16.6 -2.16.17. Therefore, FCC maintain the position that FCC is not able to fully assess the impacts and risks of the works on the intersections of ordinary watercourses affected by the proposal.
2.16.6		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)	Refer to row 2.16.5 above.	Refer to row 2.16.5 above.
2.16.7		Description and purpose of the proposed works.	Refer to row 2.16.5 above.	Refer to row 2.16.5 above.

2.16.8		Plans and Sections: The proposals shall include in-depth drawings and plans, showing Ordnance Datum Newlyn (the height above sea level).	Refer to row 2.16.5 above.	Refer to row 2.16.5 above.
2.16.9		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.	Refer to row 2.16.5 above.	Refer to row 2.16.5 above.
2.16.10		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.	Refer to row 2.16.5 above.	Refer to row 2.16.5 above.
2.16.11		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.	Refer to row 2.16.5 above.	Refer to row 2.16.5 above.
2.16.12		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.	Refer to row 2.16.5 above.	Refer to row 2.16.5 above.
2.16.13		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.)	Refer to row 2.16.5 above.	Refer to row 2.16.5 above.
2.16.14		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?*	Refer to row 2.16.5 above.	Refer to row 2.16.5 above.
2.16.15		A Risk Assessment should be included for all activities pertinent to both temporary and permanent works.	Refer to row 2.16.5 above.	Refer to row 2.16.5 above.

2.16.16	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.	Refer to row 2.16.5 above.	Refer to row 2.16.5 above.
2.16.17	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.	The Applicant acknowledges the response and has no further comment.	Noted
2.16.18	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.	The Applicant acknowledges and agrees the response and has no further comment.	Noted