

Christopher Butler
Planning Inspectorate
Temple Quay House
Temple Quay
Bristol
BS1 6PN

Our ref: SO/2023/123043/06-L01
Your ref: EN070007
Date: 18 July 2023

Dear Mr Butler,

APPLICATION BY LIVERPOOL BAY CCS LIMITED FOR AN ORDER GRANTING DEVELOPMENT CONSENT FOR THE HYNET CARBON DIOXIDE PIPELINE SCHEME ENVIRONMENT AGENCY DEADLINE 6 (18th JULY 2023) SUBMISSION

NATIONALLY SIGNIFICANT INFRASTRUCTURE PROJECT – HYNET CARBON DIOXIDE PIPELINE

Thank you for the opportunity to provide comments under Deadline 6 of the Hynet Carbon Dioxide Pipeline Development Consent Order (DCO) Examination.

The Environment Agency (EA) are currently engaging with the Hynet Carbon Dioxide Pipeline project team with regards to outstanding matters raised and items to be addressed within our Statement of Common Ground (SoCG) [REP1-024] with the applicant.

At this time, we have the following comments for the Examining Authority's (ExA) consideration with regards to the applicant's latest submissions within the focus and remit of the EA:

Applicant's Comments on Submissions Received at Deadline 4 [REP5-015]

The EA has the following additional comments to make with regards to the applicant's responses under Table 2.8 [REP5-015] to our Deadline 4 submission [REP4-279]:

Applicant's responses to EA's Comments on Part 2 Principal Powers – Article 6

The EA's stance remains that we would request the detailed design for watercourse crossings is provided through the DCO process (i.e. DCO Requirement) to ensure the design / pipeline depth is informed by relevant environmental assessment work. Whilst we welcome the recognition Flood Risk Activity Permits (FRAP) will be sought where necessary, this process intends to manage activities where there are potential impacts on flood risk. We note the applicant intends to undertake additional site investigation work and assessment to establish ground conditions which will inform appropriate pipeline design / depths for watercourse crossings which will need to be considered at the detailed design stage in addition to FRAP requirements.

Applicant's responses to EA's Comments on Schedule 2 Requirements – Part 1 (Requirements) Requirement 4 (Scheme Design)

We agree that additional site investigation / assessment works are required to be undertaken to inform the detailed design stage and such ground investigation (and assessment) work will inform relevant commitments as outlined in the Outline

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Construction Environmental Management Plan (OCEMP). However, we advise that there is recognition that amendments / additions may be necessitated within the detailed CEMP following on from the forthcoming ground investigation / assessment work, and potential remedial requirements where necessary.

Applicant's responses to EA's Comments on Schedule 2 Requirements – Part 1 (Requirements) Requirement 9 (Contaminated Land and Groundwater)

The EA's stance remains that areas of known contamination identified at this time, where it has been acknowledged additional site investigation and assessment work is to be undertaken, should be managed under an amendment to DCO Requirement 9 or separate DCO Requirement if necessary in consultation with the EA with regards to the protection of 'controlled waters' (and local authority for matters relating to human health) [REP4-279]. Such information will be utilised to inform elements of the detailed CEMP (and proposed development at the detailed design stage), however, the EA advise a DCO Requirement is the suitable mechanism to ensure the risk of contamination is appropriately managed in areas where contamination has been found and is potentially present.

The EA would request approval is sought by the applicant on the additional site investigation / assessment work to be undertaken, and where necessitated, remediation strategy(s) and validation plan(s) prior to the commencement of development. The EA's (and local authority's) approval should be obtained for subsequent verification report(s) to demonstrate any remedial works required have been successful. The Land Contamination Risk Management (LCRM) guidance provided under the EA's Deadline 4 submission [REP4-279] identifies that land contamination can harm drinking water supplies, groundwater and surface water. Therefore, it is integral the risk of contamination to 'controlled waters', in consultation with the EA, is managed effectively.

Therefore, our comments under [REP4-279] remain valid and we strongly advise a DCO Requirement, in line with the LCRM guidance provided, is included to address this matter.

Additional Management Plan Submissions

We note the applicant has submitted the following documents to support the OCEMP [REP4-237] as part of the DCO Examination process:

- Outline Materials Management Plan [REP4-266]
- Outline Waste Management Plan [REP5-018]
- Outline Groundwater Management and Monitoring Plan [REP-019]
- Outline Surface Water Management and Monitoring Plan [REP5-021]
- Outline Dewatering Management Plan [REP5-022]

We advise the ExA that the EA is currently reviewing the reports outlined above and will provide our comments at a later deadline submission.

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Should you have any queries or wish to discuss the matters raised in this letter, then

please do not hesitate to contact me.

Yours sincerely

Ms Anne-Marie McLaughlin
Planning Advisor

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