

**Planning Act 2008 (PA2008) – Sections 91 to 93**

**Application by Liverpool Bay CCS Limited for an Order Granting Development Consent for the HyNet Carbon Dioxide Pipeline**

**Agendas for Issue Specific Hearing 3 (ISH3) on Environmental Matters and the draft Development Consent Order (DCO), as well as matters discussed at ISHs 1 to 2; Compulsory Acquisition Hearing 2 (CAH2); and Open Floor Hearing (OFH1)**

Notification of the date, time, location and attendance instructions for the following hearings was provided in the Examining Authority's (ExA) Rule 8(3) and 13 letter dated 18 July 2023:

<b>Hearing</b>	<b>Date and Time</b>	<b>Location</b>
<b>Issue Specific Hearing 3 (ISH3)</b>  Environmental matters and the DCO	<b>Wednesday 9 August 2023 Hearing Starts at 9.30am</b>  Registration and seating available at venue from 9.00am and virtual Registration Process from 9am	<b>The Crowne Plaza, Trinity Street, Chester CH1 2BD</b>  and  By virtual means using Microsoft Teams  Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.

The above hearing will consider Environmental Matters and the DCO, as one hearing, take place as a single virtual event, hence the identical start times for each hearing. Hearings into Environmental Matters and the DCO were previously held as separate events (ISH1 (Environmental Matters) ([EV-008] to [EV-013] inclusive) and ISH2 (DCO) ([EV-020] to [EV-026] inclusive)). A single Arrangements Conference will be held at 9:30am for both the Environmental Matters and DCO elements of the hearing, and the hearing will be accessed via a single set of joining instructions that will be issued to parties who have registered to attend in accordance with the information set out further below.

<b>Hearing</b>	<b>Date and Time</b>	<b>Location</b>
<b>Compulsory Acquisition Hearing 2 (CAH2)</b>	<b>Thursday</b> <b>10 August 2023</b> <b>Hearing Starts at 9.30am</b>  Registration and seating available at venue from 9.00am and Virtual Registration Process from 9am	<b>The Crowne Plaza, Trinity Street, Chester CH1 2BD</b>  and  By virtual means using Microsoft Teams  Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.
<b>Open Floor Hearing (OFH1)</b>	<b>Thursday</b> <b>10 August 2023</b> <b>Hearing Starts at 2.00am</b>  Registration and seating available at venue from 1.30pm and Virtual Registration Process from 1.30pm	<b>The Crowne Plaza, Trinity Street, Chester CH1 2BD</b>  and  By virtual means using Microsoft Teams  Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.

The agendas for the hearings are set out at Annex A, Annex B, and Annex C of this document respectively.

### **Reserved Hearing dates**

We intend to cover all necessary matters as set out above. However, notification is also made of a reserved date. These would be used only if the ISH3, CAH2 or OFH1 are disrupted by technical issues and/or run over. Participants for ISH3, CAH2 and OFH1 should ensure that they are available for all dates listed above and below.

<b>Hearing</b>	<b>Date and Time</b>	<b>Location</b>
<b>If required,</b> •ISH3 (Stacked Hearings regarding Environmental matters and the DCO);	<b>Friday</b> <b>11 August 2023</b> <b>Hearing Starts at 9.30am</b>  Registration and seating available at venue from	<b>The Crowne Plaza, Trinity Street, Chester CH1 2BD</b>  and

Hearing	Date and Time	Location
<ul style="list-style-type: none"> <li>• CAH2; and</li> <li>• OFH)</li> </ul>	9.00am and virtual Registration Process from 9am	<p>By virtual means using Microsoft Teams</p> <p>Full instructions on how to join online or by telephone will be provided in advance to those who have pre-registered.</p>

Reserved Hearings that are not required may be cancelled during the OFH, ISH3 or CAH2 or in the banner on the Planning Inspectorate's National Infrastructure Planning website<sup>1</sup> and no other notice is required.

### Purpose of the hearings

The purpose of ISH3 is to enable any Additional Interested Parties (AIP) and/ or Additional Affected Persons (AAP), resulting from the Applicant's Change Requests (CR) dated 27 March 2023 (CR1), 26 May 2023 (CR2) and 4 July 2023 (CR3) to make oral representations on matters that have been discussed at the following ISHs that have been held previously:

Held on Tuesday 6 June 2023.

- ISH1 on Environmental matters.

Held on Thursday 19 January 2023

- ISH2 on the draft DCO

The purpose of CAH2 is to enable any Affected Person (AP) and/ or Interested Party (IP) to make oral representations on the proposed provision for the compulsory acquisition of additional rights over land set out in the Applicant's CRs dated 27 March 2023 (CR1), 26 May 2023 (CR2) and 4 July 2023 (CR3) and to enable any AAPs to make oral representations on matters relating to the proposed compulsory acquisition of land/ rights in general in addition to those previously discussed at the CAH1 held on Wednesday 7 June 2023.

OFH1 are not related to a particular issue, however those wishing to be heard orally as part of OFH1 are requested to note that it will not be necessary to repeat submissions that have already been made either orally or in writing.

The video recordings and transcripts from all previously held hearings are available under the 'Documents' tab on the project webpage, as set out in footnote 1 below, using our references [EV-008] to [EV-026], inclusive.

<sup>1</sup> See the project page on the Planning Inspectorate's National Infrastructure Planning website: <https://infrastructure.planninginspectorate.gov.uk/projects/wales/hynet-carbon-dioxide-pipeline/?ipcsection=overview>

## Attendance at the hearings

The ExA would find it helpful if the following parties could attend these hearings:

- Applicant.

However, this does not indicate that other parties will not be able to contribute. All IPs are invited to attend and make oral representations on the matters set out in the agenda, subject to the ExA's ability to control the hearing.

Anyone wishing to participate in the hearings who has not already advised the Case Team of this should do so as soon as possible. The ExA would be grateful if you could register by Tuesday 8 August 2023 at the latest. Please email: [hynetco2pipeline@planninginspectorate.gov.uk](mailto:hynetco2pipeline@planninginspectorate.gov.uk) to confirm attendance and provide all of the information requested on Page 6 of the ExA's Rule 8(3) letter dated 18 July 2023 [PD-026] .

## Participation in a virtual hearing

Parties who have registered to attend any of the hearings will receive an email shortly before the hearings containing a joining link, telephone number and instructions to enable virtual participation. Please join the Arrangements Conference promptly. The Case Team will admit you from the virtual lobby and register your attendance. The Arrangements Conference allows procedures to be explained and will enable the hearings to start promptly.

The event will also be livestreamed and recorded, and a link to watch the livestream will be published on the project webpage of the National Infrastructure Planning website, the details of which are set out in footnote 1 above, closer to the event date.

## Procedure at the hearings

Guidance under the PA2008 and the Infrastructure Planning (Examination Procedure) Rules 2010 provides that it is for the ExA to probe, test and assess the evidence through direct questions of persons making oral representations at hearings. Questioning at the hearings will be led by the ExA. Cross-questioning of a person giving evidence by another person will only be permitted if the ExA decides it is necessary to ensure representations are adequately tested or that an IP has had a fair chance to put its case.

Every effort will be made to ensure that the issues will be discussed on the day that they are scheduled for. The hearings will finish as soon as the ExA deems that all those present have had their say and that all matters have been covered. If there are additional matters to be dealt with or there are submissions that take a considerable amount of time at any hearing, it may be necessary to prioritise matters and defer others to written questions.

The agendas are for guidance only. They are not designed to be exclusive or exhaustive. The ExA may add other issues for consideration, may alter the order in

which issues are considered and will seek to allocate sufficient time to each issue to allow proper consideration of them. Any lack of discussion of a particular issue at a hearing does not preclude further examination of this issue, including the asking of further written questions.

May we draw your attention to Deadline 7 in the Examination Timetable (Tuesday 5 September 2023) and our request to receive summaries of all oral submissions given at these hearings by that date by those who made them.

Please contact the Case Team if you have any questions regarding the arrangements for the hearings or how to participate:

Email: [hynetco2pipeline@planninginspectorate.gov.uk](mailto:hynetco2pipeline@planninginspectorate.gov.uk).  
Tel: 0303 444 5000



## Planning Act 2008 – Section 91

### Application by Liverpool Bay CCS Limited for an Order Granting Development Consent for the HyNet Carbon Dioxide Pipeline

#### Agenda for Issue Specific Hearing (ISH) 3 stacked Hearing on Environmental Matters and the draft Development Consent Order (DCO) and on matters discussed at ISHs 1 and 2

1. **Welcome, introductions, arrangements for the hearing**
2. **Change Request(s) (CR) as relevant to ISH3**

In accordance with Regulation 14(2) of the Infrastructure Planning (Compulsory Acquisition) Regulations 2010, the Examining Authority (ExA) will give an opportunity for any Additional Interested Party or Additional Affected Person, as a result of the accepted CRs submitted by the Applicant's to amend its Development Order Consent application, to make oral representations on the matters previously discussed at ISHs 1 to 2.

3. **Water Environment/ Water Framework Directive (WFD)/ Landscape & Design Matters/ Other responses to ExA's Written Questions 2**

*Water Environment – Alltami Brook Crossing Options*

Applicant invited to:

- summarise the hydrogeological impact appraisal of the open-cut crossing at Alltami Brook. Natural Resources Wales (NRW) response will then be invited concerning this open-cut crossing as a potential pathway for surface water to be lost to the ground/ contaminated mine workings; water courses drying downstream/ deterioration of Wepre Brook water body. (Then some discussion/ ExA questions having regard to WFD);
- set out its without prejudice case for derogation presented alongside how the encased bridge crossing would be formally secured in the DCO;
- give a short account of any good design measures incorporated into the scheme design for above ground aspects for the encased pipe bridge proposals.

ExA then to invite further discussion of NRW views/ interested parties.

Flintshire County Council (FCC) responses to local plan 'Green Wedge' policy in relation to an above ground encased crossing. Whether further policy justification is needed.

4. **Biodiversity**

- *Biodiversity Net Gain (BNG)/ Enhancement Strategy Submitted*
- Applicant will be asked to briefly set out its most up to date position on facilitating BNG and enhancement/ benefits having regard to local and national policy and current legislative provision.
- FCC/ Cheshire West and Chester Council will be asked to give a short account of their views to date.
- Discussion/ ExA questions.
- Consideration of any modifications to the Outline Landscape and Ecological Management Plan and Register of Environmental Actions and Commitments or the DCO Requirements (if needed).

## **5. Articles and Schedules of the draft DCO**

The Applicant will be asked to provide a very brief overview of how the CRs have resulted in alterations to the draft DCO. The ExA will then ask questions as relevant seeking responses where appropriate from the Applicant, the Local Authorities and other Interested Parties (IP), who have registered to speak. These IPs will also be invited to ask questions of clarification in relation to DCO Articles and Schedules.

## **6. Schedule 2 of the draft DCO – Requirements**

The Applicant will be asked to provide an overview of the Requirements, as amended by the CRs. The ExA will then ask questions, seeking responses where appropriate from the Applicant, the Local Authorities, and any other IPs who have registered to speak. These IPs will also be invited to ask questions of clarification in relation to the draft DCO requirements.

## **7. Article 44 of the draft DCO – Certification of Plans**

The Applicant will be asked to explain any changes to this Article as a result of the CRs and whether the plans and documents listed in draft DCO [CR3-008] represents the complete list to be certified. The ExA will seek views as to whether the list is complete and if not, what additional documents would need to be included.

## **8. Consents, licences and other agreements**

In the light of the accepted CRs, the Applicant will be asked to provide an update on the overview of consents, licences and other agreements required in order to undertake the Proposed Development, as previously outlined in ISH2. The Applicant will also be asked to provide an update of progress and timescales for completion of such consents, licences and other agreements. The ExA will then ask questions, including asking for an update concerning any agreement(s) being sought, including under section 111 of the Local Government Act 1972, (such as Planning Performance Agreements), including any Obligations/ Section 106 or other Agreements, and the timescales for finalising such documents.

- 9. Review of issues and actions arising**
- 10. Any other business and closure of the hearing**

**Planning Act 2008 (PA2008) – Section 92****Application by Liverpool Bay CCS Limited for an Order Granting Development Consent for the HyNet Carbon Dioxide Pipeline****Agenda for Compulsory Acquisition Hearing 2 (CAH2)**

Please note that the following agenda is indicative and may be amended by the Examining Authority (ExA) at the start of the hearing session.

**AGENDA**

- 1. Welcome, introductions and arrangements for the hearing**
- 2. Applicant to provide an update to its case for Compulsory Acquisition (CA) and Temporary Possession (TP) in the light of its accepted Change Requests (CR).**

In the light of the accepted CRs, Applicant to take up to 10 minutes to provide an overview of:

- its overall approach to CA and TP in the context of the relevant tests under the PA2008 and DCLG Guidance<sup>1</sup>.
- the purpose, structure and content of the Book of Reference (BoR), the Statement of Reasons (SoR) and the Funding Statement.
- the powers sought and the overall case for them being granted.

The ExA may ask questions.

**3. Change Requests**

In accordance with Regulation 15(2) of the Infrastructure Planning (CA) Regulations 2010, the ExA will invite:

- any Affected Person (AP) and/ or Interested Party (IP) to make oral representations on the proposed provision for the CA of additional rights over land set out in the Applicants' accepted CRs; and
- any Additional Affected Person (AAP) to make oral representations on matters relating to the proposed CA of land/rights in general.

**4. Individual objections, issues and voluntary agreements**

The following parties or their representatives, if present, as IPs who have land interests affected by this proposed Development Consent Order (DCO) application, to make an oral submission concerning land within their control which is subject to proposed CA/ TP.

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<sup>1</sup> Planning Act 2008, Guidance related to procedures for the CA of land, DCLG, September 2013.

IP's who have not previously made Oral submissions:

Starting with:

Turley on behalf of Peel NRE - Plots 1-01, 1-01a; 1-02; 1-03, 1-04, 1-05, 1-06, 1-06a-d (inc), 1-08, 1-09, 1-10, 1-11, 1-12, 1-13, 1-14, 1-15, 1-16, 1-17, 1-18, 1-19, 1a-01, 1a-02, 1a-03, 1a-04.

The ExA notes Peel NRE objection to the current proposal, as summarised below:

- the permanent acquisition and quantum of land included within this 24.4m corridor.
- the proposed acquisitions will severely restrict future development of land by Peel NRE, not just during construction of the Pipeline but throughout the lifetime of its operation.

It is also understood that discussions with a view to agreeing a position acceptable to both parties are ongoing, but to date has not been resolved.

a) The ExA will invite Peel NRE or their representatives, if present, to make an oral submission. The ExA may ask questions.

b) The Applicant will be invited to respond. The ExA may ask questions.

Network Rail (NR) – Plots 1-06b, 1-23; 9-21; 9-23, 9-24; 9-25; 14-24; 14-29; 17-12; 19-04 and 19-04c

NR state they object to the powers contained in Articles 19, 21, 22, 24, 26, 27, 28, 29, 31, 33, 34, 35 and 39 of the draft DCO authorising the Promoter to compulsory acquire rights in or over land, or temporarily use land, which forms part of NRs operational railway land and which NR relies upon for the carrying out of its statutory undertaking.

a) The ExA will invite NR or their representatives, if present, to make an oral submission. The ExA may ask questions.

b) The Applicant will be invited to respond. The ExA may ask questions.

Other qualifying IP's who wish to speak, but have not previously done so, will be asked if they wish to speak.

IP's who set out their position in CAH1, on CA/ TP to provide an update on their current position. Starting with:

Cheshire West and Chester Council (CWCC)

Flintshire County Council (FCC)

Canal and River Trust – Plots 8-03 and 9-06

Environment Agency – Plots 6-02; 6-03; 6-10; and 6-11

Encirc Ltd – Plots 1-01, 1-01a; 1-02; 1-03, 1-06, 1-06a-d (inc), 1-20, 1-21, 1-22, 1a-01, 1a-02, 1a-03, 1a-04.

National Highways – Plots 5-06, 5-09 and 7-05

The ExA notes National Highways' DL5 submission, including the submitted legal opinion.

Carter Jonas on behalf of Travelodge UK – Plot 19-06

Stephens Scown on behalf of S & C Oultram – Plots 18-03 to 18-07, 18-10, 18-11, 18-13, 18-14, 18-16, 18-18 to 18-21, 18-25, 18-26, 19-04, 19-04a and 19-04b.

Any other IP's, who qualify, that may wish to speak.

The Applicant will be invited to respond. The ExA may ask questions before or after the Applicant responds.

## 5. Update on CAH1 agenda items, listed below:

- **The BoR, SoR, Land Plans, Diligent Enquiries and Updates**

- BoR update/ CA Schedule

The Applicant to:

- summarise the progress made since CAH1, including anticipated progress during the remainder of the Examination, especially where there is an objection to rights being acquired and to set out where it has not been able to progress discussions with known parties, including steps taken.
- summarise the steps to be taken to identify any unknown parties or interests during the Examination, if this has changed since CAH1.

- Diligent enquiry

- Applicant to provide further update of diligent enquiries since CAH1, especially regarding its approach to identifying "Unknown Ownerships".

- **How it is intended to use the land, whether reasonable alternatives have been explored and whether the rights sought are legitimate, proportionate and necessary**

- Flexibility

- Detailed design is ongoing with the Applicant advising of a number of alterations to the Order Limits since CAH1. Can the Applicant clarify what liaison with affected parties has taken place and whether this will continue through the remainder of the Examination and whether any further change requests are anticipated.
- Since CAH1 has the Applicant's response regarding the need for a process to consider human rights to be secured during detailed design changed?
- **Crown Interests, Statutory Undertakers, Special Category Land, Compensation, Funding and Other Matters,**
  - Crown interests
    - Could the Applicant provide an update with regard to Crown Interests?
    - Special Category Land – Plot 17-02. Drainage works consisting of the opening of a small trench/ s.132 of the PA2008.

The ExA may ask questions or invite more oral submissions in relation to any of the bullet points or the subheadings in this agenda item.

#### **8. Any other CA or TP Matters**

- Costs Application [REP6-052] – Applicant will be asked to comment and set out its concluded position regarding the plot numbers specified in the claim.
- Time permitting, and at its discretion, the ExA may invite other oral submissions on CA or TP matters.

#### **9. Review of issues and actions arising**

#### **10. Any other business and closure of the hearing**

## **Planning Act 2008 – Section 93**

### **Application by Liverpool Bay CCS Limited for an Order Granting Development Consent for the HyNet Carbon Dioxide Pipeline**

#### **Agenda for Open Floor Hearing (OFH)**

Please note that the following agenda is indicative and may be amended by the Examining Authority ExA at the start of the hearing session.

#### **AGENDA**

- 1. Welcome, introductions and arrangements for the hearing.**
- 2. Purpose of the hearing.**
- 3. Confirmation of Interested Parties (IP) who have notified the ExA of a wish to be heard at the OFH and the order in which they will be heard.**
  - Current list of IPs who have notified the ExA of a wish to make an Oral submission at the OFH:**
    - Canal and River Trust;
    - Cheshire West and Chester Council
      - Cllr S. Eardley;
    - National Highways;
    - Network Rail (Infrastructure) Ltd;
    - Peel NRE;
- 4. Oral submissions**
  - Oral submissions of IPs who have notified of a wish to be heard.**
  - Oral submissions from other IPs wishing to be heard, if required.**
- 5. Review of issues and actions arising.**
- 6. Any other business and closure of the hearing.**