

Proposed Development: HyNet Carbon Dioxide Pipeline
Planning Inspectorate Reference: EN070007
Applicant: Liverpool Bay CCS Ltd

Representation by Liverpool Friends of The Earth, Registration ID 20037846, for Deadline 7 [September 5th 2023], based on August 10th 2023 Open Floor Hearing statement

Responding orally to our statement at the August 10th Open Floor Hearing, The Applicant referenced REP4-022 [Deadline 4 Submission - D.5.4 Planning Statement] relating to the Wellbeing of Future Generations Act [WBFGA]. In particular, The Applicant's associated 3.7.28 cited:

'There are seven Well-Being goals defined within the Act; the most applicable to the DCO Proposed Development being "A Prosperous Wales" – "An innovative, productive and low carbon society which recognises the limits of the global environment and therefore uses resources efficiently and proportionately (including acting on climate change); and which develops a skilled and well educated population in an economy which generates wealth and provides employment opportunities, allowing people to take advantage of the wealth generated through securing decent work." and "A Globally Responsible Wales" - A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being'

Liverpool Friends of The Earth's [LFoE's] position continues to be one that regards the spirit of the above WBFGA goals as fundamentally not being embraced by Eni's [The Applicant's parent company] global business model. We are minded that other Interested Parties, once aware of such global perspectives, may share our concerns and expect fair and just resolution of them by The Applicant's parent company

In outline, this representation explores some ethical and legal perspectives. Particularly given key Welsh legislation, would it be globally just for any corporate that has profited from, and knowingly contributed to, decades of climate harm and which now seeks to expand its UK and global fossil fuel portfolios, to be publicly funded for a large-scale experiment aspiring to reduce or reverse that same harm?

As a community organisation based within HyNet's geographical footprint, LFoE made an earlier representation supporting and referencing representations of other Interested Parties. We also responded to the

Applicant's D.7.16 May 2023 responses, and further referenced some of Eni's answers from its May 10th 2023 AGM about the HyNet Carbon Dioxide Pipeline and Liverpool Bay CCS. We suggest that various of those AGM answers, in addition to global corporate actions undertaken by Eni, appear significantly disengaged from matters of global justice which, we believe, are central to both Wales' Wellbeing of Future Generations Act [WBFGA] and Core Membership of the Beyond Oil and Gas Alliance [BOGA]. BOGA members are, 'working together to facilitate the issue of oil and gas production phase-out in international climate dialogues, mobilize action and commitments, and create an international community of practice'

Responding to one AGM question, Eni acknowledged it will monitor the integrity of Liverpool Bay geology against CO2 leakage for only 20 years following final CO2 injection. Without publicly-agreed certainty around monitoring and remediation over a multi-generational timescale, we feel the proposed period's shortness negates the rationale of the HyNet CO2 Pipeline

Arising from another AGM response, we feel that Eni did not adequately address questions relating to the Wellbeing of Future Generations Act, WBFGA, nor strategic ramifications of Wales' Core Membership of The Beyond Oil and Gas Alliance [BOGA]. Rather than merely noting, 'a continuous dialogue with various departments of the Senedd [Welsh Government]', as Eni did, we feel there should be clear, detailed responses mindful of legislation. There is no evidence that Eni has properly understood or strategically contextualized these policies' interfacing with the Pipeline proposals

In addition to Eni's widely-reported July 2017 and February 2022 Liverpool Bay oil spills which affected beaches in Blackpool, in 2016 the UK Health and Safety Executive [HSE], in regard to a trunnion pipe supports failure in the Irish Sea, found that Eni had, 'fail[ed] to ensure that dangerous situations are monitored at suitable intervals'. Despite Eni's 2023 AGM response that, 'transport and storage of CO2 will take place in full compliance with what is required under the relevant legislation', with this legacy of patchy integrity for 'tried and tested' infrastructure, and monitoring, can North Wales communities be confident that they will be fully and knowingly protected from failures of untested at-scale pipeline infrastructure? The HSE's strategic relevance to the proposal is further amplified via our understanding that it is still yet to publish guidance on the safe operation of CO2 pipelines. Without this we and, we imagine, communities through which the pipeline is proposed to pass have many unanswered questions relating to safety

Consideration one Uncertainty envelopes exist surrounding the total amounts of CO2 both conveyed through the proposed pipeline, and stored

under Liverpool Bay over a multi-generational timescale. In recognition of these uncertainties, The Applicant should, at no public cost, provide a warranty that is cross-checked by an accredited international body, such as the International Sustainability Standards Board

We acknowledge The Applicant's earlier noting [Table 2.9 ExQ1, 1.9.3], '... have regard to the explicit guidance that WBFGA should be applied so as to avoid siloed approaches'. We do, however, suggest that this avoidance of siloed thinking must be taken to the next level and thereby embrace globally overarching perspectives. Fundamentals of both WBFGA and Wales' Core Membership of BOGA, make it untenable to focus on the HyNet Pipeline 'silo' alone: reports of Eni's seemingly globally harmful fossil fuel extractivism in Mozambique and portfolio ambition in The Gulf of Mexico and Guinea-Bissau, cannot be ignored.

Consideration two *In light of the above, is there confidence that Eni's and The Applicant's corporate ethos are compatible with WBFGA's 'thinking and acting in a way that is globally responsible'?* [We wonder if views of other Interested Parties, as well as our own, contrast with Eni's 2023 AGM responses that, 'the HyNet NW project has no connection' with operations in Mozambique and proposals for the Gulf of Mexico? Physically networked connections, perhaps not; ethical connections impacting current and future generations globally, very much so]

In 2022, the Swedish Government awarded Mozambican climate activist Anabela Lemos its Per Anger human rights prize. Ms Lemos is Director of the environmental rights group Justiça Ambiental, aka Friends of The Earth Mozambique

The citation for this award notes, '[Ms Lemos] has worked for twenty years to protect the environment and help those affected by climate change. She is fighting against foreign corporations' exploitation of natural gas and other natural resources in Mozambique. She insists on not giving up, despite her and her co-workers being exposed to threats, harassment, and burglary'

We continue to work directly with Ms Lemos' team and understand their long-standing concerns include Eni's on- and off-shore operations in Mozambique, particularly in the northern province of Cabo Delgado where violent civil unrest is widespread

Consideration three *Should it be clarified with this internationally-recognised human rights and climate campaigner [Anabela Lemos] that she, Mozambican communities, and local NGOs are now assured, by Eni, that*

their operations in that country are not, and will not, contribute towards either societal or ecosystem harm?

Following a global 'lobbying and greenwashing' lawsuit issued against Eni on May 9th 2023 by civil complainants, including twelve citizens, in Rome, we feel that the financial footing of any major project where Eni, or one of its subsidiaries, is central must be reappraised. Further, Greenpeace Italy and advocacy group ReCommon were, on July 26th, hit with a seemingly retaliatory Strategic Lawsuit Against Public Participation [SLAPP] by Eni. SLAPPs are civil lawsuits which may be brought by powerful organisations or individuals in an apparent attempt to deter public protest and in order to drain economic resources from the defendants

Consideration four Does the backdrop of the action brought against Eni by Italian civil groups and individuals and, more particularly, Eni's apparent counter-action, undermine confidence for meaningful transparent discussions and negotiations involving The Applicant, and North Walian elected representatives and communities?

On November 21st 2022, Eni announced the launch of the Bacton Thames Net Zero Cooperation Agreement, citing, perhaps prematurely given the remit of the August 10th Open Floor Hearing, 'a successful track record in Carbon Capture and Storage thanks to its work in guiding the HyNet project in the Liverpool Bay area'

Additionally, in June this year the purchase was announced, by Eni, of one of the biggest producers of gas in the North Sea, Neptune Energy, in a £2.1 billion deal. It can be anticipated that Eni may further expand its North Sea gas extraction portfolio, taking advantage of the UK Government's now questionable 'domestic energy security' aspirations

Consideration five Given Eni's sometimes sketchy announcements and its anticipated huge growth in UK fossil fuel extraction [Neptune's annual North Sea output has been of the order of 100k barrels, equivalent], might this further impact on The Applicant's credibility as an infrastructure provider in North Wales helping deliver WBFGA and BOGA goals?

On March 19th, 2021, Eni offered to pay \$14m to settle a Congo-Brazzaville graft inquiry relating to payment of suspected bribes when oil licences were being renewed in 2015

In a statement, Eni said the offer was not an admission of guilt, 'but an initiative aimed at avoiding the continuation [of] a judicial process that would entail further expenditure of resources from Eni and all the involved parties'

Pages 330 to 334 of Eni's 2022 Annual Report document a range of 'Proceedings concerning criminal / administrative corporate responsibility' and 'Other proceedings concerning criminal matters'. Within these, there are proceedings which are ongoing or pending

Consideration six Should the outcomes of these criminal proceedings be monitored and considered by decision makers in North Wales and other HyNet partners in order to understand any direct or indirect risks of reputational harm to the Pipeline project?

In advance of the Eni's 2023 AGM, the following question was submitted:

'Increasingly, graduates do not want to work for companies whose portfolio remains dominated by oil and gas. Universities within the HyNet geographical footprint are beginning to ban fossil fuel companies from recruitment fairs [eg Wrexham Glyndwr in December 2022]. How will Eni address the resultant skills shortages?'

Eni's written response was:

'There are currently no particular shortages in the availability of personnel'

Consideration seven Is this response indicative of The Applicant's intent not to create well-paid, skilled and secure employment from within local communities?