



**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 WRITTEN SUMMARY OF ORAL  
SUBMISSIONS TO THE ISSUE SPECIFIC HEARING 3 (ISH3)**

**(9 AUGUST 2023)**

**SUBMITTED AT DEADLINE 7 – TUESDAY 05 SEPTEMBER 2023**

## **1. Introduction**

- 1.1 This document has been prepared by Flintshire County Council (FCC) and relates to an application ('the Application') for a Development Consent Order (DCO) that has been submitted to the Secretary of State (SoS) for Energy Security and Net Zero (DESNZ) (formerly BEIS) under Section 37 of the Planning Act 2008 ('the PA 2008'). The Application relates to the carbon dioxide (CO<sub>2</sub>) pipeline which constitutes the DCO Proposed Development.
- 1.2 This document provides the written summary of oral submissions made by Officers of Flintshire County Council at the Issues Specific Hearing 3 (ISH3) held on 9 August 2023.
- 1.3 This document does not purport to summarise the oral submissions of parties other than those representing Flintshire County Council (FCC).

## **2. Agenda Item 3. Water Environment / Alltami Brook Crossing Options**

- 2.1 The Examining Authority (ExA) sought views from FCC on Change Request 2 and the Embedded Pipe Bridge option for the Alltami Brook Crossing. FCC confirmed that they would respectfully defer to NRW on matters relating the Alltami Brook Crossing in relation to the Water Framework Directive.
- 2.2 When considering the visual impact of the more engineered option when considering the embedded pipe bridge, FCC confirmed that in the Officer's opinion, that the visual impact would be minimal given the proximity to visual receptors. The location is a steep valley leading down to the Alltami Brook and not visible from public vantage point with exception to the Public Right of Way adjacent to the Alltami Brook. However FCC Officers are not sure on how frequently the right of way is used.

## **3. Agenda Item 4. Biodiversity**

- 3.1 FCC confirmed that progress and discussions are being made with regards to finalising the legal agreements necessary to secure off-site Biodiversity Net Gain for offsite planting with Flintshire Countryside Services on Flintshire County Council owned land. FCC have no objections are working with the Applicant on hedgerow planting and pond creation.
- 3.2 The Applicant has been discussing the matter with our Countryside Services Manager and Ecologist and the following was reported to the Examining Authority verbally at ISH3.

- Flintshire Countryside Service have suggested 700m hedgerow planting and pond creation projects on Flintshire land, which would be suitably located in respect of the pipeline to contribute to those aspects of the BNG targets.
- The proposed 700m hedgerow planting proposed is adjacent to the River Dee and the cycle path at Sealand where hedgerows are lacking.
- The proposed new pond is within existing poor semi-improved grassland adjacent to Wepre Park, a compartment of the Connah's Quay Ponds and Woodlands Site of Special Scientific Interest and Deeside and Buckley Newt Sites Special Area of Conservation. The grassland and proposed pond provide complementary habitat to the woodland planting scheme funded under The Woodland Investment Grant (TWIG) in 2021 as well as the adjacent designated sites managed for great crested newts.
- The creation, establishment and management for 30 years have been costed separately for pond and hedgerow habitats and are currently being reviewed by the applicant.
- The Legal agreement is under discussion, but the preference is for the developer to offer a lump sum which can be managed under a specific financial code. (*Precedents of this have already been adopted in the County Council with other offsite habitat creation*)
- Woodland BNG offsets are being explored by the Applicant with Private landowners. Preference for the location of the woodland is for this to be local to the project and within Flintshire.
- FCC and the applicant are at advanced stage in discussions with agreeing the terms of the Section 111 agreement.
- FCC will confirm with the Examining Authority if agreement has been reached prior to the close of the examination

#### **4. Agenda Item 5. Articles and Schedules of the Draft DCO**

- 4.1 Article (8). FCC would continue to sustain the objection to the disapplication of the Land drainage Act 1991. However FCC confirmed to the ExA that discussions with the applicant are taking place to resolve the matter through extending the protective provisions for Land Drainage Authorities with regards to Ordinary Water Course Consent. At the time of the Hearing, FCC reported to the ExA that FCC had not yet received a copy of the proposed changes to the Protective Provisions. However, in principle, subject to the protective provisions including all those matters that would be included with the Ordinary Water Courses, FCC would have no objection to the disapplication of the Land Drainage Act.

**5. Agenda Item 6: Schedule 2 of the draft DCO – Requirements**

- 5.1 Requirement 9: Contaminated Land Groundwater. FCC confirmed that they would not require a verification report.
- 5.2 Requirement 19: FCC confirmed that we would concur that approval or agreement should be provided in writing.
- 5.3 Requirement 25: Susan Cordiner FCC confirmed that the Planning Performance Agreement made under s111 of the local government act – draft is with FCC and will work through this with the applicant before the end of the examination to seek agreement.