

Our ref: HWOU-1-4  
Your ref: EN070007  
Date: 5 September 2023

Examining Authority

**By email**

Hynet CO2 Pipeline [hynetco2pipeline@planninginspectorate.gov.uk](mailto:hynetco2pipeline@planninginspectorate.gov.uk)

Dear Madam/ Sir

**HyNet carbon dioxide pipeline – DCO – representation at DL7 and response to the ExA’s Third Written Questions**

We represent the interests of:

Stephen Oultram 1199\_1096409002\_03382\_0012; and

Catherine Oultram 1199\_1096409002\_03439\_0022

and write further to the oral representations made on their behalf by Mr Richard Baker and Mr Duncan Tilney during the oral CA hearing on 10 August 2023 and also in response to the ExA’s most recent Third Written Questions.

**Exclusive access required for land parcel 18-17**

1. The Applicant has now withdrawn from the scheme a requirement for a temporary construction compound on the Oultram land. However, in locating its access point to the pipeline immediately to the East of the working corridor on the north side of Holywell Road, the Applicant has effectively marooned that area of land (an area of approximately 73 acres, although some of this will be lost to the pipeline in due course). The land is accessed along a cow track. However, the land plans and Statement of Reasons make clear that parcel 18-17 would be for the Applicant’s exclusive possession. That possession effectively cuts off the first five metres of the cow track, meaning no available access to the acreage beyond it.
2. The Applicant has referred the Examining Authority to REP6-037 which states that “the use of this access...should not impede the use of the access point for cattle movements or other farming activities”. The Applicant’s Position Paper (REP6-037) is framed as an explanation of CR3 and yet the details in it are inconsistent with the materials put before the ExA under CR3. If the intention is to share the access, why was that position specifically excluded in the CR3 Statement of Reasons and the land plans that will form party of any decision to grant the DCO and its associated powers. The Applicant has said that it is willing to maintain access but has not considered the practicalities of that position.
3. The landowners want a clear guarantee that there will be no interruptions to their access. In response, the Applicant is willing to pause twice a day for cattle movements.
4. It was noted by Mr Tilney that it may be difficult to meet on the point where the farm needs unlimited access including (as noted by Mr Baker) vehicle movements for land work, stock checks, bringing stock back etc..

\*

Page 2

5. The Applicant responded that it was not saying that it would prevent other access (apart from the regular mass stock movements) and the only possible alternative would be a protective provision (which has not been offered to this point nor any drafting seen).

### **Assessed impact**

6. The Oultrams have engaged an agricultural consultant to advise on the protentional impact. Mr Harvey of Harvey Hughes Ltd notes as follows:

The Farm milks around 170 cows and rears its own replacements. In total the farm has around 500 head of animals.

The milking cows utilise two blocks of grazing, the first is a block of approx. 38acres around the farm buildings that is used for grazing at night, The second larger block (73ac) is across the main road. This block is used in the day time and cows access it by walking down the main road and then down a short track into the land.

#### **1.0 Compound Area.**

I understand from the plans shown to be by Mr Outram that there is a proposal to have a working compound for the project adjacent to the road on the block of land across the road. The proposal is for the cows and contractors to use the same entrance to access the compound and the land. HyNet have indicated that they would be willing to install crossing gates and have additional staff to assist with the cows.

From my experience it is my opinion this will never work, the cows will be unwilling to enter the land with the compound in operation. The noise, smells and general activity will cause a problem. This problem could potentially become dangerous should the cows begin to stampede.

#### **2.0 Silage Ground.**

If the area can now not be accessed for grazing then it will have to be mown and additional silage made that can ten be fed back to the cows. Effectively the cows will need to be kept in the buildings. There will be a requirement to make 3 or 4 extra cuts of silage. This will be a greater cost to the business over an above the current costs of grazing the grass.

#### **3.0 Silage Storage.**

With the need to make additional silage the farm will require additional clamp storage capacity over and above what it currently has. We looked at the current clamps and there location around the farm buildings, there is no obvious place to build an additional clamp around the farm buildings. The only other location would be at the youngstock rearing unit across the road adjacent to the block of land that has been mown.



**4.0 Silage Movement.**

As the silage will be required for the milking cows at the Newbridge Farm, this will need to be transported back to the farm on a daily basis. This will be as an additional cost to the business.

**5.0 Slurry Spreading.**

With the cows now being housed for longer periods then additional slurry will be produced. This slurry will require to be spread on the land and again this will add additional costs over and above the current system.

**6.0 Building Improvements.**

As the cows aren't currently housed in the summer months improvements will be required to improve ventilation within the sheds. Fans may need to be installed to improve the ventilation. Poor ventilation will reduce the efficiency of milk production and potential cause an animal welfare problem.

**7.0 Reduced Stocking.**

I understand from my conversation with Mr Outram that not only will be loose land during the 2-3 years of the scheme he will also lose some land permanently. This reduction in land area could result in the land holding not being able to support the current numbers of animals, therefore a reduction in stock numbers may be required.

The financial impacts of the above point will need to be fully calculated as the full extent and timing of the scheme is fully understood.

However I would like to make the point that the dual use of the access track for the cows and contractors will not work and at worst could cause a situation that puts both human and animal life at risk.

**Response to ExA's Third Written Questions**

<p>Q3.2.4 Q3.2.5 Q3.8.1</p>	<p>Our client is aware that when the A55 was built the stream was diverted in several places and culverts created without any obvious adverse effects (that our client is aware of). An embedded pipe bridge will be more obtrusive and is likely to require a larger land take than the original design. If that requires further mitigation land then that will be a further loss to our client's available farming land and further risk the viability of the enterprise (when taken alongside all of the other predicted impacts).</p> <p>This may be a case where NRW is seeking to over-engineer a solution but that is a matter for NRW to comment on.</p>
-------------------------------------	---



\*

Page 4

	Our client makes no comment on the matter of the WFD derogation sought as that is outside of their area of knowledge and expertise.
Q3.19.3	Our client makes no representation on the wording of Requirement 4 but, in the interests of certainty should consent be granted, supports the provisions of an alternative draft DCO rather than a single version with an 'either/ or' provision.

Yours faithfully,

**Duncan Tilney**  
**Partner**  
**For and on behalf of STEPHENS SCOWN LLP**

