

## STATEMENT OF REASONS (CLEAN)

HyNet Carbon Dioxide Pipeline DCO

**Planning Act 2008**

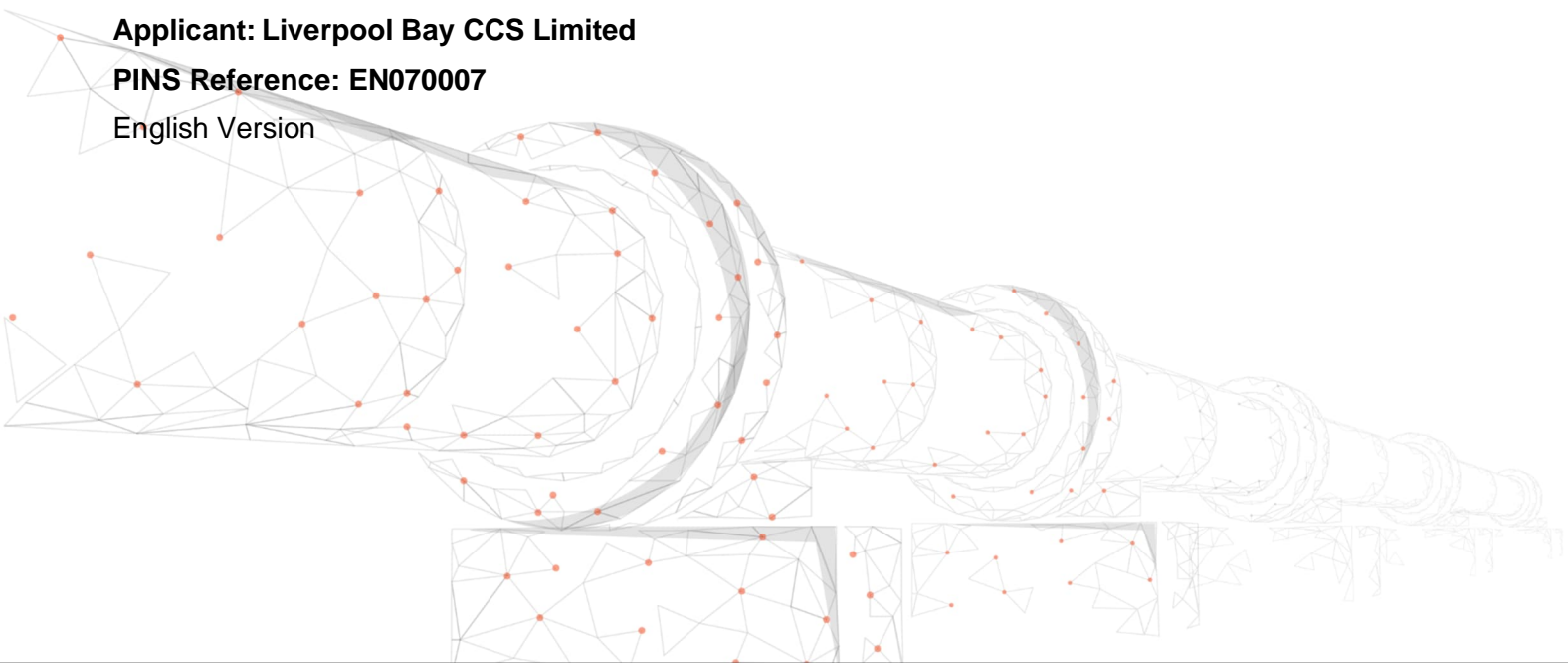
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## EXECUTIVE SUMMARY

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This Statement of Reasons (Statement) is submitted by the Applicant to set out the reasons and justification for seeking powers of compulsory acquisition in the application for a Development Consent Order (DCO) under the Planning Act 2008 (PA2008) for the construction and operation of the authorised development, being a carbon dioxide (CO<sub>2</sub>) pipeline comprising:

- Ince Above Ground Installation (AGI) to Stanlow AGI Pipeline – a section of new underground onshore pipeline (20” in diameter) to transport CO<sub>2</sub>;
- Stanlow AGI to Flint AGI Pipeline – a section of new underground onshore pipeline (36” in diameter) to transport CO<sub>2</sub>;
- Flint AGI to Flint Connection Pipeline – a section of new underground onshore pipeline (24” in diameter) to transport CO<sub>2</sub>;
- Flint Connection to Point of Ayr (PoA) Terminal Pipeline – a section of existing Connah’s Quay to PoA underground onshore pipeline (24” in diameter) which currently transports natural gas but would be repurposed and reused to transport CO<sub>2</sub>;
- Four AGIs - Ince AGI, Stanlow AGI, Northop Hall AGI, and Flint AGI
- Six Block Valve Stations (BVSs) - located along:
  - the new Stanlow AGI to Flint AGI Pipeline (three in total);
  - the existing Flint Connection to PoA Terminal Pipeline (three in total);
- Other above ground infrastructure, including Cathodic Protection (CP) transformer rectifier cabinets and pipeline marker posts;
- Utility connection infrastructure, including power utilities and fibre optic cable; and
- Temporary ancillary works integral to the construction of the CO<sub>2</sub> Pipeline, including the creation and use of Construction Compounds and temporary access tracks.

A detailed description of the authorised development is included in Chapter 3 of the Environmental Statement (ES) **[REP4-029]**.

This Statement has been prepared in accordance with the provisions of Regulation 5(2) (h) of the Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009.

This Statement is required because the DCO, if awarded, would authorise the compulsory acquisition of interests or rights in land. The DCO would also confer on the Applicant the additional powers below, which are further described in Section 6 of this Statement:

- Permanent acquisition of interests in land including the surface;
- Permanent acquisition of subsoil only;
- Permanent acquisition of rights over land;
- Imposition of restrictive covenants;
- Extinguishment of private rights over land;

- Rights under or over streets;
- Temporary use of land for carrying out the authorised development; and
- Temporary use of land for maintaining the authorised development.

This Statement forms part of the suite of documents submitted with the Application for a DCO including powers of compulsory acquisition. This Statement should be read in conjunction with the other DCO Application documents that relate to the compulsory acquisition powers sought by the Applicant, including:

- Draft DCO [**CR3-008**];
- Explanatory Memorandum [**REP4-010**];
- Book of Reference [**CR3-013**];
- Land Plans [**CR3-003**];
- Crown Land Plan [**CR3-004**];
- Special Category Land Plans [**CR1-013**];
- Works Plans [**CR3-005**];
- Funding Statement [**APP-029**];
- Planning Statement [**REP4-022**];
- Needs Case for the DCO Proposed Development [**APP-049**]; and
- ES and the Glossary [**APP-006**].

The Applicant's rationale and justification for seeking powers of compulsory acquisition are set out below. The Applicant considers that there is a clear and compelling case in the public interest for the inclusion of powers of compulsory acquisition within the DCO to secure the land and interests which are required for the DCO Proposed Development. The public benefit of allowing the DCO Proposed Development to proceed outweighs the infringement of private rights which would occur should powers of compulsory acquisition be exercised.

# **1. INTRODUCTION**

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## **1.1. PURPOSE OF STATEMENT OF REASONS**

### **1.1.1. This Statement:**

- should be read alongside the draft DCO and with reference to the terms defined therein;
- sets out the background against which the DCO is to be made, and provides a description of the DCO Proposed Development;
- explains the need for the DCO Proposed Development;
- provides a statement of the statutory authority for the proposed acquisition of land and rights by the Applicant;
- describes the land required for the DCO;
- sets out the policy background;
- explains the relationship between the DCO and the Human Rights Act 1998;
- considers alternatives to compulsory acquisition and sets out the Applicant's justification for making the DCO;
- considers special categories of land;
- describes the nature of related consent/applications which will be required for the DCO Proposed Development;
- describes the case for acquisition of individual interests and rights and explains the Applicant's engagement with affected landowners and third parties;
- outlines potential barriers to implementation; and
- considers the funding and financial implications of the DCO Proposed Development.

1.1.2. The purpose of the DCO is to authorise the construction and operation of the DCO Proposed Development which will help to meet the identified national need for new carbon capture and storage facilities.

1.1.3. The DCO sought includes powers to compulsorily acquire land and rights over land which are required for the works necessary to construct and operate the DCO Proposed Development. The Applicant has commenced negotiations to acquire the land and rights required voluntarily but has been unable to acquire all plots and rights, and accordingly requires to seek powers of compulsory acquisition.

## **1.2. BACKGROUND TO THE DCO PROPOSED DEVELOPMENT**

1.2.1. The DCO Proposed Development will form part of HyNet North West, the goal of which is to reduce CO<sub>2</sub> emissions from industry, homes and transport and support economic growth in the North West of England and North Wales. HyNet North West

is based on the production of low carbon hydrogen. It includes the development of a new hydrogen production plant, hydrogen distribution pipelines, hydrogen storage and the creation of CCS infrastructure. CCS prevents CO<sub>2</sub> entering the atmosphere by capturing it, compressing it and transporting it for safe, permanent storage.

- 1.2.2. The DCO Proposed Development is a critical component of HyNet North West which, by facilitating the transportation of carbon, enables the rest of the Project to be low carbon. The hydrogen production and CO<sub>2</sub> capture and storage elements of the Project do not form part of the DCO Proposed Development and will be delivered under separate consenting processes.
- 1.2.3. The Applicant is Liverpool Bay CCS Limited - a wholly owned subsidiary company of Eni UK Limited. Liverpool Bay CCS Limited will act as the responsible entity for future licensed operations under the UK government's proposed regulated regime for CO<sub>2</sub> transport and storage in Liverpool Bay.
- 1.2.4. The Applicant proposes to build, operate and maintain a new underground CO<sub>2</sub> pipeline from Cheshire, England to Flintshire, Wales with necessary Above Ground Installations (AGIs) and Block Valve Stations (BVSs). This would form part of the HyNet North West CCS infrastructure.
- 1.2.5. The pipeline is a Nationally Significant Infrastructure Project (NSIP) within sections 14(1)(g) and 21(1) of the PA2008. When a pipeline will constitute an NSIP is set out in section 21(1)(a) and includes a 'cross-country pipeline'. A cross country pipeline is as defined in section 235 of the PA2008 which provides: "*Cross-country pipeline' has same meaning as in Pipe Lines Act 1962 s66*".
- 1.2.6. The Pipe Lines Act 1962 (PLA) section 66(1) provides that 'Cross-country pipeline' means 'pipe-line' whose length exceeds 16.093km. The authorised development would include new build pipeline of 36km and repurposing of an existing natural gas pipeline of 24km. The overall CO<sub>2</sub> pipeline is c.60km.
- 1.2.7. A 'pipeline' as defined also includes the infrastructure necessary for its operation and protection. What falls within the definition of a 'pipeline', and is therefore the NSIP, needs to be considered with reference to section 65 of the PLA (which provides the definition which is incorporated into the Act):

*" In this Act "pipe-line" (except where the context otherwise requires) means a pipe (together with any apparatus and works associated therewith), or system of pipes (together with any apparatus and works associated therewith), for the conveyance of any thing other than air, water, water vapour or steam, not being ... [list of excluded pipelines which are not relevant]*

*(2) For the purposes of the foregoing subsection, the following apparatus and works, and none other, shall be treated as being associated with a pipe, or system of pipes, namely,—*



- (a) apparatus for inducing or facilitating the flow of any thing through the pipe or, as the case may be, through the system or any part thereof;*
  - (b) valves, valve chambers, manholes, inspection pits and similar works, being works annexed to, or incorporated in the course of, the pipe or system;*
  - (c) apparatus for supplying energy for the operation of any such apparatus as is mentioned in paragraph (a) of this subsection or of any such works as are mentioned in paragraph (b) thereof;*
  - (d) apparatus for the transmission of information for the operation of the pipe or system;*
  - (e) apparatus for affording cathodic protection to the pipe or system;*
  - (f) a structure for the exclusive support of a part of the line or system; and*
  - (fa) in relation only to a pipe, or system of pipes, which is used to convey carbon dioxide to a carbon dioxide storage site, apparatus for treating and cooling carbon dioxide which is to flow through, or through any part of, the pipe or system.*
- (3) In subsection (2)(fa), the reference to a pipe, or system of pipes, being used to convey carbon dioxide includes a pipe or system which is not being used for any purpose but which is intended to be used to convey carbon dioxide.”*

- 1.2.8. The Application accordingly includes apparatus along the pipeline within the above definition, including above ground installations (AGIs) and Block Valve Stations (BVSs) (being works annexed to or incorporated in the pipeline), and cathodic protection (CP), electricity and telecommunication or fibre optic cables. Works necessary to construct and operate the authorised development have also been included, for example creation of construction and operational access and inclusion of drainage and landscaping for AGIs and BVSs.
- 1.2.9. In determining what can be included within the DCO Application, the Applicant has had regard to the restriction on the inclusion of Associated Development (as defined in the PA 2008) in Wales and has taken account of previous decisions on that, particularly in the Swansea Bay Tidal Lagoon DCO application. A full explanation of why the Applicant considers that all of the works applied for can be included in the Application is set out in the Planning Statement **[REP4-022]**.
- 1.2.10. As the authorised development is an NSIP, development consent must be obtained from the Secretary of State (SoS) to authorise it, and an application for a DCO must be made to the SoS, care of the Planning Inspectorate, under section 37 of the PA2008.

### 1.3. DCO PROPOSED DEVELOPMENT DESCRIPTION

1.3.1. The DCO Proposed Development comprises the construction and operation of a CO<sub>2</sub> pipeline.

1.3.2. There are three sections of new build pipeline which form part of the DCO Proposed Development:

- **Ince AGI to Stanlow AGI Pipeline** – a section of new underground onshore pipeline (20” in diameter) to transport CO<sub>2</sub>, including:
  - the Ince AGI, located south-west of the existing CF Fertiliser Plant off Marsh Lane; and
  - the Stanlow AGI, located within the existing Stanlow Manufacturing Complex.
- **Stanlow AGI to Flint AGI Pipeline** – a section of new underground onshore pipeline (36” in diameter) to transport CO<sub>2</sub>, including:
  - the Rock Bank BVS, located between the settlements of Chorlton and Caughall;
  - the Mollington BVS to the west of the settlement of Mollington;
  - the Aston Hill BVS, located within the Harwarden Community between the settlements of Mancot and Ewloe;
  - the Northop Hall AGI, located within the Northop Hall Community to the north of the A55 between the settlements of Northop Hall and Northop; and
  - the Flint AGI, which signals the end of the Stanlow AGI to Flint AGI Pipeline and the start of the Flint AGI to Flint Connection Pipeline.
- **Flint AGI to Flint Connection Pipeline** – a section of new underground onshore pipeline (24” in diameter) to transport CO<sub>2</sub>.
- **Flint Connection to Point of Ayr (PoA) Terminal Pipeline** – a section of existing Connah’s Quay to Point of Ayr Pipeline (24” in diameter) which currently transports natural gas but would be repurposed and reused to transport CO<sub>2</sub>. The Flint Connection to PoA Terminal Pipeline also includes three Block Valve Stations that form part of the DCO Proposed Development:
  - Cornist Lane BVS, located within the Flint Community, between the settlements of Flint and Pentre Halkyn;
  - Pentre Halkyn BVS, located within Brynford Community south of Brynford to the west of the B5121; and
  - Babell BVS, located within Ysceifiog Community to the north west of Babell.

1.3.3. The CO<sub>2</sub> pipeline will be buried underground along its entire length. The minimum depth from the top of the pipe to the ground surface will be in accordance with relevant standards but will be a minimum of 1.2m wherever possible in open cut sections and deeper for trenchless crossings, to avoid existing services and physical obstructions and to allow existing land uses which require deeper cover to resume post construction wherever practicable.

## **1.4. ACCESS**

1.4.1. Permanent access will be required for each AGI and BVS, and also along the surface above the pipeline for operation and maintenance purposes. Permanent access will also be required to the mitigation areas so that these can be monitored and maintained. Access will also be required during construction, although these will be on a temporary basis only.

## **1.5. MITIGATION**

1.5.1. The Order land includes areas for mitigation, particularly relating to landscaping, habitat creation and surface water drainage. These areas are required permanently to mitigate the effects of the DCO Proposed Development.

## **2. POWERS OF COMPULSORY ACQUISITION**

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### **2.1. DRAFT DCO**

- 2.1.1. The Application has been made under the PA2008 for a DCO granting consent to construct and operate the DCO Proposed Development, including powers of compulsory acquisition for the land necessary to do that. Section 120 of the PA2008 sets out what may be included within DCOs, and provides that such orders may include provisions on matters ancillary to the development consented. Those ancillary matters may include the acquisition of land and the creation, suspension and extinguishment of interests in or rights over land as set out in Schedule 5 to the PA2008.
- 2.1.2. The draft DCO contains the following provisions:
- Article 24 authorises the compulsory acquisition of any interest in land;
  - Article 26 authorises the compulsory acquisition of rights over land, including by creation of rights;
  - Article 29 provides for the extinguishment of private rights in land which is compulsorily acquired; and
  - Article 31 allows the Applicant to compulsorily acquire the subsoil of land only.
- 2.1.3. The exercise of compulsory acquisition powers is limited by Article 25 which provides that notices under such powers must be served within 5 years of the date of the DCO being made.
- 2.1.4. The draft DCO also amends the compensation enactments to extend their provisions to cover acquisition of rights in land only as well as the land itself.
- 2.1.5. Section 122 of the PA2008 sets out the purposes for which compulsory acquisition may be authorised and lists the conditions which must be met. This provides that the Secretary of State must be satisfied that the land; —
- is required for the development to which the development consent relates, or
  - is required to facilitate or is incidental to that development,
  - and that there is a compelling case in the public interest for the land to be acquired compulsorily.
- 2.1.6. As required by the 'Planning Act 2008: Guidance related to procedures for the compulsory acquisition of land' issued by the (then) Department for Communities and Local Government in 2013 ('the Guidance'), this Statement sets out the use to which each plot subject to powers of compulsory acquisition would be put (see Section 6).

## **2.2. CONSIDERATION OF ALTERNATIVES TO COMPULSORY ACQUISITION**

2.2.1. The objective to avoid or minimise compulsory acquisition was a consideration in selecting the current location for the DCO Proposed Development. Negotiations are ongoing with affected parties and are detailed in Annex A to this Statement.

2.2.2. In the absence of compulsory acquisition, all of the land required to allow the DCO Proposed Development to be constructed and operated may not be acquired and the DCO Proposed Development will not be able to proceed. The Applicant needs to have certainty that the required rights and land can be obtained within a reasonable timeframe. Given the clear policy support for the development of projects of this type, the granting of powers of compulsory acquisition to the DCO Proposed Development represents a proportionate and legitimate interference with private rights for the public benefit.

## 3. THE ORDER LAND

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### 3.1. SITE SELECTION

- 3.1.1. The Applicant's site selection process is set out in detail in the **Chapter 4** of the ES [REP4-031] and is only summarised in this Statement which should be read alongside the ES.
- 3.1.2. The Applicant has undertaken a logical, staged decision-making process to arrive at the DCO Proposed Development location and design. The DCO Proposed Development decision-making around alternatives comprised a three-stage process which is outlined below.
- 3.1.3. The Stage 1 appraisal identified four strategic corridors for the newbuild 36" pipeline (a 'Core', 'Northern', 'Central' and 'Southern' Corridor). Due to its shorter length and limited corridor options, the newbuild 20" pipeline was not subject to a Stage 1 appraisal. The widths of the corridors varied, primarily due to the consideration of key geographical constraints such as the avoidance, as far as possible, of centres of population and significant environmental features.
- 3.1.4. A qualitative appraisal of the three corridors (Northern, Central, and Southern) was undertaken based on location (and opportunities to connect to existing industrial emitters), environmental outcomes, social and economic outcomes and business case. The Core corridor was not subject to the Stage 1 appraisal process on account of there being no significant constraints that would have warranted the division of this corridor into separate corridors.
- 3.1.5. Overall, the Southern corridor was the preferred option for a number of reasons, including:
- It offers the greatest opportunity to connect to other carbon dioxide emitters, thereby achieving the greatest level of carbon dioxide emissions reduction within the region.
  - It is likely to be the least complex and safest route to construct on account of having fewer complex crossings.
  - It is more likely to provide route options which have less direct impact upon international and national environmental designations (including the River Dee Estuary).
  - It is likely to offer the most cost-effective solution, based on the fact it would be the least complex.
- 3.1.6. The Core corridor in combination with the Southern corridor was taken forward to the Stage 2 Appraisal for the newbuild 36" pipeline.

- 3.1.7. The Stage 2 appraisal framework was developed using the objectives and guiding principles (as set out in Chapter 4 of the ES **[REP4-031]**), with each broken down further to include a series of 35 ‘factors’ and associated ‘criteria’ which allowed for a more detailed qualitative (and part quantitative) appraisal of the strengths and weaknesses of each route corridor option.
- 3.1.8. Three route options were identified for the newbuild 20” pipeline and considered against the assessment criteria. It was concluded that, due to fewer complex infrastructure crossings and the requirement for a shorter length of pipeline, Southern Route Option A is the preferred route option.
- 3.1.9. Nine route options were identified within the Core and Southern corridors of the newbuild 36” pipeline and considered against the assessment criteria. Two of these options were taken forward for further investigation, considered as part of the EIA Scoping process and presented to members of the public during Non-Statutory Consultation.
- 3.1.10. The size of each AGI is driven by the infrastructure requirements (for example, number of pipeline connections). In terms of design of individual AGIs, the route of the pipeline dictates the location of the pig traps and the location of the incoming connections determines the location of the manifolds. Local conditions such as land use and visual impacts, presence of existing utilities and access were also considered during design which evolved to minimise identified impacts. Further details of the AGI design are provided in Chapter 3 of the ES **[REP4-029]**.
- 3.1.11. The number of and location of BVSs have been chosen to break the new build and existing pipelines into shorter sections to minimise inventory loss in the unlikely event of a loss of pipeline containment. The identification of the number and location of BVSs is based on topography, population density, ease of access and CO<sub>2</sub> dispersion characteristics. The potential locations for BVSs also took into consideration options for the permanent access tracks required and considered length, location, sensitive receptors and safety. Details of the BVS design is provided in Chapter 3 of the ES **[REP4-029]**.
- 3.1.12. The comments received during the Non-Statutory Consultation were taken on board and further engineering appraisals were undertaken to consider constructability, safety, environmental impact and cost.
- 3.1.13. These concluded that Option G, which principally followed the route that now forms the DCO Proposed Development, performed better than other options for the following key reasons:

- Less engineering complexity, particularly in relation to highway and river crossings, and avoiding the need for a tunnel underneath a water treatment plant at Queensferry.
- It avoids any potential impacts on proposals for expanding the A494 Aston Expressway near Queensferry.
- It offers lower construction safety risk associated with reduced engineering complexity.
- There are fewer potential impacts on key environmental and planning designations.
- It is a lower cost option.

3.1.14. Option G was therefore the preferred route option and has been taken forward as part of the Stage 3 design process.

3.1.15. Following the conclusions of the Stage 2 Appraisal, the design of the Newbuild Carbon Dioxide Pipeline, including the 20" and 36" pipelines (and associated infrastructure) and the infrastructure associated with the repurposing of the existing Flint Connection to PoA Terminal Pipeline, has been progressed as part of the Stage 3 process.

3.1.16. Route optimisation and small variations to the preferred route options have been investigated, building on feedback from the Non-Statutory Consultation (Summer 2021) and Statutory Consultation (Spring 2022), engagement with land owners, engagement with statutory consultees, and further environmental and technical surveys.

3.1.17. Reasons for variations to the routing of the Newbuild Carbon Dioxide Pipeline include (but are not limited to):

- Determining the preferred location for connecting to the existing Flint Connection to PoA Terminal Pipeline;
- The avoidance of existing water utilities near Mollington;
- Consideration of existing or proposed buried services, geotechnical or topographical constraints including mine-shafts;
- Reducing loss of waterbodies and mature vegetation including trees and woodland habitat and routing the pipeline to coincide with existing gaps in hedgerows;
- Reducing impacts on watercourses and existing infrastructure; and
- Where route optimisation options are limited, alternative construction methods have been considered. This includes using a trenchless installation technique at certain crossings, to avoid impacting and/or disturbing features such as roads, railways and watercourses.



- 3.1.18. The DCO Proposed Development will result in the loss of habitats, for which mitigation and compensation will be undertaken. A reasonable worst-case scenario has been applied to determine those trees at risk of removal and for which mitigation has been identified. Thirteen areas of land across the Newbuild Infrastructure Boundary have been identified for the loss of trees to facilitate construction. Areas identified have been prioritised where tree planting will tie into existing woodlands / green infrastructure or else enhance green infrastructure corridors across the landscape. A planting ratio of 3:1 has been adopted with species to be planted to remain in-keeping with the green infrastructure being enhanced or in line with the wider landscape tree community, comprising native trees of local provenance.
- 3.1.19. As a result of environmental and engineering surveys and consultation with the public and statutory organisations, alternative construction methods have also been considered at certain locations. This has led to the proposal to use trenchless installation techniques under major infrastructure such as motorways, at locations such as at pinch points where there is limited access or where there would be significant disruption to environmental receptors or existing assets.

## **3.2. THE SITE**

- 3.2.1. The land within the Order Limits comprises approximately 446 hectares. The DCO Proposed Development principally runs south westwards from Ince, connecting into Stanlow Manufacturing Complex and under the M56, M53, Shropshire Union Canal, A41, railway (between Capenhurst and Bache stations) A540 and A548 before crossing under the River Dee to the east of Sandycroft. The crossing under the River Dee will be undertaken using trenchless installation techniques and without interference with flood defences. From the River Dee crossing, the pipeline runs west and north westwards under B5129, A550, A494 (Aston Expressway), alongside the A55 (North Wales Expressway) to connect with the existing Connah's Quay to Point of Ayr Pipeline just south of Flint. The land within the Order Limits also includes land along the existing Connah's Quay to Point of Ayr Pipeline for three block valve stations (off Cornist Lane, off B5121 and west of Babel) a. The land within the Order Limits can principally be characterised as rural in nature, running primarily through agricultural land.
- 3.2.2. Section 1 of the Order Limits runs approximately 4.0km from Ince to Stanlow, traversing predominately agricultural land between two industrial centres. The land is owned by eight landowners, including railway land, Ince and Chester Service Station and land used for agriculture.

- 3.2.3. Section 2 of the Order Limits runs approximately 8.0km from Stanlow AGI to Liverpool Road (A41) through 14 land holdings. Predominantly agricultural, the pipeline crosses the M56 and M53 and the Grand Union Canal where trenchless crossings will be used. It also passes through land associated with Gowy landfill and part of the estate of Chester Zoo.
- 3.2.4. Section 3 of the Order Limits runs approximately 6.0km from Liverpool Road (A41) to the English/Welsh border. This section has 18 land holdings and is mostly agricultural (including one dairy farm). It crosses under the railway between Capenhurst and Bache stations, and the Chester Millennium Greenway.
- 3.2.5. Section 4 of the Order Limits runs approximately 6.0km. North of the River Dee, the land is agricultural and comprises one land holding. South of the River Dee, the land is partially agricultural (most forming part of the Gladstone Estate) and partially more urban, running beneath the public highway of Chester Road in Sandycroft and under Willow Park, and land used for Greenacres Animal Park.
- 3.2.6. Section 5 of the Order Limits runs approximately 6.0km between Gladstone Way and Connah's Quay Road. It traverses 32 key land holdings, mostly currently agricultural (including dairy) although through some areas of land with proposed planning applications for future development. It crosses a playground off Vickers Close and crosses the Borderlands Line railway and Aston Expressway. The pipeline then runs under Church land and a private road servicing circa 12 properties. The section crossing the Alltami Brook is characterised by a steep ravine and wooded area, with public footpaths. One landholding is used as grounds associated with a petrol station off the North Wales Expressway. The corridor crosses the Wepre Brook at the junction of the North Wales Expressway with Brookside and via a trenchless crossing under an area of ancient woodland.
- 3.2.7. Section 6 of the Order Limits runs approximately 2.5km from Connah's Quay Road to the connection with the existing pipeline at Flint. It includes five main land holdings, all being agricultural, including one dairy farm.
- 3.2.8. Section 7 is predominately rural and regards the installation of ancillary service infrastructure along the existing pipeline at Cornist Lane, Pentre Halkyn and Babell. These sites are agricultural in nature and affect three land holdings.

## 4. NEED FOR AND BENEFITS OF THE DCO PROPOSED DEVELOPMENT

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### 4.1. INTRODUCTION

- 4.1.1. The Needs Case [APP-049] and Planning Statement [REP4-022] sets out in detail the Applicant's case for the need for the DCO Proposed Development and the contribution it would make towards achieving the objectives of policy, including Government policy as set out in the National Policy Statements (NPSs). That case is not repeated in full here and this Statement should be read alongside these documents.
- 4.1.2. There is a cascade of international and national obligations, directives and policy statements that combine to place the UK on a legally binding path to reduce CO<sub>2</sub> emissions on an incremental basis.
- 4.1.3. Legislation The Climate Change Act 2008 (as amended) commits the UK Government to reducing greenhouse gas emissions by 100% of 1990 levels by 2050 and created a framework for setting a series of interim national carbon budgets and plans for national adaptation to climate risks. The 2011 Carbon Plan is the UK's national strategy under the Climate Change Act 2008 for delivering emissions reductions through to the Fourth Carbon Budget period (2023-27) and preparing for further reductions to 2050.

### 4.2. NATIONAL POLICY STATEMENTS (NPS)

- 4.2.1. The statutory framework for determining applications seeking development consent is provided by sections 104 and 105 of the PA2008. Section 104 states that in deciding a DCO application, the SoS must have regard to any national policy statement in effect for the description of development to which the application relates. There is no NPS in effect for CO<sub>2</sub> pipelines; accordingly, the Application falls to be determined under s105.
- 4.2.2. Section 105(2) provides that, in deciding the application the SoS must have regard to—
- “(a) any local impact report (within the meaning given by section 60(3)) submitted to the Secretary of State before the deadline specified in a notice under section 60(2),*
- (b) any matters prescribed in relation to development of the description to which the application relates, and*
- (c) any other matters which the Secretary of State thinks are both important and relevant to the Secretary of State's decision.”*

4.2.3. While there is no NPS in effect for the Application, the Applicant submits that the energy NPSs are important and relevant matters under s105(2).

### **4.3. THE OVERARCHING NPS FOR ENERGY: EN-1**

4.3.1. The NPSs which are most relevant to the DCO Proposed Development are Overarching National Policy Statement for Energy (EN-1) and National Policy Statement for Gas Supply Infrastructure and Gas and Oil pipelines (EN-4). However, no NPS has direct effect on the DCO Proposed Development as outlined in subsection 104(2)(a), and thus the DCO Proposed Development will be decided under Section 105 of the PA2008.

4.3.2. Section 105 of the PA2008 is the mechanism in which a decision is made on an application for Development Consent by the SoS in cases where no NPS has effect. In Section 105(2)(c), the SoS must have regard to “any other matters *which the Secretary of State thinks are both important and relevant to the Secretary of State's decision*”

4.3.3. NPS EN-1 has taken account of a range of other planning related documents including PPSs (since largely replaced by the NPPF), Planning Policy Guidance (PPG) and TANs in Wales. Accordingly, while the Application falls to be determined under s105, the Applicant anticipates that the relevant provisions of EN-1 will be considered to be important and relevant by the Secretary of State and has accordingly set out how the proposal complies with that policy in the Planning Statement.

4.3.4. NPSs EN-1 and EN-4 are currently undergoing a review under section 6 of the PA 2008.

4.3.5. For the purpose of the DCO Proposed Development, the Applicant considers that the following are of relevance:

- The NPPF; which sets out at paragraph 5 that it does not contain policies for NSIPs that “*these are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework)*”.
- Local Development Plans which are used to determine planning applications under the Town and Country Planning Act 1990 are not mentioned in the decision-making framework of the PA2008. Paragraph 4.1.5 of NPS EN-1 states “*Other matters that the [SoS] may consider both important and relevant to its decision-making may include Development Plan Documents or other documents in the Local Development Framework*”

#### 4.4. THE EMERGING NPS FOR ENERGY: EN-1

- 4.4.1. The NPSs which are most relevant to the DCO Proposed Development are Overarching National Policy Statement for Energy (EN-1) and National Policy Statement for Gas Supply Infrastructure and Gas and Oil pipelines (EN-4).
- 4.4.2. In December 2020, the government announced a review of the energy NPS under section 6 of the PA2008 to ensure they reflect the policies set out in the Energy White Paper (2020); this review is ongoing with a draft published in December 2021. In July 2021, these NPS were updated with drafts published for consideration. Whilst the DCO Proposed Development will not be assessed against the emerging NPSs as the principal policy document, these are nonetheless an ‘important and relevant’ consideration for the purposes of section 105.
- 4.4.3. NPS (Draft) (EN-1) Part 2, Paragraph 2.1.3 sets out the Government’s commitment to delivering decarbonisation targets It also committed to government putting the UK on the path to meeting its net zero emissions target by 2050 by taking steps to decarbonise the UK’s power networks which together account for over two-thirds of the UK emissions – and take steps to adapt to the risks posed by climate change.
- 4.4.4. NPS (Draft) EN-1 (Para 2.4.4) identifies that Carbon Capture, Utilisation and Storage (CCUS) is a mechanism of achieving decarbonisation targets.
- 4.4.5. The NPS EN-1 identifies that CCUS is a key part of the transition to a low carbon economy.
- 4.4.6. The Planning Statement [**REP4-022**] explains in more detail the shift in approach between adopted and emerging NPSs, specifically with regard to drawing out a focus on the delivery of CCUS and achieving Net Zero targets. It also provides a full assessment that demonstrates that the DCO Proposed Development is compliant with the relevant policies in both EN-1 and EN-4.
- 4.4.7. The assessment concluded that there will be impacts primarily from the construction phase. However, the construction impacts will be temporary and where appropriate, such as for open space and through noise impacts, specific mitigation measures are set out in **ES**) and will be secured through the DCO Requirements.
- 4.4.8. As such, there will be no permanent effects on the wider environment that would outweigh the benefit of the provision of the DCO Proposed Development.

## 4.5. NATIONAL PLANNING POLICY

### UK POLICY

#### **National Infrastructure Strategy (November 2020)**

- 4.5.1. The National Infrastructure Strategy was produced by HM Treasury in response to the National Infrastructure Assessment, published by the National Infrastructure Commission (NIC). The Strategy aims to make the UK a world leader in new technologies including CCUS and hydrogen production. The report states:

*“CCUS will also be essential to decarbonising large parts of industry, producing low emissions hydrogen and in delivering greenhouse gas removal technologies, permanently locking away carbon dioxide”.*

- 4.5.2. The National Infrastructure Strategy sets out the UK Government’s plan to deliver zero emissions while supporting growth and *“puts innovation and new technology at the heart of the government’s approach”*. It includes an explicit commitment to advancing carbon capture and storage in the four industrial clusters, of which HyNet North West is one.

- 4.5.3. The DCO Proposed Development will deliver high-quality decarbonising infrastructure which will support economic growth, increase productivity and create jobs – this in accordance with the fundamental ambitions of the National Infrastructure Strategy (2020).

#### **Energy White Paper – Powering our Net Zero Future (December 2020)**

- 4.5.4. The Energy White Paper sets out the policies and commitments by the Government to put the UK on course to achieve Net Zero. The White Paper includes support for the development of CCUS in four industrial clusters by 2030, two of these by the mid-2020’s (of which HyNet is one). This includes an ambition to see 10 MtCO<sub>2</sub> captured per year by 2030. The White Paper states that the Government will also work with industry to develop 5GW of low-carbon hydrogen production capacity by 2030.

- 4.5.5. This is further captured within the emerging NPS EN-1 paragraph 4.1.2 which states that the Energy White Paper emphasises the importance of the Government’s net zero commitment and efforts to combat climate change. Given the level and urgency of need for infrastructure of the types covered by the energy NPSs set out in Part 3 of this NPS, the Secretary of State shall start with presumption in favour of granting consent to applications for energy NSIPs.

### **Net Zero: Building Back Greener (October 2021)**

4.5.6. This document was presented to Parliament in October 2021 and sets out what the UK Government will do to meet the sixth carbon budget. This document confirms HyNet as a Track-1 cluster in the Cluster Sequencing process. The document states the HyNet and the East Coast Clusters: *“will act as economic hubs for green jobs in line with our ambition to capture 20-30 MtCO<sub>2</sub> per year by 2030”*.

4.5.7. The document confirms that the northwest region is sought to be among the potential early *“SuperPlaces”* which will be transformed over the next decade. This document increases the commitment from the Energy White Paper for the capture of 10 MtCO<sub>2</sub> to 20-30 MtCO<sub>2</sub> using CCUS (*“SuperPlaces” here being used to define the regions within the document which are identified for decarbonisation and regeneration*).

### **English Policy**

4.5.8. Relevant national policy in England includes:

- National Planning Policy Framework (NPPF) 2021;
- National Infrastructure Strategy (November 2020);
- Energy White Paper – Powering our Net Zero Future (December 2020); and
- Net Zero: Building Back Greener (October 2021).

### **National Planning Policy Framework**

4.5.9. The NPPF was published on 27<sup>th</sup> March 2012, and most recently amended on 20<sup>th</sup> July 2021, Paragraph 8 outlines the three pillars to sustainable development, which are the objectives which the planning system must pursue in mutually supportive ways:

*“An economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*

*A social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*

*An environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy”.*

- 4.5.10. These objectives should be delivered through the preparation and implementation of plans and the policies in the NPPF, not as criteria against which every decision can or should be judged. Planning Policies play an active role in guiding development, but there is a requirement to take in further information regarding site characteristics, local circumstances and function needs.
- 4.5.11. The DCO Proposed Development will facilitate the delivery of sustainable development by supporting the UK’s transition to zero carbon. This will be achieved through the provision of infrastructure to deliver negative emissions, deliver future decarbonising projects and further decarbonise the industrial sector. It will also generate employment opportunities and provide a positive contribution to socio-economic wellbeing.
- 4.5.12. The accompanying ES demonstrates that adverse environmental effects associated with the construction and operation of the DCO Proposed Development will be appropriately managed and mitigated.
- 4.5.13. Specific NPPF Policies set out the Government’s targets for England; how these are to be applied and forms a material consideration in planning decisions. Paragraph 5 of the NPPF makes it clear that the document does not contain specific policies for NSIP’s. However, paragraph 5 goes on to confirm that the NPPF may be a matter that is both important and relevant for the purposes of assessing DCO applications. The EIA undertaken for the DCO Proposed Development has regard to the relevant policies of the NPPF as part of the overall framework of national policy.
- 4.5.14. Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The policies that are set out in the NPPF paragraphs 19 – 20, taken as a whole, constitute the Government’s view of what sustainable development in England means in practice.
- 4.5.15. Paragraph 152 outlines that the:  
*“planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of*



*existing buildings; and support renewable and low carbon energy and associated infrastructure”.*

- 4.5.16. The DCO Proposed Development constitutes sustainable development in the context of the NPPF, delivering economic, social and environmental benefits. It therefore accords with the main principles of the NPPF., There will be no adverse impacts outweighing the benefits when assessed against the policies in the NPPF taken as a whole.
- 4.5.17. Specific policies of particular relevance have been included above to illustrate how the DCO Proposed Development satisfies the principles found within the NPPF such as sustainable development and meeting the challenge of climate change.

### **Welsh Policy**

- 4.5.18. Associated and relevant national policy in Wales includes:
- National Development Framework – Future Wales: The National Plan 2040;
  - Planning Policy Wales and associated Technical Advice Notes (TANs)
  - A Carbon Capture, Utilisation, & Storage Network for Wales (March 2021); and
    - Net Zero Wales Carbon Budget 2 (2021-25) (October 2021) Well-being of Future Generations (Wales) Act 2015.

### **National Development Framework – Future Wales: The National Plan 2040**

- 4.5.19. The National Development Framework (NDF) is a 20-year national Development Plan that covers the whole of Wales. It has been produced by the Welsh Government and covers the period up to 2040.
- 4.5.20. The NDF seeks to provide a strategy for addressing key national priorities through the planning system and has been revised with consideration for the Well Being of Future Generations (Wales) Act 2015. The plan supports the development of a “*low carbon economy and the decarbonisation of industry*”.
- 4.5.21. Policy 1 drives the delivery of the Future Wales Outcomes and ensures Future Wales’ policies and the planning system in general are committed to their achievement. Key issues, including decarbonisation, health, prosperity and the Welsh language, are core elements of Policy 1 and are common threads underpinning all Future Wales policies.
- 4.5.22. Policy 17 recognises the wealth of current and emerging renewable energy technologies that can contribute towards our energy and decarbonisation

targets. It also demonstrates the Welsh Government's support in principle for all renewable energy projects and technologies. The DCO Proposed Development seeks to ensure there are no significant unacceptable detrimental impacts on the surrounding natural environment and local communities and that the development delivers positive social, environmental, cultural and economic benefits in accordance with NDF.

- 4.5.23. As established in Policy 21, the North of Wales has been identified to play a role in decarbonising society and supports the realisation of new infrastructure projects. Specific policies of particular relevance have been included above to illustrate how the proposed scheme satisfies the principles found within the NDF such as sustainable development and meeting the challenge of climate change. Additional assessments against sustainable transport; requiring good design; promoting healthy communities; conserving and enhancing the natural and historic environment can be reviewed in Appendix B assesses the DCO Proposed Development against these policies.

#### **Planning Policy Wales and associated Technical Advice Notes**

- 4.5.24. PPW sets out the land use planning policies of the Welsh Government. The guidance provided by the PPW is supplemented by a series of TANs. Together, the PPW and TANs set out the Welsh Government's national policies and principles on different aspects of planning and sustainable development. Some of these TANs are not relevant to the DCO Proposed Development whilst others provide recent and relevant guidance which may therefore be important and relevant for the purposes of the SoS's decision.
- 4.5.25. The TANs which post-date the relevant NPSs include: TAN1 (2015) Joint housing land availability studies, TAN12 (2016) Design, TAN20 (2017) Planning and the Welsh language, TAN21 (2014) Waste, TAN23 (2014) Economic development and TAN24 (2017) The historic environment.
- 4.5.26. The DCO Proposed Development is considered to accord with the objectives of PPW and the TANs as listed above.

#### **A Carbon Capture, Utilisation, & Storage Network for Wales (March 2021)**

- 4.5.27. This Welsh Government paper outlines the approach to the delivery of CCUS in Wales. The document acknowledges that has the potential to enable the decarbonisation of many parts of the economy including industry, power generation, heating and transport. It can substantially reduce emissions from the combustion of fossil fuels or enable the production of low-carbon hydrogen from methane reformation.

4.5.28. The document refers specifically to the HyNet project, stating:  
*“The Welsh Government should enhance its collaboration with the HyNet project in North West England to secure sufficient capacity in the project to meet the needs of the CO<sub>2</sub> emitters in North Wales.”*

4.5.29. The document outlines a proactive stance and support for collaboration between Welsh Government and the DCO Proposed Development.

#### **Net Zero Wales Carbon Budget 2 (2021-25) (October 2021)**

4.5.30. This budget released by the Welsh Government focuses on how Wales will meet its second carbon budget which spans the years 2021-2025. However, the document also looks beyond this time period and builds the foundations for the third carbon budget and looking towards the target of Net-Zero by 2050. The document discusses industrial clusters using CCUS in Proposal 18 and states:

*“The HyNet project presents significant opportunities to businesses across North Wales to decarbonise existing industrial processes.”*

4.5.31. The document discusses the reduced opportunity in South Wales for the storage of CO<sub>2</sub> *“due to the lack of suitable nearby geological stores”*. This further highlights the advantageous position in which HyNet is situated in with the geological environment around the project.

#### **Well-being of Future Generations (Wales) Act 2015**

4.5.32. The Well-Being of Future Generations (Wales) Act (2015) requires public bodies to pursue economic, social, environment and cultural well-being of Wales in a way which accords with sustainable development principles. The Applicant anticipates that the SoS will consider this to be important and relevant to making a planning decision for the parts of the DCO Proposed Development in Wales.

4.5.33. Sustainable development is defined under the act as *“the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle aimed at achieving the well-being goals”*. Achieving sustainable development means that public bodies must act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.5.34. 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.*

## **4.6. LOCAL PLANNING POLICY**

- 4.6.1. In deciding applications for development consent, section 105(2) of the PA2008 requires the SoS to have regard to other matters which the Secretary of State thinks are both important and relevant to the decision. NPS EN-1 at paragraph 4.15 states “other matters that the Secretary of State may consider both important and relevant to its decision-making may include Development Plan documents or other documents in the Local Development Framework”.
- 4.6.2. It is however important to recognise that whilst the provisions of the development plan documents may be matters to which the SoS may have regard, there is no legal requirement to determine this application in accordance with the provisos of the development plan documents, as section 38(6) of the Planning and Compulsory Purchase Act 2004 is not applicable to applications for development consent.
- 4.6.3. The relevant documents of the statutory development plan are as follows:
- 4.6.4. CWCC have prepared a Local Plan (Part 1) – Strategic Policies (adopted 2015) and a Local Plan (Part 2) – Land Allocations and Detailed Policies (Adopted 2019) which form the basis for decision making. The Local Plan, as up to date local planning policy, may be a relevant and important matter to be considered in decision making for the DCO Proposed Development (S105(2)) of the PA2008 informs this.
- 4.6.5. The Flintshire Unitary Development Plan (UDP) was adopted by the Council in September 2011. The UDP acts as a broad-brush strategic document, setting out how the District will grow and develop over the plan period 2000-2015. FCC is preparing a new Local Development Plan (LDP) which will set out the planning strategy in Flintshire until 2030, this plan is currently undergoing examination as of September 2022. The UDP therefore, as up to date local planning policy, may be a relevant and important matter to be taken into account in decision making for the DCO Proposed Development (S105(2)) of the Act informs this.

- 4.6.6. The DCO Proposed Development has been assessed in line with the adopted CWCC Local Plan and the current FCC UDP and emerging Flintshire LDP. The Applicant considers the DCO Proposed Development complies with the local policy as described in **Section 3.8** and the detailed **Appendix B** of the Planning Statement **[REP4-022]** sets out the compliance of the DCO Proposed Development with the relevant local development plan policies.

## 5. ENGAGEMENT WITH AFFECTED PARTIES

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- 5.1.1. In preparing the DCO Application, the Applicant has carried out diligent inquiry through the land referencing process, in order to identify all persons who fall within the categories set out in sections 44 and 57 of the PA2008. Such persons are listed in the Book of Reference **[CR3-013]** and have been consulted about the DCO Application in accordance with section 42 of the PA2008 as described in the Consultation Report **[APP-031 to APP-045]**.
- 5.1.2. Land referencing has been undertaken throughout the pre-application period and will continue periodically through the pre-examination and examination periods, to ensure that any changes in ownership or new interests have been identified, consulted and are subject to engagement. Any changes in ownership that have been identified during the DCO process have been recorded and updated in the Book of Reference **[CR3-013]**.
- 5.1.3. Under the PA2008, diligent inquiry must be undertaken to identify the categories of persons set out in sections 44 and 57 as Categories 1, 2 and 3.
- Category 1 comprises owners, lessees, tenants (whatever the tenancy period) and occupiers of the land.
  - Category 2 comprises persons who are interested in the land or have the power to sell and convey, or to release, the land.
  - Category 3, as prescribed by sections 44 and 57 of the PA2008, comprises persons who the Applicant thinks would or might be entitled to make a "relevant claim" for compensation, if the order sought by the application were to be made and fully implemented. A "relevant claim" is defined in the PA2008 as meaning a claim under section 10 of the Compulsory Purchase Act 1965, under Part 1 of the Land Compensation Act 1973 or under section 152(3) of the PA2008.
- 5.1.4. Interests were identified through a land referencing methodology incorporating publicly available desktop sources (including Land Registry updates, checks of Companies House, checks of local authority information and other online data) and contact with land interests. This included correspondence using Land Interest Questionnaires to request information on land holdings and other legal interests in land, followed up with further inquiries and site visits. Where land was unregistered, or interests were unknown, further investigations were undertaken on site and notices placed on the land requesting information. Full details of the diligent inquiry process used to identify land interests are described in the Land

Referencing Methodology (Appendix I of the Consultation Report [APP-042]).

- 5.1.5. As well as consulting all persons with an interest in the land within the Order Limits about the DCO Proposed Development in accordance with section 42 of the PA2008, the Applicant has had regard to the requirement under paragraph 25 of the Guidance to seek to acquire land by negotiation wherever practicable.
- 5.1.6. It is the preference of the Applicant that all land and rights should be acquired through negotiation and agreement. Compulsory acquisition powers will only be exercised when it appears that negotiations are unlikely to be completed or completed in time.
- 5.1.7. The Applicant has entered into discussions, or attempted to enter into discussions, with the relevant landowners and occupiers to secure the necessary interests over the land required for the DCO Proposed Development by agreement rather than seek powers of compulsory acquisition under the DCO. Negotiations have taken place through letters, emails, phone calls and face to face meetings. Whilst negotiations with landowners have commenced, agreement for the acquisition of many of the interests in land within the Order Limits has yet to be secured.
- 5.1.8. In order to provide certainty to the DCO Proposed Development and ensure funding can be achieved, powers of compulsory acquisition are sought over the land within the Order Limits. This parallel approach of making the Application (including powers of compulsory acquisition) and conducting negotiations to acquire land by agreement is in accordance with paragraph 25 of the Guidance<sup>1</sup>.
- 5.1.9. Further detail of the discussions that the Applicant has had with landowners and occupiers to acquire the land within the Order Limits by agreement is included in **Annex A** of this Statement. The Applicant is requesting compulsory acquisition powers for the acquisition of interests, rights and use of land not secured by the close of the examination of the Application or where any agreement reached is not complied with.

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1. **1 Planning Act 2008: procedures for the compulsory acquisition of land as defined in section 3**

## 6. CASE FOR POWERS OF COMPULSORY ACQUISITION SOUGHT

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### 6.1. INTRODUCTION

- 6.1.1. This section sets out the Applicant's proposals and case for the acquisition sought for each for each plot listed in the Book of Reference (Plot). This includes explaining where the Applicant is seeking flexibility for the detailed design stage and where it is proposed that final land take will be reduced from that shown.
- 6.1.2. In relation to the relevant land as referred to on the Land Plans **[CR3-003]** and the Book of Reference **[CR3-013]**, there are three classes under which the land or rights may be acquired permanently, or land used temporarily. These are:
- Permanent acquisition of land (either surface sites or subsurface).
  - Acquisition of rights only.
  - Temporary possession of land.
- 6.1.3. These classes have been identified by considering the different types of powers required to construct, operate and maintain the DCO Proposed Development and then identifying which of those powers the Applicant will require in relation to each Plot. The classes are listed in order of magnitude in the Book of Reference and each class includes all subordinate rights within the lesser classes.
- 6.1.4. The Applicant is satisfied that the condition in section 122(22) of the PA 2008 is met. It considers that the land which is proposed to be subject to compulsory acquisition powers is either needed for the development or is needed to facilitate the development or is incidental to the development.
- 6.1.5. The following paragraphs of section 6 of this Statement set out the purposes for which compulsory acquisition and temporary possession powers are necessary in relation to each individual plot, with reference (in column 2) to the relevant numbered works (comprising the authorised development as set out in Schedule 1 to the DCO). The proposed use of the land is set out in column 3 of each table.
- 6.1.6. The Applicant considers that the land to be acquired under the DCO is the minimum land take required to construct, operate, maintain and mitigate the DCO Proposed Development and is therefore necessary to achieve its objectives. The Applicant has sought to achieve a balance between minimising land take and securing sufficient land to ensure delivery of the DCO Proposed Development, noting that the final, detailed design of the



DCO Proposed Development has yet to be developed. In that context, the limits of land have been drawn as tightly as possible so as to avoid unnecessary land take. Where less land is to be required in a particular area following the detailed design stage, the Applicant would only seek to acquire that reduced area of land that is required and, in all events, will seek to minimise effects on landowners.

## 6.2. PERMANENT ACQUISITION OF LAND

### SURFACE SITES

6.2.1. Land required for the acquisition of all estates and interest in land are listed in Table 1 and are shown hatched pink on the Land Plans **[CR3-003]**. Freehold acquisition of this land will ensure the Applicant has the exclusive possession and control of the land necessary for the safe construction, operation, maintenance and decommissioning of the DCO Proposed Development.

**Table 1 - Permanent acquisition of land for surface sites**

<b>Book of Reference and Land Plan Plot</b>	<b>Required for Work no.</b>	<b>Purpose for which land is required</b>
1-09, 1-10, 1-14	1, 2	Acquisition of all estates and interests in land for construction, operation, maintenance and decommissioning of that part of the authorised development being the above ground infrastructure at Ince AGI (Work No. 1) and access to Ince AGI (Work No. 2)
3-12	9	Acquisition of all estates and interests in land for construction, operation, maintenance and decommissioning of that part of the authorised development being the above ground infrastructure at Stanlow AGI (Work No. 9)
8-12, 8-13	20, 21	Acquisition of all estates and interests in land for construction, operation, maintenance and decommissioning of that part of the authorised development being the block valve station at Rock

<b>Book of Reference and Land Plan Plot</b>	<b>Required for Work no.</b>	<b>Purpose for which land is required</b>
		Bank BVS (Work No. 20) and access to Rock Bank BVS (Work No. 21)
11-03	26, 27	Acquisition of all estates and interests in land for construction, operation, maintenance and decommissioning of that part of the authorised development being the block valve station at Mollington BVS (Work No. 26) and access to Mollington BVS (Work No. 27)
17-03, 17-04	36, 37	Acquisition of all estates and interests in land for construction, operation, maintenance and decommissioning of that part of the authorised development being the block valve station at Aston Hill BVS (Work No 36) and access to Aston Hill BVS (Work No. 37)
19-04a, 19-04b, 19-04d	43E	Acquisition of all estates and interests in land for construction, operation and maintenance of land for embedded pipe bridge option at Alltami Brook (Work No 43E)
20-19a	45, 46	Acquisition of all estates and interests in land for construction, operation, maintenance and decommissioning of that part of the authorised development being the above ground infrastructure at Northop Hall AGI (Work No 45) and access to Northop Hall AGI (Work No. 46)
22-03, 22-06, 22-10	48, 49	Acquisition of all estates and interests in land for construction, operation, maintenance and decommissioning of that part of the authorised development

<b>Book of Reference and Land Plan Plot</b>	<b>Required for Work no.</b>	<b>Purpose for which land is required</b>
		being the above ground infrastructure at Flint AGI (Work No 48) and access to Flint AGI (Work No. 49)
25-05, 25-10	51, 52	Acquisition of all estates and interests in land for construction, operation, maintenance and decommissioning of that part of the authorised development being the block valve station at Cornist Lane BVS (Work No 51) and access to Cornist Lane BVS (Work No. 52)
27-03, 28-04	53, 54	Acquisition of all estates and interests in land for construction, operation, maintenance and decommissioning of that part of the authorised development being the block valve station at Pentre Halkyn BVS (Work No 53) and access to Pentre Halkyn BVS (Work No. 54)
29-05	55, 56	Acquisition of all estates and interests in land for construction, operation, maintenance and decommissioning of that part of the authorised development being the block valve station at Babell BVS (Work No 55) and access to Babell BVS (Work No. 56)
3-03, 3-18a, 5-01, 5-07, 5-18, 6-01, 6-03, 6-06, 9-15, 17-21, 17-43, 17-44, 19-01, 19-04a, 19-04b, 19-13, 20-11, 20-13a	57A, 57B, 57C, 57D, 57E, 57F, 57G, 57H, 57I, 57J, 57K, 57L, 57M, 57N	Acquisition of all estates and interests in land for construction, operation and maintenance of land for mitigation

- 6.2.2. The extent of each of the sites identified is determined by the spatial requirements for the operational compounds of the installations including supporting equipment, operational safety, access, landscaping, surface water drainage and security.
- 6.2.3. The locations of these sites were determined as a result of engineering and routing studies and included further 'on the ground' environmental surveys (as set out in Chapter 4 of the ES **[REP4-031]**). The precise location and configuration of the above ground infrastructure will depend on the final detailed design with a 'buffer' of 5m having been allowed around the boundary of the preliminary design shown on the general arrangement plans to allow for micro-siting. The final extent of land to be acquired for each site will be confirmed during detailed design.
- 6.2.4. Plot 19-04d is identified in Table 1 as required for an embedded pipe bridge option at Alltami Brook. Land has been identified for permanent acquisition as the land would be removed from its current land use at the surface. Freehold acquisition of this land will ensure the Applicant has the exclusive possession and control of the land necessary for the safe construction, operation, maintenance and decommissioning of the DCO Proposed Development. The existing PRoW will be diverted around the bridge abutment with the diverted section being dedicated by the Applicant following construction. The precise location of the embedded pipe bridge within plot 19-04d will depend on the route alignment of the Newbuild Carbon Dioxide Pipeline within the corridor of land shown hatched pink and pink on the Land Plans **[CR3-003]**. This corridor within the Order limits is approximately 190m wide to allow for the routeing that will be finalised through detailed design. The proposed width of the land acquisition for the pipe bridge is a maximum of 24.4m.
- 6.2.5. The final row of Table 1 identifies land required for permanent acquisition for mitigation. This is required for essential mitigation of the environmental effects of the DCO Proposed Development, including planting and habitat creation. Land has been identified for permanent acquisition where this mitigation would remove the land from its current land use. For example, where land is currently used for agriculture, and the land would be required for tree planting, the land has been identified for permanent acquisition to provide for the potential situation in which the landowner did not want to retain the land in its changed condition and land use. The Applicant considers this approach to be prudent given the land cannot be reinstated to its current agricultural use. As such, powers of compulsory acquisition are proposed on a contingent basis, However, should the private landowner elect to retain the land in its changed condition and retain the essential

mitigation installed in the land, the Applicant's powers of compulsory acquisition of land would not be implemented in respect of that land, and only rights would be sought over the land.

## **PIPELINE**

- 6.2.6. Land is required for the construction, operation and maintenance of the pipeline. Consistent with the land rights held over the existing Connah's Quay to Point of Ayr Pipeline, the Applicant is seeking to agree voluntary long leases over a strata of subsurface land for the Newbuild Carbon Dioxide Pipeline, to the extent necessary to construct, operate and maintain it. As it is not possible to compulsorily acquire a lease, the Applicant requires compulsory acquisition powers over this strata of subsurface land in the event that an agreement for a lease cannot be reached. The Applicant requires all estates and interests in the subsurface in which the pipeline would lie, together with a 'layer' of additional subsurface land around the pipeline itself to form a protective barrier. The proposed width of the subsurface acquisition is a maximum of 24.4m.
- 6.2.7. In addition, the Applicant seeks powers to compulsorily acquire new rights (including restrictive covenants) for the benefit of the land acquired for the Newbuild Carbon Dioxide Pipeline, including over the surface of the land above the Newbuild Carbon Dioxide Pipeline. The maximum width of the land affected will be 24.4m. The purposes for which such new rights are sought include rights of access for maintenance, and restrictive covenants to secure protection of the Newbuild Carbon Dioxide Pipeline.
- 6.2.8. The precise location of the Newbuild Carbon Dioxide Pipeline, its associated subsurface land take and acquisition of new surface rights will depend on its route alignment within the corridor of land shown coloured pink on the Land Plans **[CR3-003]**. This corridor within the Order limits is generally 100m wide to allow for the routeing that will be finalised through detailed design.
- 6.2.9. Once constructed, the maximum 24.4m wide corridor of acquired land will provide sufficient space for safe working access and maintenance activities during operation. This includes allowing sufficient working area to create trenches to access the buried pipeline if required. In some locations, the corridor has been reduced to less than 24.4m where it is not possible to accommodate that width, such as where the DCO Proposed Development passes along constrained streets at Church Lane and Chester Road. In these locations the pipeline is being installed through trenchless techniques so that surface uses will not be disturbed. The Applicant has considered how the inability to access the pipeline from the surface will be managed. Rights to 'dig down' to the pipeline are not being sought as the Applicant

considers that this would unacceptably interfere with the surface use in that location and, in particular, would require occupation of, and working within, areas of curtilage of residential properties (mainly front gardens). If there were a fault or damage to the pipeline at such constrained sections (which is considered very unlikely given the installation method and depth at which the pipeline would be installed), any significant damage would most likely have to be addressed through creation of a small diversion (within the constrained corridor, for example under the damaged section) as there is no access to the pipeline from the surface.

- 6.2.10. Although the reduced width of the permanent acquisition, surface rights and protection and lack of trenched access in these locations will therefore add engineering complexity and cost, the design of the Proposed Development has been progressed to allow for this having regard to the particular constraints of the location. When the DCO Proposed Development is in operation, if it is necessary to undertake works on the pipeline in locations where the pipeline corridor is constrained, such works shall be done from pits at either end of the trenchless installation. While the need to create and use such pits will result in increased land take at each end, this is submitted to represent the appropriate balance in all the circumstances having regard to the existing uses, especially residential properties, which would otherwise be adversely affected.
- 6.2.11. In the case of plot 17-02 (the Aston Hill playground, which is open space land), the subsurface acquisition will not exceed 8 metres in width and in any event the Applicant will not acquire more than 200 square metres within plot 17-02. This is to ensure that the land acquired does not exceed the 200 square metre limit specified in section 131(5) of PA 2008 so that the acquisition of open space land does not trigger the need for special parliamentary procedure under section 131(3). The pipeline is intended to be constructed using trenchless techniques across this plot.
- 6.2.12. As noted, this proposal is intended to ensure that the DCO falls within the SPP exception in section 131(5)(a) i.e. that the “order land does not exceed 200 square metres in extent”. The “order land” is defined in section 131(12) to mean the land authorised to be compulsorily acquired. Accordingly, whilst the precise land to be acquired could still fall anywhere within plot 17-02, the extent of the land acquired will not exceed 200 square metres, firstly through the limitation of the width of the strip to be acquired, and secondly, with the back stop of a specific limit on acquisition to 200 square metres, under threat of criminal penalty.
- 6.2.13. The second limb of this exception, under section 131(5)(b), is that “*the giving in exchange of other land is unnecessary, whether in the interests of*

*the persons, if any, entitled to rights of common or other rights or in the interests of the public” (emphasis added).*

- 6.2.14. Land that may be required for the acquisition of all estates and interest in subsurface strata of land and rights above are listed in Table 2.

**Table 2 - Permanent acquisition of land for pipeline**

Book of Reference and Land Plan Plot	Required for Work no.	Acquisition	Rights and restrictive covenants which would be sought on the surface for the benefit of the sub-surface strata acquired
1-11, 1-12, 1-13, 1-15, 1-18, 1-19, 1-20, 1-22, 1-23, 1-24, 1-25, 2-01, 2-03	4	Acquisition of all estates and interests in subsurface land and rights above for construction, operation, maintenance and decommissioning of the authorised development.	Rights for the purposes of the construction, installation, operation, maintenance and decommissioning of the authorised development to— <ul style="list-style-type: none"> <li>(a) enter, be on, oversail and break open the surface of the Land in order to adjust, alter, maintain, repair, renew, upgrade, inspect, remove and replace the pipeline (including the removal of materials including spoil) in, under, over and/or on the Land, and remain with or without plant, vehicles, machinery, apparatus and equipment</li> <li>(b) remove any buildings, structures or equipment from the Land;</li> <li>(c) place and keep upon the Land, apparatus, protection measures, marker posts, chambers and manholes, manhole covers and other equipment which is ancillary to the purposes of transporting CO<sub>2</sub> along the pipeline;</li> <li>(d) pass and re-pass with or without vehicles, plant, machinery, apparatus, equipment and materials for the purposes of laying down, installing, adjusting, altering, constructing, using, maintaining, repairing, renewing, inspecting, removing and replacing the authorised development, the inspection, testing, maintenance, renewal, upgrading, replacement and removal of the pipeline and connection into any adjacent pipeline and associated works, to take access, plant and equipment on to adjoining land and make such investigations in or on the Land which is ancillary for the purposes of exercise of the rights;</li> <li>(e) construct and install and thereafter use the Land for all necessary purposes for the commissioning, construction, repair, testing and maintenance of the pipeline in, on or under the Land;</li> <li>(f) to construct, use, maintain and improve a permanent means of access including visibility splays, and retain, maintain, straighten, widen, repair, alter, upgrade and use existing access routes for the purposes of accessing the Land, adjoining land and highway;</li> <li>(g) construct, lay down, use and remove temporary access roads including any necessary hard standing and other surface materials including (but not limited to) matting, aggregate, trackway, stone, tarmacadam, terram, temporary bridging, culverting or diversion of water courses and drains during any period during which construction, maintenance, repair, renewal or decommissioning is being carried out;</li> <li>(h) erect temporary bridges and supporting or protective structures for the purposes of access to adjoining land;</li> <li>(i) place and use plant, machinery, structures and temporary structures within the Land, and to erect temporary signage and provide measures for the benefit of public and personnel safety;</li> <li>(j) fell, lop, cut, coppice wood, uproot trees or hedges or shrubs which now or hereafter may be present on the Land, including for the purpose of enabling the right to pass and re-pass to adjoining land;</li> </ul>
2-03, 2-05, 2-08, 2-09, 2-10, 2-13	5		
2-13, 2-14, 4-05, 4-06, 4-07, 4-08, 4-09, 4-10, 4-12, 4-13, 4-14, 4-15, 4-16, 4-17, 4-18	6		
3-11, 3-13, 3-14, 3-15, 3-16, 3-17, 3-18	7		
3-18, 4-19, 4-20	11		
4-20, 5-02, 5-05, 5-06, 5-09	12		
5-10, 5-11, 5-12, 5-13, 5-14, 5-15, 5-16, 5-17, 5-20, 5-22, 5-23	13		
5-22, 6-02, 6-04, 6-05, 6-10, 6-14	14		
6-14, 6-15, 6-16, 6-17, 6-18, 6-19, 6-22, 6-23, 6-24, 6-25, 6-26, 6-28, 6-29, 6-30, 6-31, 7-01, 7-04	15		
7-04, 7-05, 7-06, 7-07	16		
7-07, 7-08, 7-09, 8-01	17		
8-01, 8-03, 8-05, 8-07	18		
8-10, 8-11, 8-15, 8-16, 9-01	19		



Book of Reference and Land Plan Plot	Required for Work no.	Acquisition	Rights and restrictive covenants which would be sought on the surface for the benefit of the sub-surface strata acquired
9-01, 9-03, 9-07, 9-09, 9-10, 9-12, 9-14	22		(k) repair, improve, renew, remove, relocate and plant trees, woodland, shrubs, hedgerows, seeding and other ecological measures together with the right to maintain, inspect and replant such trees, shrubs and landscaping;
9-14, 9-14a, 9-16, 9-16a, 9-16b, 9-17, 9-18a, 9-18b, 9-19, 9-19a	23		(l) erect and remove temporary fencing, gates, walls, barriers or other means of enclosure;
9-19, 9-21, 9-22	24		(m) lay out temporary paths and bridleways for public use as temporary diversions for public rights of way which are interfered with during any period in which construction, maintenance, repair or renewal decommissioning is being carried out;
9-22, 10-01, 10-02, 10-04, 10-06, 10-07, 10-08, 10-09, 10-10, 10-11, 10-12, 10-13, 10-16, 10-18, 11-04	25		(n) install, alter, re-lay, maintain, protect, adjust, operate or remove pipes, cables or conduits or apparatus including but not limited to electricity poles, electricity pylons, electricity masts, overhead electricity lines, telecommunications cables and any ancillary equipment and apparatus public and private drains, watercourses, sewers, ponds or culverts, service media (including the pipes, cables or conduits or apparatus of statutory undertakers and pipes, cables or conduits or apparatus to serve the authorised development);
11-05, 11-06, 11-08, 11-09, 11-10, 11-11, 11-12, 11-13, 11-14, 11-15, 11-16, 11-17, 11-18, 11-19, 12-01, 12-02, 12-03, 12-05, 12-07, 12-08, 12-09, 12-10	28		(o) to install, execute, implement, retain, repair, improve, renew, relocate, maintain and carry out mitigation, maintenance, remediation works for environmental or ecological mitigation or enhancement works, including temporary works for noise alleviation measures and the installation of temporary barriers for the protection of fauna; and  (p) to carry out such works (together with associated fencing) required by a planning permission and/or consent now or to be granted over the Land in accordance with any necessary licences relating to protected species and/or wildlife;
12-11, 12-12, 12-14	29		A restrictive covenant over the Land for the benefit of the remainder of the Order land to:
12-14, 12-18, 12-19, 12-20, 13-07, 13-08, 13-09	30		(a) prevent any activity being undertaken on the Land which would interfere with the vertical or lateral support of the pipeline;
13-09, 13-12, 13-20, 13-21, 14-04, 14-05, 14-06, 14-07, 14-08, 14-28	31		(b) prevent anything to be done in or upon the Land or any part thereof for the purpose of the erection of any buildings or construction erection or works of any kind (including the foundations or footings thereto);
14-28, 14-29, 14-30	32		(c) prevent anything to be done by way of hard surfacing of the Land with concrete of any kind or with any other material or surface whatsoever without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed if the proposed surfacing would not cause damage to relevant part of the authorised development nor make it materially more difficult or expensive to maintain the authorised development);
14-30, 15-01, 15-03, 15-04, 15-05, 15-06, 15-07, 15-08, 15-11, 15-12, 15-13, 16-02, 16-03, 16-04, 16-05	33		(d) no to dig drill or break open the land and to prevent anything to be done by way of excavation of any kind in the Land nor any activities which would alter, increase or decrease ground cover or soil levels in any manner whatsoever without the consent in writing of the undertaker save as are reasonably required for agricultural activities (being ploughing to no deeper than 0.6m for the purposes of arable farming or such greater depth as is agreed in writing by the undertaker);
16-05,16-09a, 16-10, 16-11a,	34		

Book of Reference and Land Plan Plot	Required for Work no.	Acquisition	Rights and restrictive covenants which would be sought on the surface for the benefit of the sub-surface strata acquired
16-12, 16-13, 16-14, 16-15, 16-16			
16-16, 16-18, 16-19, 16-20, 16-21, 16-22, 16-23, 16-24, 16-25, 16-26, 16-27, 17-01, 17-02, 17-06, 17-07, 17-08	35		(e) to prevent the planting or growing within the Land of any trees, shrubs or underwood without the consent in writing of the undertaker (such consent not to be unreasonably withheld or delayed provided that the proposed trees, shrubs or underwood would not cause damage to the relevant part of the authorised development nor make it materially more difficult or expensive to access the relevant part of the authorised development);
17-08, 17-12, 17-13, 17-14, 17-15	38		(f) to prevent anything being done which may interfere with free flow and passage of carbon dioxide along the pipeline or telecommunications through the cables ancillary to the pipeline, or support for the authorised development;
17-13, 17-20, 17-22, 17-23, 17-24, 17-25, 17-26, 17-27, 17-28, 17-29	39		(g) to prevent carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt, or interfere with the exercise of the rights or damage the authorised development; and
17-25, 17-28, 17-29, 17-30, 17-32, 17-33, 17-36, 17-39, 17-40, 17-41, 17-42	40		(h) to prevent any activity which would in the reasonable opinion of the undertaker result in the disturbance of mitigation areas or areas of habitat creation including any ploughing or grazing without the prior written consent of the undertaker.
18-02, 18-03, 18-04, 18-05, 18-06, 18-07, 18-10, 18-11, 18-14, 18-18, 18-19, 18-20, 18-20a	41		
18-20, 18-20a, 18-21, 18-22, 18-23, 18-24, 18-25, 18-26, 18-27, 18-28, 18-29, 18-30, 18-31, 18-32, 18-33, 19-02	42		
19-02, 19-03, 19-04, 19-05	43		
19-05, 19-07, 19-08, 19-09, 19-10, 19-11, 19-12, 20-01, 20-02, 20-03, 20-04, 20-05, 20-06, 20-08, 20-12, 20-13, 20-13b, 20-14, 20-15, 20-18, 20-19, 20-19c, 20-21, 20-22, 20-	44		

Book of Reference and Land Plan Plot	Required for Work no.	Acquisition	Rights and restrictive covenants which would be sought on the surface for the benefit of the sub-surface strata acquired
23, 20-24, 20-25, 20-26, 20-27, 20-28			
20-28, 20-29, 20-30, 21-01, 21-02, 21-04, 21-05, 21-06, 22-01	47		
22-05, 22-07, 22-08, 22-09	50		
27-01	53	Acquisition of all estates and interests in subsurface land and rights above for construction, operation and maintenance of that part of the authorised development being works on the existing pipeline at Pentre Halkyn BVS	
29-03, 29-04	55	Acquisition of all estates and interests in subsurface land and rights above for construction, operation and maintenance of that part of the authorised development being works on the existing pipeline at Babel BVS	
36-01	N/A	Acquisition of all estates and interests in subsurface land and rights above for construction, operation and maintenance of that part of the authorised development being land on the existing pipeline for which no works are required	

6.2.15. The final row of Table 2 identifies one Plot required along the existing Connah's Quay to Point of Ayr Pipeline. At this location no works are required as part of the DCO, but investigations have identified a gap in the documentation to evidence land rights in this area. To provide surety of delivery without impediment and to prevent ransom strips, the Applicant has included this area within the DCO and seeks acquisition of the subsurface and surface rights consistent with those required for the Newbuild Carbon Dioxide Pipeline. This will ensure that all land rights are secured to enable delivery of the DCO Proposed Development without impediment.

### **6.3. ACQUISITION OF RIGHTS ONLY**

6.3.1. The Applicant requires permanent rights of access for the construction, operation and maintenance of the DCO Proposed Development. Table 3 comprises the plots over which rights of access and rights for mitigation are sought.

**Table 3 - Permanent acquisition of rights**

Book of Reference and Land Plan Plot	Required for Work no.	Purpose for which land is required	Purpose for which rights may be acquired
1-01, 1-01a, 1-02, 1-03, 1-04, 1-06, 1-06a, 1-06b, 1-06c, 1-21, 1a-01, 1a-02, 1a-03, 1a-04	3, 3B	Acquisition of rights over land for access associated with Ince AGI	Rights for the purposes of the construction, installation, operation, maintenance and decommissioning of the authorised development to—  (a) pass and re-pass with or without vehicles, plant, machinery, apparatus, equipment and materials for the purposes of laying down, installing, adjusting, altering, constructing, using, maintaining, repairing, renewing, inspecting, removing and replacing the authorised development, the inspection, testing, maintenance, renewal, upgrading, replacement and removal of the pipeline and connection into any adjacent pipeline and associated works, to take plant and equipment on to adjoining land and make such investigations in or on the Land which is ancillary for the purposes of exercise of the rights,  (b) effect access to the highway including to construct, use, maintain and improve a permanent means of access including visibility splays, and retain, maintain, straighten, widen, repair, alter, upgrade and use existing access routes for the purposes of accessing the Land, adjoining land and highway;  (c) install, alter, re-lay, maintain, protect, adjust, operate or remove pipes, cables or conduits or apparatus including but not limited to electricity poles, electricity pylons, electricity masts, overhead electricity lines, telecommunications cables and any ancillary equipment and apparatus public and private drains, watercourses, sewers, ponds or culverts, service media (including the pipes, cables or conduits or apparatus of statutory undertakers and pipes, cables or conduits or apparatus to serve the authorised development);  (d) remove and discharge water from the Land and to install, retain, use, maintain, inspect, alter, remove, refurbish, reconstruct, replace, protect and improve sewers, drains, pipes, ducts, mains, conduits, flues and to drain into and manage waterflows in any drains, watercourses and culverts, to lay down, install, adjust, alter, construct, create, use, maintain, repair, renew, upgrade, inspect, remove and replace a drainage scheme on the Land (the “drainage works”);  (e) inspect, use mechanical excavation (including directional drilling and/or digging), reinstate, remove, move or alter such part or parts of any drainage system on the Land for the purposes of the drainage works (including connecting the drainage works to any land drain as at the date of the drainage works);install, alter, re-lay, maintain, protect, adjust or remove pipes, cables or conduits or apparatus including but not limited to electricity poles, electricity pylons, electricity masts, overhead electricity lines, telecommunications cables and any ancillary equipment and apparatus public and private drains, watercourses, sewers, ponds or culverts, service media (including the pipes, cables or conduits or apparatus of statutory undertakers);  (f) place and use plant, machinery, structures and temporary structures within the Land, and to erect temporary signage and provide measures for the benefit of public and personnel safety for the purposes of the drainage works;  (g) make such investigations in or on the Land as required for the purposes of the drainage works;  (h) use or resort to trenchless installation techniques including (but not limited to) directional drilling in connection with the drainage works;
3-04, 3-05, 3-06, 3-07, 3-08, 3-09, 3-10	8, 10	Acquisition of rights over land for access associated with Stanlow AGI	
28-03	54	Acquisition of rights over land for access associated with Pentre Halkyn BVS	
2-02a, 2-04a, 5-08, 6-07, 6-08, 6-09, 6-27, 7-02b, 7-03, 7-03a, 11-07, 12-04, 12-06, 12-21, 13-01, 13-02, 13-03, 13-04, 13-05, 13-06, 13-10, 13-11, 14-11, 14-14a, 14-20, 14-21, 14-22, 15-02a, 15-09, 15-10, 15-14, 16-28a, 16-29, 16-30, 17-17, 17-18, 17-19, 20-09		Acquisition of rights over land for access associated with construction, operation and maintenance of the pipeline	

Book of Reference and Land Plan Plot	Required for Work no.	Purpose for which land is required	Purpose for which rights may be acquired
			<p>(i) erect fencing, gates, walls, barriers or other means of enclosure, and create secure works areas or compounds including temporary trenchless installation technique compounds and working areas for the purposes of the drainage works;</p> <p>(j) construct, lay down, use and remove temporary access roads including any necessary hard standing and other surface materials including (but not limited to) matting, aggregate, trackway, stone, tarmac, terram, temporary bridging, culverting or diversion of water courses and drains during any period during which construction, maintenance, repair or renewal of any drainage work is being carried out;</p> <p>(k) fell, lop or cut, coppice wood, uproot trees or hedges or shrubs which now or hereafter may be standing on the Land or other land which would if not felled, lopped, cut or removed obstruct or interfere with the drainage works;</p> <p>(l) install, execute, implement, retain, repair, improve, renew, remove, relocate and plant trees, woodland, shrubs, hedgerows, seeding, to effect landscaping works and other environmental and ecological measures together with the right to maintain, inspect and replant such trees, shrubs and landscaping;</p> <p>(m) install, execute, implement, retain, repair, improve, renew, relocate, maintain and carry out mitigation, maintenance, remediation works for environmental or ecological mitigation or enhancement works, including temporary works for noise alleviation measures and the installation of temporary barriers for the protection of fauna;</p> <p>(n) carry out such works (together with associated fencing) required by a planning permission and/or consent now or to be granted over the Land in accordance with any necessary licences relating to protected species and/or wildlife;</p> <p>A restrictive covenant over the Land for the benefit of the remainder of the Order land to:</p> <p>(a) prevent any activity being undertaken on the Land which would interfere with the vertical or lateral support of the Pipeline;</p> <p>(b) prevent anything being done which may interfere with free flow and passage of CO<sub>2</sub> along the pipeline or telecommunications through the cables ancillary to the pipeline, or support for the authorised development;</p> <p>(c) prevent carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt, or interfere with the exercise of the rights or damage the authorised development; and</p> <p>(d) prevent any activity which would in the reasonable opinion of the undertaker result in the disturbance of the drainage works, ecological mitigation areas or areas of habitat creation including any ploughing or grazing without the prior written consent of the undertaker.</p>
9-04, 16-03a		Acquisition of rights over land to impose restrictive covenants	<p>A restrictive covenant over the Land for the benefit of the remainder of the Order land to:</p> <p>(a) prevent any activity being undertaken on the Land which would interfere with the vertical or lateral support of the Pipeline;</p>

Book of Reference and Land Plan Plot	Required for Work no.	Purpose for which land is required	Purpose for which rights may be acquired
			<p>(b) prevent anything being done which may interfere with free flow and passage of CO2 along the pipeline or telecommunications through the cables ancillary to the pipeline, or support for the authorised development;</p> <p>(c) prevent carrying out operations or actions (including but not limited to blasting and piling) which may obstruct, interrupt, or interfere with the exercise of the rights or damage the authorised development; and</p> <p>(d) prevent any activity which would in the reasonable opinion of the undertaker result in the disturbance of the drainage works, ecological mitigation areas or areas of habitat creation including any ploughing or grazing without the prior written consent of the undertaker.</p>

## 6.4. TEMPORARY POSSESSION ONLY

6.4.1. The Applicant requires temporary possession of land for the construction phase of the DCO Proposed Development. Table 4 comprises the Plots where land is sought on a temporary basis during construction as construction compounds, working areas and for construction access.

**Table 4 - Temporary possession of land**

<b>Book of Reference and Land Plan Plot</b>	<b>Required for Work no.</b>	<b>Purpose for which land is required</b>
3-01, 3-02, 4-01, 4-02, 4-03, 4-04, 6-20, 6-21, 8-09, 12-12a, 12-13, 12-15, 12-16, 12-17, 13-14, 13-16, 14-01, 14-14, 20-16, 20-17, 20-20	6B, 15A, 19A, 30A, 30D, 31A, 44C, 45, 46	Construction compound
1-05, 1-06d, 1-08, 1-16, 1-17, 2-02, 2-04, 2-07, 2-11, 2-12, 4-11, 5-03, 5-04, 5-19, 5-21, 5-24, 5-25, 5-26, 6-11, 6-13, 7-02, 7-02a, 7-03b, 7-10, 8-02, 8-06, 8-08, 8-14, 9-02, 9-05, 9-06, 9-08, 9-11, 9-13, 9-18, 9-20, 9-23, 10-04a, 10-14, 10-15, 10-17, 10-19, 11-01, 11-02, 13-19, 14-23, 14-24, 14-25, 14-26, 14-27, 14-30a, 15-01a, 15-02, 16-01, 16-06, 16-06a, 16-07, 16-08, 16-09, 16-11, 16-17, 16-28, 17-05, 17-09,	N/A	Working area



<b>Book of Reference and Land Plan Plot</b>	<b>Required for Work no.</b>	<b>Purpose for which land is required</b>
17-10, 17-11, 17-16, 17-31, 17-35, 17-37, 17-38, 18-01, 19-04c, 20-07, 20-10, 20-10a, 20-19b, 21-03, 21-07, 22-02, 22-04, 25-03, 25-07, 25-08, 25-09, 27-02, 28-01, 29-01, 29-02, 29-06		
2-06, 9-24, 9-25, 13-13, 13-15, 13-17, 13-18, 14-03, 16-01, 17-34, 18-13, 19-06	N/A	Construction access only

6.4.2. Seven Centralised Compounds are required along the route of the Newbuild Carbon Dioxide Pipeline for the storage of pipe, materials, plant and equipment. Eight are identified as part of the DCO Proposed Development as only one of Centralised Compound Work No. 30D (plots 12-12a, 12-13, 12-15, 12-16, and 12-17) or Centralised Compound Work No. 31A (plots 13-14, 13-16 and 14-01) will be required. Flexibility is sought here as the eighth compound (Work No.30D) was added directly in response to a landowner request and the Applicant is seeking to accommodate that. However, until suitable voluntary agreements are in place the Applicant is also seeking to retain the alternative. The eighth compound (Work No.30D) would involve use of existing buildings within an operational site and, if acquired by compulsion would represent a greater interference than the alternative site which is on agricultural land. Both have therefore been included in the DCO Proposed Development to allow flexibility while landowner negotiations are ongoing with the intention of concluding a voluntary agreement for the eighth compound as soon as practicable.

6.4.3. The fenced compounds would be accessed from the existing road network and would include storage facilities, workshops, welfare facilities, parking, waste storage, and wheel washing areas. The temporary compounds would also include hardstanding areas, with apron and haul road areas.

- 6.4.4. In general, the construction compounds would not be connected to existing utilities, using self-contained mobile welfare facilities, generators and mobile communications.
- 6.4.5. The working width required for construction of the Newbuild Carbon Dioxide Pipeline is typically 32 metres, widened at major crossings or areas of trenchless crossing. This width requirement is in accordance with industry practice and involves the following activities as required:
- preparation of the working width;
  - fencing out the working width;
  - installing pre-construction drainage;
  - topsoil removal and storage;
  - haul road construction;
  - archaeological surveys;
  - levelling and benching;
  - pipe storage and stringing (lay out the pipe along the working width);
  - welding and inspection;
  - joint coating;
  - dewatering;
  - trench excavation;
  - lowering and laying the pipe;
  - backfilling;
  - re-grading of soil;
  - post-construction drainage;
  - reinstatement (cross-ripping of subsoil and reinstatement of topsoil and boundary features, reinstatement of field drains);
  - hydrostatic testing; and
  - pipeline commissioning.
- 6.4.6. The working width of the land required is also necessary to accommodate a safe working environment during pipeline construction and is in line with industry practice.
- 6.4.7. In general, the working width of 32 metres will be contained within the land currently shown as liable to permanent acquisition on the Lands Plans (per Table 2). Where other land for working areas is required (as identified in Table 4), such land is required for temporary use to supplement the working width of 32 meters. Examples of such uses include but are not limited to:
- access to the working width from the existing road network across rural land requiring topsoil stripping and surfacing;

- access across field boundaries through existing gates to minimise hedgerow clearance;
- pipeline stringing out area for trenchless crossings;
- excavated material storage, including peat; and
- visibility splays.

6.4.8. Those plots identified for temporary use for Centralised Compounds or for working areas in Table 4 above and shown in green on the Land Plans **[CR3-003]** have been identified as required temporarily for exclusive possession by the Applicant for the duration of the construction of the DCO Proposed Development. Construction accesses which do not use an existing route or which could not be safely shared are also shown green. Those plots identified for construction access and shown in brown on the Land plans are required temporarily for construction access only but can be used in common with those parties who have existing rights over such land (although this may be subject to some management, such as marshalling). By limiting these powers, the Applicant seeks to reduce powers of compulsory acquisition and temporary possession to the minimum required to construct the DCO Proposed Development.

## 7. SPECIAL CONSIDERATIONS

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### 7.1. SPECIAL CATEGORY LAND

- 7.1.1. As shown in Part 5 of the Book of Reference **[CR3-013]** and the Special Category Land Plans **[CR1-013]**, the draft DCO includes provisions for the compulsory acquisition of land and rights to which the provisions of the PA2008 relating to special category land apply. No land has been identified that forms part of a common, or fuel or field allotments. One Plot (Plot 17-02) has been identified that is considered by the Applicant to be open space, used for public recreation.
- 7.1.2. Sections 131 and 132 of the PA2008 require Special Parliamentary Procedure (SPP) to be followed where a development consent order authorises the compulsory acquisition of land, or rights over land forming part of a common, open space or fuel field garden allotments.
- 7.1.3. A DCO is exempt from SPP where the SoS is satisfied that one of the exceptions apply.

#### **SECTION 131 CRITERIA**

- 7.1.4. Section 131 of the PA2008 relates to the compulsory acquisition of “any land forming part of a common, open space or fuel or field garden”. The draft DCO proposes the compulsory acquisition of subsurface land where the surface above that strata is open space.
- 7.1.5. There will be no interference with the surface use and accordingly no interruption of the open space use. Plot 17-02 is in use as a playground and the Applicant proposes to use trenchless installation techniques to construct the pipeline under it without interfering with the recreational use of the surface. The pipeline for which powers of acquisition are sought would therefore not impede the open space use. However, rights are also sought for a drainage connection which would involve some minor, short-lived works on the surface (see consideration of s132 below).
- 7.1.6. The powers sought are necessary for the construction, operation and decommissioning of the pipeline. The current decommissioning proposal for the pipeline at the end of its operational life is to make it safe and leave it in situ. Decommissioning of the pipeline in the open space plot would accordingly not require interference with the open space use.
- 7.1.7. The proposal for powers of acquisition therefore does not impede or interfere with the open space use section 131 seeks to protect.

## **SECTION 132 CRITERIA**

- 7.1.8. Section 132 of the PA2008 applies to the compulsory acquisition of rights over land forming part open space. It requires SPP to be followed where a DCO authorises the compulsory acquisition of rights over such land unless the SoS is satisfied that one of the exceptions in sections 132(3) to (5) applies.
- 7.1.9. Section 132(3) applies if the Order land, when burdened with the order right, will be no less advantageous that it was before to the persons in whom it is vested, other person, if any, entitled to rights of common or other rights and the public.
- 7.1.10. The DCO will engage section 132 as the acquisition of rights are being sought, albeit on a precautionary basis. The Applicant considers that the exemption to the application of the SPP which is provided by section 132(3) would apply.
- 7.1.11. The Applicant is seeking rights to install the pipeline under open space land over Plot 17-02. In order to protect the pipeline a number of restrictive covenants are sought to be imposed over the surface of the land. The purpose of these restrictive covenants is to prevent activities on the surface which would endanger the pipeline. The restricted activities include construction, planting of trees over the pipeline area and rights as set out in Table 2 above.
- 7.1.12. The restrictive covenants are intended to prevent construction on the land, which is entirely compatible with its designation as open space. There will be no interference with the current uses, including that of the open space and playground which can undertake its regular activities including ongoing maintenance.
- 7.1.13. A right is also sought over plot 17-02 to install and use a drainage connection from Aston Hill BVS to be constructed in plot 17-03 (Work No. 36) to the existing drain in plot 17-01. The route of the drain will be designed to minimise interference with the open space use, avoiding for example the area where play equipment is installed. Installation of the drain would involve the opening of a small trench, laying of pipework, formation of a connection/outfall to drain in plot 17-01 and reinstatement of the surface.
- 7.1.14. The Applicant submits that in the case of the drainage right, section 132(3) also applies as, given the above, the Applicant considers that while there will be some temporary disruption to the use of open space during construction, once the drain has been installed there will be no ongoing impact and the acquisition of the rights sought will not render the open space less advantageous than it is at present to its owner or the public.

## **7.2. CROWN LAND**

- 7.2.1. The DCO Proposed Development will also require the acquisition of, and rights over, Crown Land. Promoters cannot exercise compulsory acquisition powers against the Crown and all interests of the Crown have been excluded from

acquisition as noted in the Book of Reference. Compulsory powers are sought only over other interests in the affected plots.

- 7.2.2. Part 4 of the Book of Reference **[CR3-013]** identifies the plots within which the Crown has an interest. Land identified as Crown Land is also shown on the Crown Plans **[CR3-004]**.
- 7.2.3. If a Crown interest is identified as a Category 1, 2 or 3 right and is therefore listed in Part(s) 1, 2 and/or 3 of the Book of Reference as appropriate, that Crown interest is also listed in Part 4 of the Book of Reference.
- 7.2.4. A Crown interest will arise from any Crown entity, which may not just be the Crown Estate, an example might be other government entities/departments.
- 7.2.5. Section 135(1) of the Act confirms that where an interest is held in land by or on behalf of the Crown that a draft DCO cannot include provision authorising its compulsory acquisition. It is therefore necessary in such cases to come to a voluntary agreement with the Crown for their interest.
- 7.2.6. The Applicant is in discussions with The Crown Estate, Secretary of State for Transport, Secretary of State for Defence and Welsh Ministers in relation to an agreement to acquire the necessary interests in land. It is not anticipated that there will be any difficulty in securing this agreement. The Crown Estate owns mines and minerals interests over areas required for the pipeline, and SoSs for Transport and Defence hold rights over land. The Welsh Ministers own the Aston Expressway and North Wales Expressway.
- 7.2.7. The Applicant is seeking the consent of the relevant Crown bodies to the granting of power of acquisition over interests held by other persons in the affected plots (including any unknown interests) as required by s135(1).

**Table 5 - Crown land**

<b>Book of Reference and Land Plan Plot</b>	<b>Description of Land with extent stated in square meters</b>	<b>Owners of any Crown Interest in the Land</b>
6-28	68866.9 square metres agricultural land, hedgerows, copse and pond lying to the west of Picton Lane, Wervin	The Secretary of State for Defence
7-07	31687.6 square metres agricultural land, pond and hedgerows lying to the east of Wervin Road, Wervin	The Secretary of State for Defence

<b>Book of Reference and Land Plan Plot</b>	<b>Description of Land with extent stated in square meters</b>	<b>Owners of any Crown Interest in the Land</b>
7-08	1097.7 square metres public road and verges (Wervin Road, Wervin)	The Secretary of State for Defence
7-09	41784.9 square metres agricultural land, overhead electricity cables and hedgerows lying to the west of Wervin Road, Wervin	The Secretary of State for Defence
8-01	48570.3 square metres agricultural land, hedgerows and drain (Wervin Hall Ditch Trib) lying to the east of Caughall Road, Backford	The Secretary of State for Defence
8-02	8465.5 square metres agricultural land, hedgerow, copse and drain lying to the east of Caughall Road, Backford	The Secretary of State for Defence
8-16	74833.7 square metres agricultural land, copse, hedgerows, ponds, drain (Collinge Wood Brook), track and overhead electricity cables lying to the south east of Rake Lane, Backford	The Secretary of State for Defence
17-22	81.7 square metres woodland lying to the south east of Aston Expressway (A494), Hawarden	The Welsh Ministers
17-24	2826.2 square metres public road (Aston Expressway, A494), verge, footway, woodland and public footpath (303/25/20), Hawarden	The Welsh Ministers
18-26	8588.2 square metres agricultural land, public footpath (303/141/10) and hedgerows lying to the north of Mold Road, Hawarden	The Welsh Ministers

<b>Book of Reference and Land Plan Plot</b>	<b>Description of Land with extent stated in square meters</b>	<b>Owners of any Crown Interest in the Land</b>
19-10	458.5 square metres woodland, access track, hedgerow and verge lying to the south of Chester Road, Northop Hall	The Welsh Ministers
19-11	260.7 square metres public road, verge and access splay (Chester Road, Northop Hall)	The Welsh Ministers
19-12	645.9 square metres public road, footway and verges (Chester Road, Northop Hall)	The Welsh Ministers
20-01	139.1 square metres verge (North Wales Expressway, A55, Northop Hall)	The Welsh Ministers
20-02	214.3 square metres verge, hedgerow and public roads (Chester Road and North Wales Expressway, A55, Northop Hall)	The Welsh Ministers
20-03	615.6 square metres woodland, public road, verges, footway and river (Wepre Brook) (Chester Road, Northop Hall)	The Welsh Ministers
20-05	879.9 square metres public road, verges, footway (Brookside, Northop Hall) and woodland	The Welsh Ministers
20-06	759.6 square metres public roads, footway and verges (Brookside and Brookside Terrace, Northop Hall)	The Welsh Ministers
22-04	353.2 square metres public road and verges (Allt-Goch Lane, Flint)	The King's Most Excellent Majesty in Right of His Crown



<b>Book of Reference and Land Plan Plot</b>	<b>Description of Land with extent stated in square meters</b>	<b>Owners of any Crown Interest in the Land</b>
22-06	163.7 square metres agricultural land lying to the east of Allt-Goch Lane, Flint	The Secretary of State for Defence
22-07	24360.3 square metres agricultural land and public footpath (404/66/20) lying to the east of Allt-Goch Lane, Flint	The Secretary of State for Defence
22-08	278.6 square metres agricultural land and public footpath (404/66/20) lying to the east of Allt-Goch Lane, Flint	The Secretary of State for Defence
22-09	985.9 square metres agricultural land and public footpath (404/66/20) lying to the east of Allt-Goch Lane, Flint	The Secretary of State for Defence
22-10	3848.4 square metres agricultural land, woodland and public footpath (404/66/20) lying to the east of Allt-Goch Lane, Flint	The Secretary of State for Defence

### **7.3. NATIONAL TRUST LAND**

7.3.1. No National Trust land is included in or affected by the Order land.

### **7.4. STATUTORY UNDERTAKERS' LAND AND APPARATUS**

7.4.1. The DCO, if made, will authorise the compulsory acquisition of statutory undertaker's rights in land. The land rights are held by statutory undertakers for the purposes of carrying out their statutory undertaking.

7.4.2. Section 138 of the PA 2008 provides that a DCO may include provision for the extinguishment of a relevant right or removal of relevant apparatus only if the SoS is satisfied that this is necessary for the purpose of carrying out the development to which the order relates.

- 7.4.3. The Applicant has, during preparation of the Application, been in discussions with relevant undertakers about the proposed permanent compulsory acquisition and compulsory acquisition of rights. The Applicant has identified statutory undertakers or utility providers that may have land or apparatus belonging to them within the Order Limits.
- 7.4.4. The draft DCO **[CR3-008]** includes protective provisions in respect of statutory undertakers (see Schedule 10). The Applicant is currently seeking to agree the form of protective provisions with the affected undertakers.

## 8. HUMAN RIGHTS

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### 8.1. HUMAN RIGHTS ACT 1998

- 8.1.1. The Human Rights Act 1998 incorporated the European Convention on Human Rights (Convention) into domestic law. The Convention includes provision in the form of Articles, the aim of which is to protect the right of the individual.
- 8.1.2. Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with the Convention. In exercising its powers of compulsory acquisition, the Applicant is acting as a public authority for the purpose of the Human Rights Act 1998 so must be conscious of the need to strike a balance between the rights of the individual and the interests of the public.
- 8.1.3. Various Convention rights may be engaged in the process of making and considering compulsory acquisition, notably Article 1 which protects the right of everyone to the peaceful enjoyment of possessions. No-one can be deprived of possessions except if it is in the public interest and subject to relevant national and international laws. Further, in relation to Article 8 (right to respect for private and family life and home) rights may only be restricted if the infringement is for a legitimate purpose and is fair and proportionate in the public interest.
- 8.1.4. The DCO has the potential to infringe the rights of the affected parties. Such infringement has to be weighed against the public benefit in allowing the DCO. There would be significant public benefit brought about by the DCO Proposed Development. As demonstrated by the Planning Statement **[REP4-022]** there is a clear public interest in granting the DCO. The public benefit should be weighed against the limited land take, and as set out in section 11 of this Statement, the Applicant is seeking the minimum rights necessary to allow the DCO Proposed Development to succeed.
- 8.1.5. The rights of owners of interests in the Order land under the Human Rights Act 1998 have been taken into account by the Applicant when preparing the DCO application and in considering the extent of the interests to be comprised in the DCO. The Applicant considers that there is a compelling case in the public interest for granting of the DCO and that the DCO, if granted, would strike an appropriate balance between public and private interest. The Applicant has had due regard to the requirement to minimise interference wherever possible and is only seeking to acquire the minimum land take reasonably necessary to allow the DCO Proposed Development to proceed.
- 8.1.6. The Applicant recognises that the DCO Proposed Development may have an impact on individuals but considers that the significant public benefits that will arise from the DCO Proposed Development as set out in this Statement outweigh any harm to those individuals. The draft DCO strikes a fair balance

between the public interest in seeing the DCO Proposed Development proceed (which would not happen in the absence of the order) and the private rights which will be affected by the compulsory acquisition in relation to both Article 1 and 8. The compelling case in the public interest for the compulsory acquisition powers included within the DCO has been demonstrated in this Statement of Reasons. The land over which compulsory acquisition powers are sought as set out in the draft DCO is the minimum necessary to ensure the delivery of the DCO Proposed Development. The DCO Proposed Development has been designed to minimise harm whilst achieving its publicly stated objectives. In this respect the interference with human rights is both proportionate and justified.

- 8.1.7. It is also a right to have a fair and public hearing. As explained under engagement with landowners above, appropriate consultation took place and is taking place in the planning process with an opportunity given for interested parties to make representations and the Applicant remains committed to pursuing active engagement with landowners with regard to compulsory acquisition. Those directly affected by the DCO will be entitled to statutory compensation.

## **8.2. COMPENSATION**

- 8.2.1. The Applicant has taken expert advice from specialist consultants on the potential costs of funding the acquisition of all those interests and rights, in land identified and described in the Book of Reference including potential cost of claims under Part 1 of the Land Compensation Act 1973. The Applicant and its parent company has sufficient funding to compensate those with an interest in the Order land. Further detail of this is included in the Funding Statement [APP-029].

## **8.3. CORPORATE STRUCTURE**

- 8.3.1. The Applicant is to be the dedicated CO<sub>2</sub> transport and storage company for the HyNet North West industrial cluster responsible for collecting captured CO<sub>2</sub> from industrial entities located in North West England and North Wales and permanently storing this CO<sub>2</sub> in depleted reservoirs offshore in Liverpool Bay.
- 8.3.2. The Applicant is wholly owned by Eni UK Limited. Eni UK Limited's main activity is the exploration and production of oil and gas in the UK. Eni UK Limited is a private company and an indirect subsidiary of Eni SpA, an integrated energy company engaged in the entire energy chain around the world from the exploration, development and extraction of oil and natural gas, to the generation of electricity from cogeneration and renewable sources, traditional and biorefining and chemicals, and the development of circular economy processes and CCS projects. Eni UK Limited has been present in the UK since 1964. As of 31st December 2021, Eni UK Limited had total assets of £ 866 million, with cash and cash equivalents of £124 million.

## **8.4. PROJECT FUNDING**

- 8.4.1. Funding for the DCO Proposed Development will be provided through internal sources and possibly through external debt arrangements.

## **9. ABSENCE OF IMPEDIMENTS**

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### **9.1. OTHER CONSENTS AND LICENCES**

- 9.1.1. All of the other consents and licences required to construct and operate the DCO Proposed Development and an explanation of how the Applicant proposes to deal with each is set out in the Other Consents and Licences **[REP4-020]**. The Applicant considers that none of these other consents or licences represents an impediment to the delivery of the DCO Proposed Development.

## 10. CONCLUSION

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- 10.1.1. The land, and other interests, required to be subject to compulsory acquisition represent the minimum level of interference reasonably required to facilitate the DCO Proposed Development. The purpose of the powers of compulsory acquisition are to enable the delivery of the DCO Proposed Development, which is needed both locally and nationally, has numerous benefits and has substantial policy support. This justifies the DCO Proposed Development in the public interest and the interference with the private rights of those persons with an interest in the land proposed to be acquired.
- 10.1.2. The land identified to be subject to compulsory acquisition is no more than is reasonably necessary for that purpose and is therefore proportionate.
- 10.1.3. The need for the DCO Proposed Development, suitability of the Order land and the support for such projects in policy demonstrates that there is a compelling case in the public interest for the land to be acquired compulsorily. All reasonable alternatives to compulsory acquisition have been explored. The Applicant has clearly set out what each Plot of the Order land will be used for and why it is required. Given the national and local need for the DCO Proposed Development and the support for it found in policy, as well as the suitability of the Order land, compulsory acquisition of the land, other interests together with the suspension and extinguishment of matters affecting the Order land identified by the Applicant for the DCO Proposed Development is justified.
- 10.1.4. The requisite funds to meet any costs of land acquisition and compensation payable as a result of the use of powers of compulsory acquisition have been included in the budget for the DCO Proposed Development.
- 10.1.5. The Applicant therefore respectfully submits, for the reasons explained in this Statement, that the inclusion of powers of compulsory acquisition in the DCO for the purposes of the DCO Proposed Development meets the conditions of section 122 of the PA2008. For the reasons summarised in this Statement, the Applicant considers the DCO to be within the necessary statutory powers and that a compelling case exists in the public interest which justifies the making of the DCO.

## **11. FURTHER INFORMATION**

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### **11.1. INSPECTION OF DOCUMENTS**

11.1.1. Electronic copies may be inspected at:

- The National Infrastructure Planning website:  
[www.infrastructure.planninginspectorate.gov.uk](http://www.infrastructure.planninginspectorate.gov.uk)
- HyNet Carbon Dioxide website: [hynethub.co.uk](http://hynethub.co.uk)

### **11.2. NEGOTIATION OF SALE**

11.2.1. The Applicant believes it is in contact with all relevant owners and occupiers. Owners and occupiers of property affected by the DCO who believe they are affected and wish to negotiate a sale should contact the Applicant's agent WSP:

- By mail at: HyNet Carbon Dioxide Land Team, c/o WSP, No 8 First Street, Manchester, M15 4RP
- or by email to: [hynet@wsp.com](mailto:hynet@wsp.com)
- or by telephone on: 0203 116 5919

### **11.3. COMPENSATION**

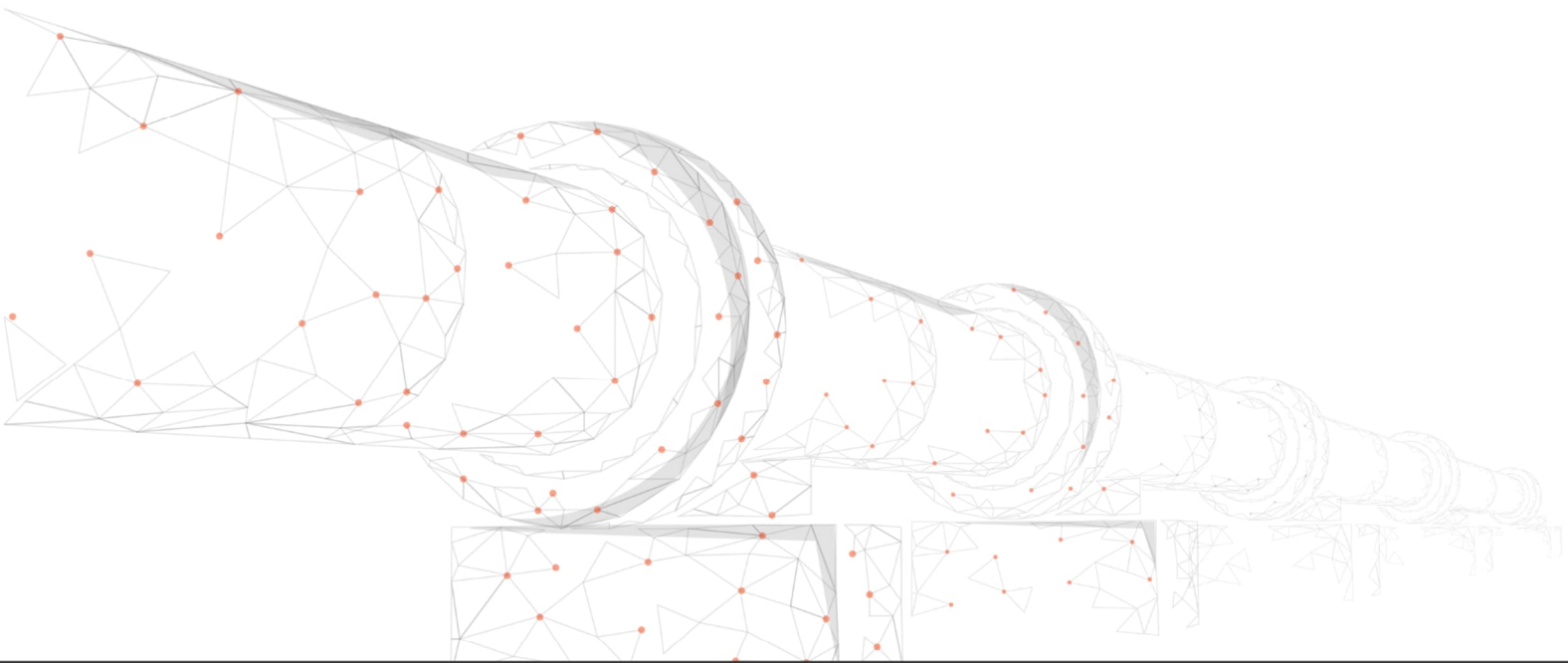
11.3.1. Compensation for the compulsory acquisition of land is governed by statute. The Department for Levelling Up, Housing and Communities has a series of booklets (updated in December 2021) on compensation which may be of interest to affected persons;

- Booklet No. 1 - Compulsory Purchase Procedure;
- Booklet No. 2 - Compensation to Business Owners and Occupiers;
- Booklet No. 3 - Compensation to Agricultural Owners and Occupiers; and
- Booklet No. 4 - Compensation for Residential Owners and Occupiers.

11.3.2. Copies of these booklets are obtainable, free of charge, from [www.gov.uk/government/collections/compulsory-purchase-system-guidance](http://www.gov.uk/government/collections/compulsory-purchase-system-guidance)



# Annexures



# Annex A

## SCHEDULE OF NEGOTIATIONS

## **SCHEDULE OF NEGOTIATIONS**

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The Schedule of Negotiations table has been removed from Annex A of this Statement of Reasons and will be provided as part of the Examination timetable.