

HyNet North West

APPLICANT'S COMMENTS ON SUBMISSIONS RECEIVED AT DEADLINE 7

HyNet Carbon Dioxide Pipeline DCO

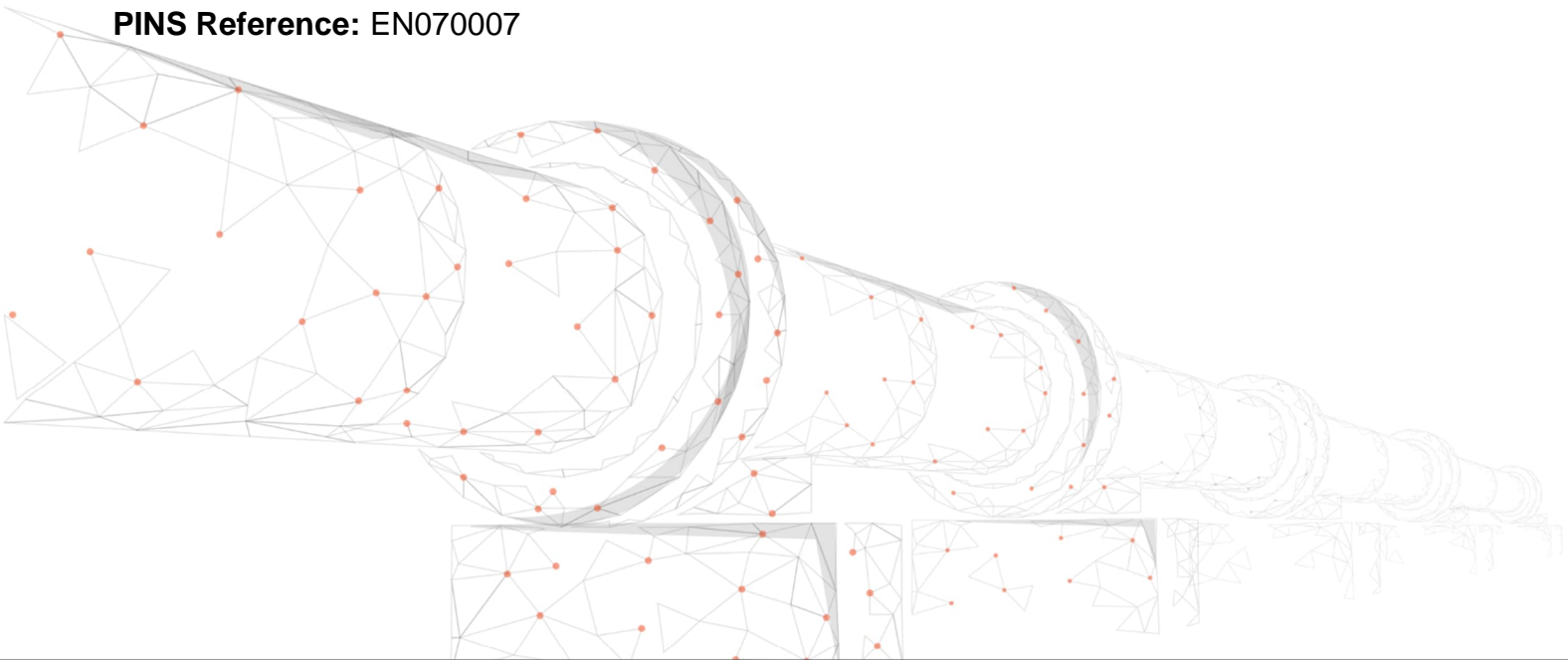
Planning Act 2008

The Infrastructure Planning (Examination Procedure) Rules 2010 Rule 8(1)(c)

Document Reference Number D.7.63

Applicant: Liverpool Bay CCS Limited

PINS Reference: EN070007



REVISION: A

DATE: September 2023

DOCUMENT OWNER: WSP

PUBLIC

QUALITY CONTROL

| | | | | | |
|---------------------------|----------------|-----------------|---------------|-----------------|-------------------|
| Document Reference | D.7.63 | | | | |
| Document Owner | WSP | | | | |
| Revision | Date | Comments | Author | Approver | Authoriser |
| A | September 2023 | Deadline 8 | Various | AV | AH |

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1. INTRODUCTION

1.1. PURPOSE OF THIS DOCUMENT

- 1.1.1. This document has been prepared on behalf of Liverpool Bay CCS Limited ('the Applicant') and relates to an application ('the Application') for a Development Consent Order (DCO) that has been submitted to the Secretary of State (SoS) for Energy Security & Net Zero (DESNZ) under Section 37 of the Planning Act 2008 ('the PA 2008'). The Application relates to the carbon dioxide (CO₂) pipeline which constitutes the DCO Proposed Development.
- 1.1.2. This document provides the Applicant's response to Written Submissions submitted at Examination Deadline 7.

1.2. THE DCO PROPOSED DEVELOPMENT

- 1.2.1. HyNet (the Project) is an innovative low carbon hydrogen and carbon capture, transport and storage project that will unlock a low carbon economy for the North West of England and North Wales and put the region at the forefront of the UK's drive to Net-Zero. The details of the project can be found in the main DCO documentation.
- 1.2.2. A full description of the DCO Proposed Development is detailed in Chapter 3 of the consolidated Environmental Statement (ES) **[REP7-036]**, submitted at Deadline 7.

2. APPLICANT'S RESPONSE

- 2.1.1. This chapter provides the Applicant's comments on submissions received at Deadline 7.
- 2.1.2. The Applicant has not responded to the following submissions made at Deadline 7, as no substantive comments were made by the Interested Party (IP) that require further comment from the Applicant at this time:
- Cheshire West and Chester Council – Deadline 7 Response – Appendix 2 – Clean Protective Provisions **[REP7-300]**
 - Cheshire West and Chester Council – Deadline 7 Response – Appendix 2 – Tracked Protective Provisions **[REP7-301]**
 - Cheshire West and Chester Council – Deadline 7 Response – EIA Screening Opinion (22/04248/SCR for Solar Farm at Thorton Le Moors) **[REP7-302]**
 - Cheshire West and Chester Council - Deadline 7 Response – Screening Matrix (22/04248/SCR for Solar Farm at Thorton Le Moors) **[REP7-303]**
 - Cheshire West and Chester Council - Deadline 7 Response – Cover Letter for Screening Opinion (22/04248/SCR for Solar Farm at Thorton Le Moors) **[REP7-304]**
 - Cheshire West and Chester Council - Deadline 7 Response – Screening Checklist and Opinion (22/04248/SCR for Solar Farm at Thorton Le Moors) **[REP7-307]**
 - Cheshire West and Chester Council - Deadline 7 Response – Pre-Application/Screening Opinion (22/04248/SCR for Solar Farm at Thorton Le Moors) **[REP7-308]**
 - Flintshire County Council- Deadline 7 Response **[REP7-312]** – Flintshire County Council's Response to Table 2-5 of [REP6-035] – Deadline 6 Submission – D.7.50 Applicants Comments on Submissions Received at Deadline 5
 - Eversheds LLP on behalf of Encirc - Deadline 7 Response – Draft Protective Provisions **[REP7-321]**
 - Eversheds LLP on behalf of Encirc - Deadline 7 Response – Comparative Table for Protective Provisions **[REP7-322]**
- 2.1.3. The Applicant has responded to the Deadline 7 responses from Cheshire West and Chester Council **[REP7-306]** and National Highways **[REP7-316]** within the Applicant's Final Position Statement (document reference: **D.7.65**).
- 2.1.4. The Applicant has addressed Cadent's Deadline 7 Submission within the Applicant's update on the DCO Drafting **[REP7-294]**.

Table 2.1 – Applicants Comments on submissions received by Carolyn Thomas MS [REP7-320]

| Reference | IP Submission | Applicant's Response |
|---|---|---|
| Undermining the goal of sustainability | | |
| 2.1.1 | <p>Since 2021, I have represented the people of North Wales in the Senedd, Wales's National Parliament. I write to raise serious concerns both on behalf of myself and residents about the proposed Liverpool Bay CCS project and associated infrastructure.</p> <p>I believe the project will serve to further entrench fossil fuel reliance and poses significant risk to the safety of residents living near the pipeline. I am very concerned that the possible risks of this project have not been properly considered and mitigated. As the former Deputy Leader of Flintshire Council with experience of the portfolio for road maintenance, I also feel not enough consideration has been given to the impact this project will have on the local road network. I have structured my representations into six sub-categories:</p> <ol style="list-style-type: none"> 1. Undermining the goal of sustainability 2. The Wellbeing of Future Generations (Wales) Act 2015 3. Highway Infrastructure 4. Flood risk 5. Leakage risk and community safety 6. Economic impact | <p>The Applicant welcomes the IP's engagement and contribution to examination of the DCO Proposed Development. While noting the IP's comments, the Applicant considers that a number of them address matters that are not directly relevant to the scope of the examination, for example comments that relate to HM Government energy policy matters. Where considered appropriate, the Applicant has provided responses in the sections below.</p> |
| 2.1.2 | <p>Fundamentally, carbon capture projects undermine the goal of sustainability and are simply a lifeline for the fossil fuel industry. It is a mere sticking plaster when the focus ought to be on achieving long term sustainability to curb the climate crisis.</p> <p>The resigning head of UK Hydrogen and Fuel Cell Association, Chris Jackson, said in 2021 "I believe passionately that I would be betraying future generations by remaining silent on the fact that blue hydrogen is at best an expensive distraction, and at worst a lock-in for continued fossil fuel use that guarantees we will fail to meet our decarbonisation goals." Yet the UK has made huge public funding available for blue hydrogen and CCS, at the expense of investment in genuine renewables.</p> <p>In fact, peer reviewed research by Howarth and Jacobsen from Stanford and Cornell University, found "the greenhouse gas footprint of blue hydrogen is more than 20% greater than burning natural gas or coal for heat". How can the applicant argue the Liverpool Bay CCS is consistent with achieving net-zero when creating blue hydrogen is such a polluting process.</p> <p>So far, no carbon collection scheme has collected as much carbon as promised. For instance, United States oil and gas giant Chevron has acknowledged its flagship carbon capture and storage project off Australia's north-west coast is operating at just a third of its capacity as problems bedevil the facility.</p> | <p>The Applicant considers most of this section not to be directly relevant to the examination of the DCO Proposed Development. However, with respect to the offshore storage of carbon dioxide, which is outside the scope of the DCO Proposed Development, the Applicant can confirm that its work is being overseen by a competent regulatory body, the North Sea Transition Authority (NSTA).</p> |

| Reference | IP Submission | Applicant's Response |
|---|--|---|
| | <p>After billions of dollars in public and private investments over decades in the USA, there are no carbon capture success stories — only colossal failures. One of the largest was the Petra Nova coal plant in Texas, once the poster child for CO2 removal. But the plant consistently underperformed, before it finally closed for good last year.</p> <p>Renewable energy and energy efficiency are reliable, cost-effective, and ready for widespread deployment. Given huge advances in production and storage, we could meet 100% of our energy needs with clean, renewable energy. The UK Government would be far better off investing the £20billion of taxpayer's money in renewable technology which would guarantee a sustainable future, without the huge risks involved with CCS projects such as the one proposed for Liverpool Bay.</p> | |
| The Wellbeing of Future Generations (Wales) Act 2015 | | |
| 2.1.3 | <p>In Wales we have a landmark piece of legislation that helps us all work together to improve our environment, our economy, our society and our culture. This is called the Well-being of Future Generations Act.</p> <p>The Act identifies seven core well-being goals all public bodies in Wales must achieve. One of these is 'A Globally Responsible Wales', defined as, "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."</p> <p>I strongly believe these proposals fails to comply with the ethos and objectives of the Wellbeing of Future Generations Act and in particular the aim of a Globally Responsible Wales. ENI, Liverpool Bay CCS Limited's parent company is currently expanding its UK (North Sea) and global fossil fuel portfolios. Such investments directly contradict this goal.</p> <p>Indeed, former Future Generations Commissioner Sophie Howe urged public bodies to end investment in climate-wrecking fossil fuel companies, saying; 'it is the poorest people, both here in Wales and globally, that are least responsible and yet most affected by climate change. We must divest from fossil fuels now to help support more vulnerable countries where people are already experiencing the front-line impacts of climate change.' This is in clear conflict with ENIs record globally, with the firm implicated in human rights abuses and environmental damage in Mozambique, one of the poorest countries in the world.</p> <p>In my opinion, the UK Government's pledge to invest £20billion of public money in carbon capture and storage projects including Liverpool Bay CCS is misplaced and fails to recognise the growing body of evidence that such schemes are hazardous to local populations and undermine global ambitions to phase out fossil fuel reliance.</p> | <p>The Applicant has already demonstrated consideration of the Well-being of Future Generations (Wales) Act 2015 within the submitted Planning Statement [REP4-022].</p> |
| Highway Infrastructure | | |

| Reference | IP Submission | Applicant's Response |
|-------------------|---|---|
| 2.1.4 | <p>As the former cabinet member for Street scene at Flintshire County Council I would like to raise concerns regarding the impact the Applicant's plans will have on highway infrastructure locally. Deterioration following a decade of austerity means the resilience of the road network is very poor.</p> <p>The proposed pipe is thirty inches in diameter and additional clearance around the pipe will be required. Given the area is already congested with pipes and ducts, I believe there is limited capacity for such a large addition. There needs to be consultation with the NMWTRA & Scottish Power as there are plans regarding the deteriorating A494 Dee Bridge which will impact including moving of a pylon and undergrounding of cables at Queensferry. It has already been raised that there is underground congestion to do that work.</p> <p>I do not believe proper consideration has been given to the impact on highways traffic during construction. Local residents will be severely impacted as the proposed pipe proposals route through many densely populated areas. In particular, the impact on access to local businesses, schools, hospitals and for blue light services is of serious concern.</p> | <p>The Applicant has committed to undertaking before and after condition surveys on local roads identified as construction traffic routes.</p> <p>The Applicant has consulted relevant utility providers including NMWTRA and Scottish Power Energy Networks (SPEN) (see relevant Applicant's Statements of Common Grounds with Welsh Government [REP7-264] and SPEN [REP7-267]) as key stakeholders throughout the process including in the identification of construction traffic routes.</p> <p>The environmental effects relating to traffic and transport during the construction of the DCO Proposed Development have been fully assessed and documented within ES Chapter 17 [REP7-061] and Appendix 17.13 Transport Assessment [REP7-164]. The assessment has considered the forecast additional traffic likely to be using both strategic and local roads within a geographical scope agreed with all of the relevant national and local highway authorities. This assessment has considered the presence of amenities such as businesses, schools and hospitals, amongst others as set out in Appendix 17.2 Methodology [REP7-143].</p> <p>The assessment concludes that there are not anticipated to be any significant traffic and transport environmental effects arising from the construction of the DCO Proposed Development following the implementation of mitigation measures identified in the Outline Construction Traffic Management Plan [REP7-240].</p> |
| Flood risk | | |
| 2.1.5 | <p>Hynet themselves have accepted that 'by 2050, it is likely that sea level rise may pose a flood risk to the DCO Proposed Development'. Flood prediction maps produced by Climate Central confirm this hypothesis. Given that the pipeline will be in use until 2065, what plans does the applicant have to properly maintain infrastructure that may be underwater in years to come as a result of sea level rises?</p> <p>The pipeline and its construction could also impact on areas already at risk to flooding including Sealand, Broughton, Sandycroft and Mancot, predominantly caused by overdevelopment which has taken place for decades in the local area without any concurrent investment in drainage or sewerage infrastructure.</p> <p>Properties in these areas have already seen significant flooding which is difficult to mitigate with increasing monsoon type rainfall. Given that the pipeline will interfere with 18 water courses in Flintshire, what assurances has the applicant given to residents who are already deeply concerned about flooding that works will not exacerbate the already existing threat?</p> | <p>The Applicant notes that flood risk from all sources to the proposed infrastructure has been assessed in accordance with the requirements of the Environment Agency and Natural Resources Wales in line with national policy and guidance, taking into account the local flood risk issues and climate change predictions.</p> <p>The majority of the pipeline is proposed to be buried and therefore unaffected by rising seawater levels due to climate change. Where the proposed Carbon Dioxide pipeline crosses a watercourse above the ground, should that configuration have to be adopted, this will be designed with a factor of safety for climate change so that there are no blockages to flow in the watercourse and therefore no increase in flood risk elsewhere.</p> <p>The proposed AGIs and BVSs have been sited in Flood Zones A (Wales) and Flood Zone 1 (England) respectively. In England, where it was not possible to site the AGIs/BVS in Flood Zone 1, relevant measures have been incorporated in the design proposal, in agreement with the Environment Agency, to mitigate against flood risk over the lifetime of the DCO Proposed Development, again with a factor of safety for climate change.</p> <p>In areas including Sealand, Broughton, Sandycroft and Mancot, once constructed, the proposed Carbon Dioxide pipeline will be buried beneath the bed of those 18 watercourses without impacting on the flow. Flood risk during the works will be managed by the Contractor in accordance with the requirements of the Lead Local Flood Authority, Environment Agency</p> |

| Reference | IP Submission | Applicant's Response |
|--|---|--|
| | | and Natural Resources Wales in order to ensure that there is no increase in flood risk during the works. |
| Leakage risk & Community safety | | |
| 2.1.6 | <p>There are currently just a handful of commercially working carbon capture schemes and all have problems. The main issue besides cost is leakages, whether from pipes or “natural” storage. Where leaks occur, they are easy to hide particularly under the seabed. Currently, gas leaks equate to 3% of UK gas emissions, highlighting the likelihood of such leakages.</p> <p>Already, the Increased CO2 taken up in the oceans is having a major effect on animal life due to acidification which is on top of the global rise in sea-temperature. The proposed plans could worsen habitat loss and threaten marine biodiversity further</p> <p>According to the Researchers for the Institute for Energy Economics and Financial Analysis (IEEFA), trapped CO2 will need monitoring for centuries to ensure it does not leak into the atmosphere – raising the risk of liability being handed over to the public, years after private interests have extracted their profits from the enterprise.</p> <p>Despite this, ENI admitted in their 2023 AGM that they would monitor the CO2 reservoirs in Liverpool Bay for a mere 20 years. With such high levels of uncertainty surrounding the likelihood of leakages, the lack of any proper regulatory framework to ensure accountability should be of serious concern.</p> <p>The fact that the recent oil spill that happened about 20 miles (33km) north of Rhyl, Denbighshire spilling 80,000 litres occurred under ENI's watch raises further questions. Why should this company be given further opportunity to cause environmental damage to our region?</p> <p>The UK Health and Safety Executive when referring to HyNet said, ‘HSE accepts the current evidence base which indicates that CO2, as it will be processed, transported and stored as part of CCUS operations, presents major hazard potential’.</p> <p>In 2020 this potential became reality when a pipe carrying CO2 ruptured near the village of Sataria, Mississippi. Emergency personnel evacuated about 200 residents from there and the surrounding area, and 45 people sought medical attention. Given HyNet will pass through densely populated areas, the risk of serious harm is extremely high. How can the applicant be sure that such disasters will not occur in this instance?</p> | <p>Operating parameters will be continuously monitored and the DCO Proposed Development will be equipped with leak detection technology to allow the carbon dioxide pipeline to be safely shut down in the highly unlikely event of a leak occurring, through isolation of flow by the closure of block valves.</p> <p>The offshore storage of carbon dioxide is outside the scope of the DCO Proposed Development. The Applicant can confirm that its work on offshore storage of carbon dioxide is being overseen by a competent regulatory body, the North Sea Transition Authority (NSTA).</p> <p>The Applicant can confirm that the full response provided to the question regarding monitoring periods, as provided at Eni's 2023 AGM, was that; <i>“Under current UK legislation, measurement, monitoring and verification (MMV) activities must be guaranteed by the Transportation and Storage (T&S) Operator for a period of 20 years after the closure of the storage site. At the end of this period the licence ends and responsibilities pass to the government. However, the T&S Operator will support the costs of monitoring for a period with a financial contribution for a further 30 years”.</i></p> <p>The 2022 incident referenced by the IP has been fully resolved to the satisfaction of the UK Regulators, the Health and Safety Executive and Offshore Petroleum Regulator for Environment and Decommissioning.</p> <p>The Applicant notes that HSE has made a submission to Deadline 7 [REP7-314], responding to ExQ3, stating <i>“At the currently [sic] time the transportation of CO2 as proposed by this DCO Application would not constitute the transportation of a ‘Dangerous fluid’ as defined in the Pipeline Safety Regulations 1996; and the proposed pipeline would not be classified as a Major Accident Hazard Pipeline by the same Regulations.”</i></p> <p>As a responsible operator the Applicant has been undertaking direct and regular engagement with HSE since 2021, covering all relevant technical safety factors and regulatory requirements applicable to the DCO Proposed Development. To date HSE have not raised any significant issues. This engagement is an ongoing process and will continue through all future phases of the project development, into and including operation of the infrastructure. This engagement supports the process of ensuring compliance with all applicable safety regulations and the requirements of the regulator including provision of information required with respect to demonstration of the safety of the DCO Proposed Development, in compliance with applicable regulations and guidance.</p> <p>The DCO Proposed Development will operate with the carbon dioxide in gas phase while the Sataria incident occurred on a pipeline operating in dense phase, so in this respect is not directly comparable with the Proposed Development. However, the incident highlights the</p> |

| Reference | IP Submission | Applicant's Response |
|------------------------|--|--|
| | | importance of managing pipeline integrity, based on detailed knowledge and understanding of the pipeline, local conditions along the route of the pipeline and the response action required in the unlikely event of a failure. The measures adopted by the Applicant for the DCO Proposed Development will ensure these requirements are fully understood and effectively managed. |
| Economic impact | | |
| 2.1.7 | <p>With regards to job creation in Flintshire as a result of the Hynet project, I would like to highlight the below extract from ENI's 2023 AGM Q&As (p.110).</p> <p>13. Increasingly, graduates do not want to work for companies whose portfolio remains dominated by oil and gas. Universities within the HyNet geographical footprint are beginning to ban fossil fuel companies from recruitment fairs (eg Wrexham Glyndwr in December 2022). How will ENI address the resultant skills shortages?</p> <p>Answer to the question There are currently no particular shortages in the availability of personnel.</p> <p>This answer extremely disappointing and provides no assure whatsoever that any skilled, well-paid, secure jobs will be forthcoming for members of local communities. Similarly, it also shows a total lack of willing to engage with and understand the concerns of local residents.</p> | <p>The Applicant has nothing to add to the response provided at Eni's 2023 AGM. However, in respect of the regional economic and employment benefit of the HyNet North West Project and the DCO Proposed Development the Applicant would refer the IP to the Needs Case for the DCO Proposed Development [APP-049].</p> <p>With respect to willingness to engage with local residents on the DCO Proposed Development the Applicant would refer the IP to the following:</p> <p>Five consultations were held on the DCO Proposed Development prior to submission of the DCO Application. A non-statutory consultation was held in Summer 2021, followed up by a statutory consultation in early 2022 and three targeted consultations in Summer 2022.</p> <p>The non-statutory consultation ran for 32 days, from 9 June 2021 to 11 July 2021. The scope of this consultation was to introduce the DCO Proposed Development, including route options, to stakeholders and communities. In particular, the consultation asked for views on two potential routes for the CO2 pipeline, with the outcome informing which route would be taken forward into statutory consultation as the preferred route.</p> <p>The statutory consultation ran from 9 February 2022 to 22 March 2022 (41 days). It provided detailed information on the DCO Proposed Development ahead of submission of the application for development consent. A Statement of Community Consultation (SoCC) [APP-035] was prepared for the DCO Proposed Development. In accordance with Section 47(2) of the PA 2008, the Applicant consulted with the relevant local authorities on the content of the SoCC. The statutory public consultation was undertaken in accordance with the final SoCC.</p> <p>Activities to promote the statutory consultation included the following:</p> <ul style="list-style-type: none"> • The Applicant wrote to all Section 42(1)(a) and Section 42(1)(b) stakeholders in accordance with Section 48 of the PA2008. • The Applicant placed notices promoting the consultation in local and national newspapers. • The Applicant contacted all Cheshire West and Chester councillors, Flintshire councillors, parish, town and community councils, MSs and MPs. • The Applicant issued a press release to media organisations local to Wales, the North West of England and nationally. |

| Reference | IP Submission | Applicant's Response |
|-------------------|---------------|--|
| | | <ul style="list-style-type: none"> • The Applicant distributed an information postcard to every residential and business address in the consultation zone which consisted of buildings within 500m of the DCO Proposed Development. This contained: <ul style="list-style-type: none"> ○ a brief description of their proposals; ○ details on the ways in which recipients can get involved in the consultation; ○ the URL of the HyNet hub online consultation portal; ○ contact details of the project team; ○ the dates and times of events and how to join them; and ○ the deadline for responses. • The Applicant placed the Preliminary Environmental Information Report and other information in four deposit points (libraries) along the route. • Production of a non-technical booklet explaining the HyNet project, the basics of the carbon capture process, the potential pipeline route, the potential benefits locally, regionally, and nationally, and the DCO process. Project updates emailed to all those who had subscribed via the project website. The project website was included on letters and emails sent to stakeholders, information postcards delivered to residents and businesses, posters advertising the consultation, site notices, and newspaper notices. • The project team hosted seven in-person consultation events. • The project team held three online interactive sessions over Zoom. <p>The Applicant also notes that the three Change Requests proposed by the Applicant and accepted by the ExA during Examination have specifically included changes in response to comments or concerns raised by residents.</p> <p>Further details of the consultations can be found in the HyNet DCO Consultation Report, Chapter 3 (Approach to Consultation and Engagement) [APP-031].</p> |
| Conclusion | | |

| Reference | IP Submission | Applicant's Response |
|-----------|--|---|
| 2.1.8 | <p>Overall, I strongly believe this project will fail to realise its intended objectives as an aid to reaching net-zero. No CCS project to date has achieved its promised storage rate. Public funding would be far better invested in genuinely sustainable renewable energy technology.</p> <p>In my opinion, HyNet does not comply with the goals of the Wellbeing of Future Generations Act, and ENIs record on the global stage is at complete odds with the aspiration of a 'Globally Responsible Wales'. The planned works also pose a risk to local communities as the likelihood of leaks occurring is not fully known. There are also concerns that the pipe work could exacerbate existing flood risk for homes in Flintshire and cause damage to the county's highway network.</p> <p>Far more work needs to be carried out alongside consultation with local residents prior to any works taking place. I hope the Planning Inspectorate will take into consideration the points raised in this representation.</p> <p>If I can be of any further assistance, please do not hesitate to get in touch.</p> | <p>The Applicant notes the IP's comments and considers that the matters covered in this conclusion are already addressed in the sections above.</p> |

Table 2.2 – Applicants Comments on the Canal and River Trust’s Deadline 7 Submission [REP7-298]

| Reference | IP Submission | Applicant’s Response |
|--|---|---|
| Statement of Common Ground | | |
| 2.2.1 | <p>The Canal & River Trust and applicant agreed a SoCG on 4th September 2023. The applicant will be providing the ExA the latest version of the SoCG with the Canal & River Trust, as part of their DL7 submissions.</p> <p>The ExA will note that the version of the SoCG does include some matter related to the land rights which are agreed but subject to a caveat in relation to the land agreement being finalised. Both parties are committed to reaching an agreement in terms of the voluntary land rights. However, we appreciate that these matter will now likely not be finalised until close to or after the closure of the Examination.</p> | <p>The Applicant confirms submission of the signed and final SoCG [REP7-265] at Deadline 7.</p> <p>The parties will continue to engage with the Trust with regard to matters which are agreed subject to further discussions.</p> |
| Protective Provisions for the Trust | | |
| 2.2.2 | <p>The Trust and applicant have agreed the majority of the protective provisions with only a few matters outstanding at the time of writing, these relate to the deletion of the provisions relating to the use of compulsory purchase powers 2(4) and (6). These deletions will be the only matters that are not agreed with the Trust in the protective provisions to be included in the applicant preferred Development Consent Order to be submitted at DL7.</p> <p>The applicant has indicated to the Trust that they are very keen to continue working with the Trust to conclude the voluntary land agreement as soon as possible and, where such agreement is reached during the reporting and /or determination period, the applicant will undertake to write to the SoS confirming its agreement to the inclusion of any further agreed wording within the protective provisions.</p> <p>The Trust is keen to work with the applicant to agree the outstanding matters.</p> | <p>The Applicant agrees with the Trust’s summary of the position on the protective provisions which aligns with the Applicant’s Deadline 7 submission.</p> <p>The Applicant is grateful for the Trust’s continuing engagement on the land agreement and is also seeking to progress that in short course.</p> |
| Compulsory Acquisition | | |
| 2.2.3 | <p>Both the Trust and the applicant have been keen to get this matter resolved and reach a voluntary agreement in relation to the land rights sought. The Trust are currently awaiting a further offer from the applicant/response to the terms offered. Our land agents have been chasing a response from the applicant as this matter is now urgent given the impending close of the examination.</p> | <p>The Applicant is grateful for the Trust’s continuing engagement on the land agreement and is also seeking to progress that in short course.</p> |
| Trusts response to Deadline Six matters | | |
| 2.2.4 | <p>The Trust have reviewed the various relevant DL6 submissions of the applicant which relate to the Trust’s interests. The Trust has no specific comments to make on these at this stage, but we reserve the right to be able to make subsequent comments if the need arises.</p> | <p>The Applicant has no further comments at this time.</p> |

| Reference | IP Submission | Applicant's Response |
|-----------|---|---|
| 2.2.5 | The Trust have reviewed the ExA third Written Questions and note that no questions are directed specifically to the Trust to respond upon. In relation to the questions directed to all Interested Parties, we have no comment to make on those questions as they are not relevant to the Trust's statutory undertakings. | The Applicant has no further comments at this time. |

Table 2.3 - Applicant's Comments on Submission Received at Deadline 7 from Cheshire West and Cheshire Council (Cover Letter) [REP7-299]

| Reference | IP Submission | Applicant's Response |
|--|---|--|
| Encirc | | |
| 2.3.1 | The Council can confirm that application 22/03693/FUL for the 'erection of an automated warehouse (Use Class B2/B8), ancillary office space, an automated link between the automated warehouse and existing facility, a driver welfare building, HGV marshalling yard, security building and other associated works' is awaiting determination. The Council's planning committee resolved to grant planning permission subject to the completion of the s106 Agreement on 17 August 2023 | The Applicant has no comments on this matter. |
| Draft DCO Requirement 13 – Construction Hours | | |
| 2.3.2 | <p>The Councils representations including its latest responses, in its covering letter at Deadline 4 and at Deadlines 5 and 6, raise concern in respect the inclusion of exceptions to construction hours for start-up and shut-down and trenchless crossing operations set out in Requirement 13(4) of the draft Development Consent Order (DCO). The applicant has provided the Council with updated wording to Requirement 13 of the draft DCO inserting the below definition of "trenchless crossing operations":</p> <p><i>"trenchless construction techniques which cannot be interrupted" means drilling, tunnelling, boring or similar construction methods used to create an underground route for the pipeline without trenching from the surface, and includes any necessary ancillary activities to that drilling, tunnelling or boring; but does not include operations to prepare for drilling, tunnelling and boring, and specifically does not include works of excavation of pits, or works to remediate the site of pits used for drilling, tunnelling and boring."</i></p> <p>The Applicant has also provided wording to be included in an updated ONVMP including for Noise and Vibration Assessment Criteria to address controls to start-up and shut-down operations.</p> <p>Subject to the above revisions to the dDCO and ONVMP the Council would have no outstanding concerns regarding the exceptions to core construction hours under Requirement 13 of the Draft DCO.</p> | The Applicant considers the matter resolved, as set out in the Applicant's Statement of Common Ground (SoCG) with CWCC submitted at Deadline 8 (document reference: D.7.2.2). |
| Drainage | | |
| 2.3.3 | The Council and the Applicant have agreed protective provisions for the benefit of the drainage authority. The Council has been advised by the Applicant that these will be included in the revised draft DCO to be submitted at Deadline 7. | The Applicant can confirm that the dDCO submitted at Deadline 7 [REP7-013] includes the agreed drainage protective provisions and considers the matter resolved, as set out in the Applicant's Statement of Common Ground (SoCG) with CWCC submitted at Deadline 8 (document reference: D.7.2.2). |
| Biodiversity Net Gain (BNG) | | |

| Reference | IP Submission | Applicant's Response |
|---|--|---|
| 2.3.4 | The Council has provided comments on the draft BNG Agreement to the Applicant and is awaiting confirmation from the Applicant that the payments provided for in that agreement are now agreed. | The Applicant has now confirmed through discussions and in writing to CWCC that the payments to secure BNG within England have now been agreed. |
| Highways / Street works (Protective Provisions) | | |
| 2.3.5 | The Council has provided a separate representation at Deadline 7 on highways matters and protective provisions. | Please refer to the Applicant's response to CWCC's Cover Letter [REP7-306] within the Applicant's Final Position Statement (document reference: D.7.65) |
| Traffic Management | | |
| 2.3.6 | The Council has provided comments on the Applicant's Outline Construction Traffic Management Plan (OCTMP) and understands that further detail on timings and routing will be provided at Deadline 7 | <p>The Applicant can confirm that the updated Outline Construction Traffic Management Plan [REP7-240] submitted at Deadline 7 includes the updates requested by CWCC prior to Deadline 7.</p> <p>The Applicant has been made aware by CWCC that CWCC will submit further representation on timings and routing at Deadline 8, and not at Deadline 7 as stated in CWCC Deadline 7 submission [REP7-299].</p> |
| Planning Performance Agreement (PPA) for discharge of requirements | | |
| 2.3.7 | This is being reviewed in light of the Council's revised position on the application of the New Roads and Street Works Act 1991 | The Applicant understands that the only changes needed to this are deletions which are acceptable to the Applicant and the document is being progressed. |
| Compulsory Purchase | | |
| 2.3.8 | The Council received updated Heads of Terms from the Applicant on 23 August 2023 and received responses to queries on 30 August 2023. The Council will continue to progress negotiations with the Applicant. | The Applicant has no further comments on this matter. |

Table 2.4 - Applicant's Comments on Submission Received at Deadline 7 from Eversheds Sutherland LLP on behalf of Encirc [REP7-323]

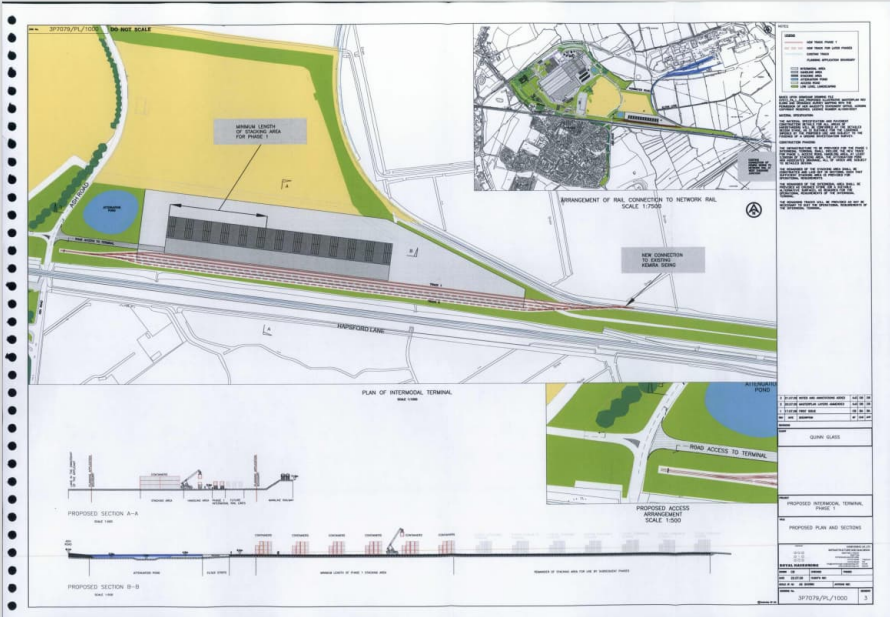
| Reference | Encirc Ref | IP Submission | Applicant's Response |
|---|------------|--|---|
| Introduction | | | |
| 2.4.1 | 1.1 – 1.4 | <p>This relevant submission in relation to the HyNet Carbon Dioxide Pipeline Project (“the Project”) is made on behalf of Encirc Limited (“Encirc”) for Deadline 7 (“DL7”). It summarises the oral submission made on behalf of Encirc at Hearings on Thursday 10 August 2023.</p> <p>Encirc has already made representations in relation to the Project at Deadline 3 (“DL3”) (ref. REP3-050) and Deadline 4 (ref: REP4-280). Representations were also submitted on 13th June to a consultation on a change request (“CR1”) made by the Applicant, which was accepted by the Examining Authority on 27 March 2023.</p> <p>The hearing session on 10 August focused on two matters relating to the interface between the proposed DCO and the operation and future development plans of the Encirc plant, through which the applicant has requested rights as part of the DCO. These relate to:</p> <ul style="list-style-type: none"> 1 The access to works to construct and thereafter maintain and monitor the pipeline beneath the rail tracks operated by Encirc, Network Rail and Peel at land Plots 1-19, 1- 20, 1-20, 1-21, 1-22 and 1-23 and accessed via plots 1-06a-1.06. 2 Access to 1-07-1-18 from Grinsome Road through the land owned and operated by Encirc shown as plots 1-01, 1-02, 1-03 and 1-04 | <p>The Applicant acknowledges the submission from Encirc Limited and confirms that it continues to work with Encirc Limited to resolve the matters raised.</p> |
| Pipeline construction beneath rail lines | | | |
| 2.4.2 | 2.1 – 2.3 | <p>The presentation to the Hearing on 10th August by the applicant sought to make the case to the Examining Authority that the plans of Encirc to develop further intermodal facilities at the Glass Manufacturing and Filling Plant had no status and should be given little weight in the consideration of the DCO and the proposed powers of land rights over Encirc property.</p> <p>Encirc was disappointed with this intervention as the seriousness with which Encirc is progressing the rail proposals to secure product export from the Glass Manufacturing and Filling Plant had been explained in detail to the applicant and the importance of the proposed enhanced rail usage to Encirc’s business also made clear. This project status and the importance of the rail export facility to future economic growth of the Encirc business was explained at the Hearing on 10 August.</p> <p>Planning permission for the Encirc (then Quinn Glass) Glass Manufacturing and Filling facility was granted in 2009. The grant of planning permission included for the development of an intermodal facility on land to the south east of the manufacturing plant, with rail access taken from the sidings attached to the main Network Rail lines and which had, historically, provided rail access to the coal fired power stations at Ince A. This planning permission was implemented. The grant of planning permission was subject to a Section 106 Agreement under the Town & Country</p> | <p>The Applicant notes this response and refers to the Statement of Common Ground between the Parties [REP6-026], in which this topic has been well documented. The Applicant is responding to Encirc Limited’s future development proposals as and when information regarding such proposals is provided to the Applicant by Encirc Limited. Encirc Limited has been clear in discussions with the Applicant and in their Examination submissions that further planning permissions are required in order to allow their future development proposals to come forward.</p> <p>The Applicant notes this response from Encirc Limited and would like to refer to its response, as stated in the Applicant’s Final Position Statement (document reference: D.7.65) submitted at Deadline 8. The Applicant will continue its efforts to further engage with Encirc Limited to resolve this matter.</p> |

| Reference | Encirc Ref | IP Submission | Applicant's Response |
|-----------|------------|--|---|
| | | <p>Planning Act 190, requiring Encirc to implement non-road based modal transport of materials with a requirement to increase annual freight cargo by such means to 12% over a phased period. That phased period has reached the point where the 12% requirement is now established.</p> | |
| 2.4.3 | 2.4 – 2.7 | <p>In the 2009 S106 Agreement included (which is at Appendix 3) there is a layout of the approved intermodal rail facility, to accommodate containerised product export movements. The approved rail facility took a sidings access off the then extant Kemira rail line. This rail terminal layout is the same as the approved layout, forming part of the original planning permission, of the intermodal facility (drawing ref: 3P7079/PL/1000 Rev3) is attached at Appendix 1.</p> <p>In 2011, Encirc (then Quinn Glass) obtained separate planning approval for the bulk materials handling facility (phase 2) to be built to the north of the rail sidings to accommodate raw materials import, rather than product export for which the phase 1 intermodal terminal was designed. The approved drawing is attached at Appendix 2. This layout was further amended in 2013 by a further grant of planning permission (Appendix 3).</p> <p>As the Encirc development progressed and the phased rail usage percentages were applied, Encirc investigated possible rail usage and concluded that, at the time, product export by rail was unfeasible. However, import of raw materials was investigated and found to be potentially feasible, such that rail access was secured and a new phase 2 terminal supporting the import of raw materials (sand and crushed glass 'cullet') developed and brought into operation in 2016 (Appendix 3 as above). This was preceded by a number of planning permissions for infrastructure at the intermodal facility to allow for the movement of raw materials rather than containerised product.</p> <p>The success of the Encirc Glass Manufacturing and Filling facility has resulted in Encirc reaching the point where the enhanced use of rail needs to be brought forward to ensure that the 12% annual freight movement target in the S106 Agreement is not a constraint to the further growth of the business.</p> | <p>The Applicant notes this response from Encirc Limited and would like to refer to its response, as stated in the Applicants Final Position Statement (document reference: D.7.65) submitted at Deadline 8. The Applicant will continue its efforts to further engage with Encirc Limited to resolve this matter.</p> |
| 2.4.4 | 2.8 – 2.10 | <p>Encirc appointed MDS Transmodal, a nationally renowned rail logistics consultancy to review the feasibility of moving finished glass product to markets via the rail network. MDS Transmodal reported their findings to Encirc in February 2023. Their report is attached at Appendix 4. This report identified the locations to where finished product could be viably moved by rail and advised on the appropriate intermodal terminal layout and signal arrangements at Encirc. This will be phase 1 of the intermodal facility originally granted planning permission in 2009. The chief difference between the originally approved intermodal facility and that which is now being brought forward will be that because Encirc now has its own connection to the Network Rail line, connection can be taken from that connection rather than from the Kemira siding as indicated on the drawings approved by the 2009 permission and subsequent amendments as described above.</p> <p>Alongside the consultancy advice of MDS Transmodal, Encirc procured and ran trial trains from the Glass plant's terminal to various locations from 2022 and completed</p> | <p>The Applicant is surprised and disappointed by the submission of the detail of Appendix at this late stage of the Examination Process and confirms that despite this document being issued in February 2023, this is the first opportunity that the Applicant has had to review these details. This is despite the Applicant requesting further details on this subject.</p> <p>The Applicant notes this response from Encirc Limited and would like to refer to its response, as stated in the Applicants Final Position Statement (document reference: D.7.65) submitted at Deadline 8. The Applicant will continue its efforts to further engage with Encirc Limited to resolve this matter.</p> |

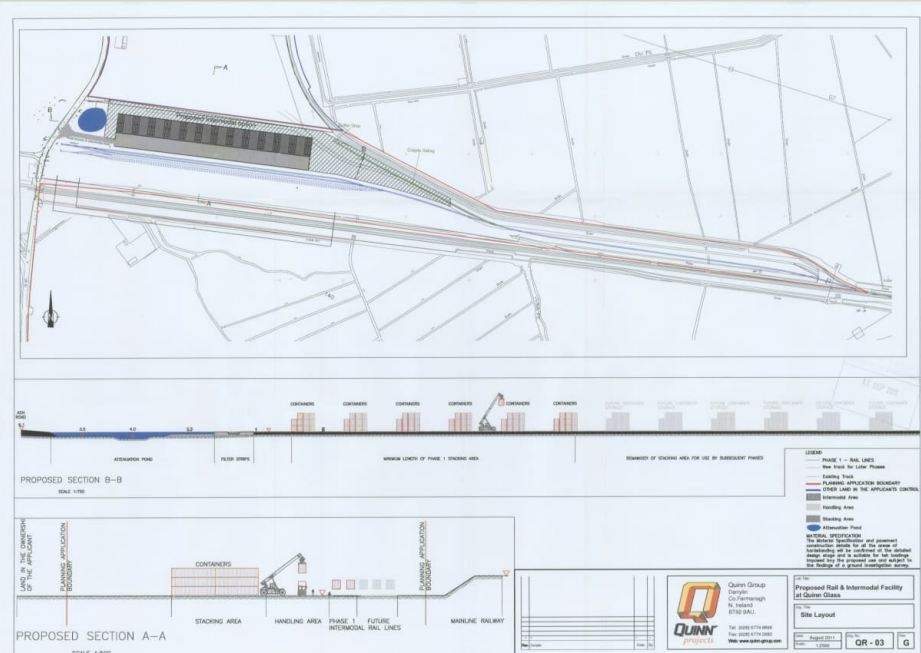
| Reference | Encirc Ref | IP Submission | Applicant's Response | | | | | | | | | | | | |
|-----------------------------|--|--|--|--------------------------------|---|----------------------------------|----------------------------|--|---|--|-----------------------------|--|---|---|--|
| | | <p>these trials in April 2023. A press notice setting out these details is attached at Appendix 5.</p> <p>Pre-application discussion have been held with officers of Cheshire West and Chester in relation to the forthcoming application for the phase 2 intermodal terminal at Encirc. The purpose of these discussions was to scope the planning application and the potential for EIA to be required and the likely scope of such EIA. Commencement of the development of Encirc's product export intermodal facility is scheduled for 2025.</p> | | | | | | | | | | | | | |
| 2.4.5 | 2.11 | <p>Encirc's consultants (Lichfields and Eversheds) met with representatives of the applicant on 10 August 2023 to allow the applicant to explain the engineering requirements for passing the pipeline beneath the rail lines at Land Plots 1-19 to 1-24. It was explained that:</p> <p><i>1 directional drilling of a pipeline beneath all rail lines was technically possible, but without Network Rail approving that solution, the applicant was not able to commit to it as a construction methodology; and</i></p> <p><i>2 Without Network Rail 's approval of directional drilling, the DCO would need to include for the construction of the pipeline beneath the rail lines to incorporate a vertical shaft between the rail lines to accommodate boring infrastructure in both directions. This shaft would need to be located on plot 1-22 and involve the necessary acquisition of rights over plot 1-22 requiring access from plots 1-06a to 1-06 and from plots 1-02 to plots 1-06 and thence to plot 1-22. This would require the DCO to confirm rights to the applicant over land where Encirc proposes to build new rail lines and the phase 2 intermodal facility.</i></p> | <p>The Applicant notes this response from Encirc Limited, which highlights the proactive engagement between the parties to secure a private agreement. The Applicant will seek to continue this engagement in the spirit of flexibility, openness and willingness to resolve Encirc's concerns and objection with the aim to ensure both Parties' development plans can co-exist.</p> <p>The Applicant notes this response from Encirc Limited and would like to refer to its response, as stated in the Applicants Final Position Statement (document reference: D.7.65) submitted at Deadline 8.</p> <p>The Applicant hopes that Encirc Limited remains open to resolve the outstanding points via a mutually acceptable private agreement.</p> | | | | | | | | | | | | |
| 2.4.6 | 2.12 – 2.13 | <p>A meeting was held between the applicant and Encirc on 24th August 2023, to further discuss the implications of the above scenarios. This introduced the potential timings of the relative works by Encirc and the applicant. The table below was presented for discussion. It is a helpful summary of three timeline scenarios and the implications of not undertaking a single directional drilled construction methodology beneath the rail lines.</p> <table border="1" data-bbox="442 1438 1492 1598"> <thead> <tr> <th></th> <th>CO2 Pipeline Constructed First</th> <th>Construction Activities Occur in Parallel</th> <th>Encirc Sidings Constructed First</th> </tr> </thead> <tbody> <tr> <td>Single Trenchless Crossing</td> <td>Possible – confirmation from NR required in Detailed Engineering</td> <td>Future Agreement needed, triggered by both parties notifying the other of their intent to carry out works</td> <td>Possible and likely construction technique</td> </tr> <tr> <td>Intermediate Shaft Required</td> <td>Possible – confirmation from NR required in Detailed Engineering</td> <td>Future Agreement needed, triggered by both parties notifying the other of their intent to carry out works</td> <td>Unlikely to be possible (not enough space / disruption to Encirc's new development)</td> </tr> </tbody> </table> <p>In summary, a single trenchless crossing is technically achievable. If this method is followed, only access to plot 1-22 is required for monitoring purposes and a permanent right of access to plot 1-22 can be provided by Encirc. If plot 1-06 is required for access to 1- 22 for monitoring purposes, then it must be varied so that it does not interfere with the planned intermodal facility. A trenchless crossing also means that permanent rights to Plot 1-21 would not be needed. Requesting</p> | | CO2 Pipeline Constructed First | Construction Activities Occur in Parallel | Encirc Sidings Constructed First | Single Trenchless Crossing | Possible – confirmation from NR required in Detailed Engineering | Future Agreement needed, triggered by both parties notifying the other of their intent to carry out works | Possible and likely construction technique | Intermediate Shaft Required | Possible – confirmation from NR required in Detailed Engineering | Future Agreement needed, triggered by both parties notifying the other of their intent to carry out works | Unlikely to be possible (not enough space / disruption to Encirc's new development) | |
| | CO2 Pipeline Constructed First | Construction Activities Occur in Parallel | Encirc Sidings Constructed First | | | | | | | | | | | | |
| Single Trenchless Crossing | Possible – confirmation from NR required in Detailed Engineering | Future Agreement needed, triggered by both parties notifying the other of their intent to carry out works | Possible and likely construction technique | | | | | | | | | | | | |
| Intermediate Shaft Required | Possible – confirmation from NR required in Detailed Engineering | Future Agreement needed, triggered by both parties notifying the other of their intent to carry out works | Unlikely to be possible (not enough space / disruption to Encirc's new development) | | | | | | | | | | | | |

| Reference | Encirc Ref | IP Submission | Applicant's Response |
|----------------------------------|-------------|--|---|
| | | <p>permanent rights to 1-21 goes beyond what is reasonably required, with Encirc willing to facilitate permanent rights to access the adjacent plot 1-22 for monitoring purposes. Encirc will only support temporary rights to 1- 21 in the event that a directional drilling shaft is required. The land agreement terms between Encirc and the applicant can deliver this solution, but the DCO cannot be amended due the expiry of the Examination in September. With the single trenchless crossing, the condition of Plot 1-22 can be agreed between Encirc and the applicant to allow monitoring to be undertaken under the scenarios where the DCO is implemented first or Encirc's intermodal facility is developed first. The Protective Provisions can also accommodate these matters.</p> | |
| 2.4.7 | 2.14 – 2.15 | <p>Should the single trenchless crossing not be possible (i.e. not approved by Network Rail) then the picture becomes very complicated, but suffice to say that Encirc implementing their intermodal facility before the applicant requires Plot 1-22 to sink the construction shaft, renders it not possible to sink that shaft due to insufficient space being available and therefore conflict with Encirc's operation arising. The same would apply under the scenario where the two projects are implemented at the same time, or there is crossover in construction timelines. The only scenario which may feasibly work without the trenchless crossing is if the DCO was implemented before Encirc implemented the intermodal facility. Under this circumstance, a methodology could be agreed between the parties that ensured that plot 1-22 and plot 1-21 (should it be required for temporary works) are left in a suitable condition to allow the Encirc intermodal facility works. Protective Provisions could be applied which secured this latter scenario. However, under the other two scenarios, the applicant would have to revert to a single trenchless crossing.</p> <p>An overview of this issue is therefore that of the six scenarios considered in the table above, only one can potentially be achieved through technical agreement between the parties and all others rely on a single trenchless (directionally drilled) crossing beneath the rail lines being undertaken. The only matter preventing conformation of the single trenchless crossing is the agreement of Network Rail. Encirc cannot understand why this agreement has not been progressed at this stage of the process.</p> | |
| Access from Grinsome Road | | | |
| 2.4.8 | 3.1 – 3.4 | <p>The DCO seeks approval for access to the pipeline corridor works areas from the Grinsome Road roundabout (Plot 1-01a) through Encirc's land and on internal Encirc access roads (1- 01, 1-02, 1-06d).</p> <p>It was explained at the Hearing that uninterrupted access to and on the Encirc Site is essential to the operation of Encirc's business. Road traffic movements around and on Encirc's land during the construction phase of the DCO will impact its operations. Plot 1-02 is used heavily by Encirc and is vital for the operation of its business. The route between the rail terminal and the plant accommodates as a minimum, 80 one-way (160 two-way) HGV movements of sand and cullet per day per week, operation</p> | <p>The Applicant notes this response from Encirc Limited and would like to refer to its response, as stated in the Applicants Final Position Statement (document reference: D.7.65) submitted at Deadline 8. The Applicant will continue its efforts to further engage with Encirc Limited to resolve this matter.</p> |

| Reference | Encirc Ref | IP Submission | Applicant's Response |
|------------|------------|---|----------------------|
| | | <p>between 7.00am and 3.30pm. The route in in continuous operation during this period. This continuous operation cannot be interrupted.</p> <p>The Encirc automated warehouse planning application (ref. 22/03693/FUL) received a resolution to approve (subject to S106) at Cheshire West and Chester Council's Planning Committee on 17 August 2023. The approved Site Plan was appended to Encirc's DL4 submission and shows that the DCO land plots 1-02, 1-06d, 1-06, and 1-06a are not compatible with this Encirc's approved development plans. However, Encirc considers that the DCO is achievable without access to these plots.</p> <p>Encirc considers that access through plots 1-01 and 1-02 is not necessary to provide a road connection to the Ince AGI. A current proposal, subject to a planning application before Cheshire West and Chester Council by Forsa Energy (21/04024/FUL) will provide a direct access route from Grimsome Road to the Perimeter Road (plot 1-03). The Site Plan for this application was provided with Encirc's DL4 submission. This alternative access to the Ince AGI precludes the need to access the perimeter road through Encirc's facility via plots 1-01 and 1- 02.</p> | |
| 2.4.9 | 3.5 – 3.7 | <p>The applicant has stated that it requires temporary rights of access over plot 1-06d for oversize construction vehicle access to 1-06. Encirc considers that the use of the trenchless crossing method, discussed in detail above, negates the need for temporary access through 1-06d to 1-06 for oversize construction vehicles.</p> <p>Notwithstanding this, there is no existing connection between land plots 1-06d and 1- 02/1-03 and creating a connection would require the changing of the internal security fencing line. This would result in breaches of Encirc's obligations as HMRC bonded warehouse under the provisions on the Customs and Excise Management Act 1979 and subordinate legislation.</p> <p>All DCO movements on Encirc land must be controlled by a well-developed protocol to manage the use of roads and ensure that the DCO construction process does not prejudice Encirc's ability to carry out its operations.</p> <p>The parties are continuing to negotiate in respect of protective provisions for the benefit of Encirc. As part of the submission for deadline 7, Encirc have submitted a copy of its preferred protective provisions which highlights which points are not yet agreed with the applicant. The protective provisions are accompanied by a table setting out the outstanding points and explaining Encirc's position.</p> | |
| Appendix 1 | | | |

| Reference | Encirc Ref | IP Submission | Applicant's Response |
|-----------|------------|--|--|
| 2.4.10 | |  <p>The drawing includes a site plan with a yellow highlighted area, a terminal building, and various infrastructure elements. It also features a plan of an intermodal terminal, a proposed access arrangement, and two proposed sections (A-A and B-B) with their respective scales. A legend and title block are present on the right side.</p> | The Applicant acknowledges the submission from Encirc Limited and has no further comments. |

Appendix 2

| | | | |
|--------|--|---|--|
| 2.4.11 | |  <p>The drawing shows a detailed site layout with various zones and infrastructure. It includes a plan view, a proposed section B-B, and a proposed section A-A. A legend defines symbols for Phase 1 and 2 site lands, existing tracks, and other features. The title block identifies the project as 'Proposed Rail & Intermodal Facility at Oxted Glass'.</p> | The Applicant acknowledges the submission from Encirc Limited and has no further comments. |
|--------|--|---|--|

Appendix 3

| Reference | Encirc Ref | IP Submission | Applicant's Response |
|------------|------------|---|--|
| 2.4.12 | | <p>The image shows a detailed site plan for a proposed rail and intermodal facility. It includes a plan view at the top with a north arrow, and two cross-sectional views below: 'PROPOSED SECTION B-B' and 'PROPOSED SECTION A-A'. A legend on the right side defines symbols for various elements like 'PAVING - RAIL LANE', 'NEW ROAD FOR LANE PHASE', 'Existing Road', 'Proposed Application Boundary', 'EXISTING LANE IN THE APPLICANT'S CONTROL', 'Existing Area Intended', 'Attenuation Pond', and 'New Area Intended'. The plan view shows multiple tracks, a central road, and an attenuation pond. The cross-sections show the vertical alignment and structure of the tracks and road. At the bottom right, there is a title block with the QUINQ logo, contact information for Quirk Group, and the project title: 'Proposed Rail & Intermodal Facility at Quirk Station'. The drawing is identified as 'Site Layout' and 'C-01 A'.</p> | The Applicant acknowledges the submission from Encirc Limited and has no further comments. |
| Appendix 4 | | | |
| 2.4.13 | | <p>Developing a Rail-based Logistics Strategy (Draft report prepared by MDS Transmodal Ltd February 2023)</p> | The Applicant acknowledges the submission from Encirc Limited and has no further comments. |

Table 2.5 - Applicant's Comments on Submission Received at Deadline 7 from Environment Agency [REP7-309]

| Reference | IP Submission | Applicant's Response |
|--|---|--|
| Section 2: Environment Agency Additional Commentary | | |
| 2.5.1 | <p>The EA are currently engaging with the Hynet Carbon Dioxide Pipeline project team with regards to outstanding matters raised by the EA on the proposed scheme, where we are aware the Applicant intends to submit additional information under Deadline 7.</p> <p>Since the Environment Agency's Deadline 6 submission [REP6-041] we have provided commentary direct to the project team on the Outline Dewatering Management Plan [REP5-022] and Outline Groundwater Management and Monitoring Plan [REP5-019], where revisions from the Applicant are anticipated. The EA are currently progressing with their review on the Outline Surface Water Management and Monitoring Plan [REP5-021]; Outline Waste Management Plan [REP5-018] and Outline Materials Management Plan [REP4-266].</p> | <p>The Applicant can confirm that both the Outline Dewatering Management Plan [REP7-287] and the Outline Groundwater Management Plan [REP7-283] were submitted at Deadline 7 to address the EA's comments where relevant. The Outline Dewatering Management Plan [REP7-287] has been submitted again at Deadline 8 to address additional comments from the EA, where relevant.</p> <p>The Applicant can also confirm the Outline Surface Water Management and Monitoring Plan [REP7-285] has been submitted at Deadline 8 to address comments from the EA, where relevant.</p> <p>In an email dated 8 September 2023, the EA raised comments in relation to the Outline Waste Management Plan [REP5-018]. The Applicant considers that the information will be included in the detailed Waste Management Plan to be produced by the Construction Contractor. In the same email, the EA raised comments relating to the GI undertaken for the DCO Proposed Development with reference to the Outline Materials Management Plan [REP7-276]. The Applicant confirms that the GI Technical Paper [REP7-293] addresses the concerns and that the Outline MMP does not need to be updated.</p> <p>Reference should be made to the SOCG with the EA [REP1-024], and as submitted at Deadline 8, for further details.</p> |
| 2.5.2 | <p>We would advise the ExA, further to the EA's comments provided under Q3.19.2 of the ExQ3 [PD-027], that the EA intend to seek a Requirement to address contaminated land and pollution prevention matters and welcome an opportunity to provide a final position on this particular matter under Deadline 8.</p> | <p>As set out in the Applicant's Deadline 7 submission on DCO drafting [REP7-294], the Applicant does not agree that the drafting of the requirement as proposed by the EA is necessary, justified or appropriate. The EA has advised the Applicant that a risk-based approach to dealing with contaminated land is appropriate but has not followed such an approach in its drafting which requires investigation as a blanket approach with no regards to assessed levels of risk. For example, the EA's approach treats the Stanlow refinery and a greenfield field in agricultural use with no identified risk factors for contamination in exactly the same manner. This is not, and cannot be considered to be, proportionate.</p> <p>The Applicant has repeatedly highlighted to the EA that it is inappropriate for them to draft a requirement as if this DCO Proposed Development were a single site development given its linear nature and cross border location. It is entirely unjustifiable to require investigation across the whole route prior to commencement in any part or stage on a linear project where sites are a considerable distance apart and have no connection to one another.</p> <p>The Applicant strongly objects to the EA's wording which is not necessary, fails to have regard to the considerable work already done (as summarised in [REP7-293], the Ground Investigation Technical Report prepared at EA's request), and will act to slow down delivery of a NSIP to no advantage and no environmental protection.</p> |

Table 2.6 - Applicant's Comments on Submission Received at Deadline 7 from Flintshire County Council Deadline 7 Submission – Oral Summaries from CAH2 [REP7-310]

| Reference | FCC Ref | IP Submission | Applicant's Response |
|---|-----------|--|--|
| Introduction | | | |
| 2.7.1 | 1.1 – 1.3 | <p>This document has been prepared by FCC and relates to an application (“the Application”) for a Development Consent Order (DCO) that has been submitted to the Secretary of State (SoS) for Energy Security and Net Zero (DESNZ) (formerly BEIS) under Section 37 of the Planning Act 2008 (“the PA 2008”). The Application relates to the carbon (CO2) pipeline which constitutes the DCO Proposed Development.</p> <p>This document provides the written summary of oral submissions made by Officers of Flintshire County Council at the Compulsory Acquisition Hearing (CAH2) on 10th August 2023.</p> <p>This document does not purport to summarise the oral submissions of parties other than those representing Flintshire County Council (FCC).</p> | The Applicant has no further comments on this matter. |
| Agenda Item 4 – Individual objections, issues and voluntary agreements | | | |
| 2.7.2 | 2.1 | FCC stated that it was in a similar position to Cheshire West and Chester Council. There has ongoing engagement between the Applicant. FCC is in receipt of Heads and Terms and understand that more are to follow | The Applicant acknowledges that engagement is ongoing with regard to the heads of terms. |

Table 2.7 - Applicant's Comments on Submission Received at Deadline 7 from Flintshire County Council - Oral Summaries from ISH3 [REP7-313], Flintshire County Councils Written Summary of Oral Submissions to the Issue Specific Hearing (ISH3) (9 August 2023)

| Reference | FCC Ref | IP Submission | Applicant's Response |
|--|-----------|--|--|
| Agenda Item 3. Water Environment / Alltami Brook Crossing Options | | | |
| 2.6.1 | 2.1 – 2.2 | <p>The Examining Authority (ExA) sought views from FCC on Change Request 2 and the Embedded Pipe Bridge option for the Alltami Brook Crossing. FCC confirmed that they would respectfully defer to NRW on matters relating the Alltami Brook Crossing in relation to the Water Framework Directive.</p> <p>When considering the visual impact of the more engineered option when considering the embedded pipe bridge, FCC confirmed that in the Officer's opinion, that the visual impact would be minimal given the proximity to visual receptors. The location is a steep valley leading down to the Alltami Brook and not visible from public vantage point with exception to the Public Right of Way adjacent to the Alltami Brook. However FCC Officers are not sure on how frequently the right of way is used.</p> | <p>The Applicant can confirm that the Public Right of Way (414/39A/10) is used infrequently. There is already a proposed diversion in place for this route, which will avoid the proposed works.</p> |
| Agenda Item 4. Biodiversity | | | |
| 2.6.2 | 3.1 – 3.2 | <p>FCC confirmed that progress and discussions are being made with regards to finalising the legal agreements necessary to secure off-site Biodiversity Net Gain for offsite planting with Flintshire Countryside Services on Flintshire County Council owned land. FCC have no objections are working with the Applicant on hedgerow planting and pond creation.</p> <p>The Applicant has been discussing the matter with our Countryside Services Manager and Ecologist and the following was reported to the Examining Authority verbally at ISH3.</p> <ul style="list-style-type: none"> Flintshire Countryside Service have suggested 700m hedgerow planting and pond creation projects on Flintshire land, which would be suitably located in respect of the pipeline to contribute to those aspects of the BNG targets. The proposed 700m hedgerow planting proposed is adjacent to the River Dee and the cycle path at Sealand where hedgerows are lacking. The proposed new pond is within existing poor semi-improved grassland adjacent to Wepre Park, a compartment of the Connah's Quay Ponds and Woodlands Site of Special Scientific Interest and Deeside and Buckley Newt Sites Special Area of Conservation. The grassland and proposed pond provide complementary habitat to the woodland planting scheme funded under The Woodland Investment Grant (TWIG) in 2021 as well as the adjacent designated sites managed for great crested newts. The creation, establishment and management for 30 years have been costed separately for pond and hedgerow habitats and are currently being reviewed by the applicant. The Legal agreement is under discussion, but the preference is for the developer to offer a lump sum which can be managed under a specific financial code. (<i>Precedents of this have already been adopted in the County Council with other offsite habitat creation</i>) Woodland BNG offsets are being explored by the Applicant with Private landowners. Preference for the location of the woodland is for this to be local to the project and within Flintshire. FCC and the applicant are at advanced stage in discussions with agreeing the terms of the Section 111 agreement. FCC will confirm with the Examining Authority if agreement has been reached prior to the close of the examination. | <p>The Applicant agrees with FCC's comments on the status of the BNG agreements with FCC. The Applicant can confirm that discussions are continuing between FCC and the Applicant in respect of finalising the S111 agreement.</p> |

| Reference | FCC Ref | IP Submission | Applicant's Response |
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| Agenda Item 5. Articles and Schedules of the Draft DCO | | | |
| 2.6.3 | 4.1 | Article (8). FCC would continue to sustain the objection to the disapplication of the Land drainage Act 1991. However FCC confirmed to the ExA that discussions with the applicant are taking place to resolve the matter through extending the protective provisions for Land Drainage Authorities with regards to Ordinary Water Course Consent. At the time of the Hearing, FCC reported to the ExA that FCC had not yet received a copy of the proposed changes to the Protective Provisions. However, in principle, subject to the protective provisions including all those matters that would be included with the Ordinary Water Courses, FCC would have no objection to the disapplication of the Land Drainage Act. | The Applicant notes that line [21.1.182] of FCC's deadline 7 [REP7-312] submission states: [FCC] <i>"are content that the proposed Protective Provisions for the Drainage Authority will ensure details are provided by the applicant at the appropriate time in relation to works associated with Ordinary Water Courses which addresses the Council's concerns"</i> . |
| Agenda Item 6: Schedule 2 of the draft DCO – Requirements | | | |
| 2.6.4 | 5.1 – 5.3 | <p>Requirement 9: Contaminated Land Groundwater. FCC confirmed that they would not require a verification report.</p> <p>Requirement 19: FCC confirmed that we would concur that approval or agreement should be provided in writing.</p> <p>Requirement 25: Susan Cordiner FCC confirmed that the Planning Performance Agreement made under s111 of the local government act – draft is with FCC and will work through this with the applicant before the end of the examination to seek agreement.</p> | Regarding Requirement 9 and 19, the Applicant has no further comments at this time. |

Table 2.8 - Applicant's Comments on Submission Received at Deadline 7 from Flintshire County Council [REP7-312], Applicants Comments on Submission Received from Flintshire County Council (FCC) at Deadline 5 [REP5-039] (Local Impact Report)

| Ref | Local Impact Report Statement (Deadline 1A) | Applicant's Response (Deadline 2) | Council's Response/Comments (Deadline 3) | Applicant's Response | Council's Response Deadline 5 | Applicant Response (DL6) | FCC Response DL7 | Applicants Response at D8 | | |
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| 16. NOISE AND AIR QUALITY – RESIDENTIAL/PUBLIC AMENITY | | | | | | | | | | |
| 2.8.1 | Work No. | Proposal | PROW comments | | | | | | | |
| | Work No. 30E | Creation and use of a temporary construction access from the A548, within the location shown on Sheets 13 and 14 of the Work Plans, including— (a) improvement of an existing junction with the public highway; (b) improvement of road surfacing and provision of new hard surfacing; and (c) creation of visibility splays. | The proposed construction access track is along Public Bridleway No.8 (309/8/10) from its junction with Sealand Road in a southerly direction to the junction with Deeside Lane (309/10/30). The construction access track then continues along Deeside Lane to the proposed pipeline construction. Bridleway No. 8 is an unmade track which is not part of the adopted highway network. The Local Authority (LA) is under a duty to maintain it only to a standard for users on foot and on horseback. Deeside Lane has highway status as a public | The Outline PRoWMP [REP1-043], the latest revision of which was submitted at Deadline 1 will be further developed during later stages by the Construction Contractor(s) to form a final PRoWMP which will contain the following information to be approved by the relevant authority for each PRoW: Plans (showing the relevant control measures) Length (distance) of the closure Route, length and any surfacing proposals for diversions Details of any gates, stiles, or similar features to be removed and | Noted | The Applicant does not agree or accept that surfacing of the bridleway is necessary or appropriate. The Applicant submits that this is already appropriately surfaced and will only need minor repairs and improvements pre and post occupation of the compound. The Applicant is satisfied that the bridleway is suitable for the proposed use and would highlight that it is currently frequently used by HGVs to access the various agricultural and light industrial properties accessed. The Applicant does not agree that their proposed use would be a material intensification of that use, particularly given the temporary nature of the use, which would | The comments are noted but FCC does not agree with the applicants stance and maintains its comments as stated at Deadline 3 in [REP3-046] regarding the resurfacing of Bridleway No. 8 and also Deeside Lane (309/10/30). Deeside Lane may be considered to be in a rural area, however the lane serves as main access to a mix of residential, commercial and agricultural premises along the lane (approximately +20 properties/premises served by 309/10/30). The frequent current use of HGV's (recognised in the applicant's comments) and the current day-to-day traffic from commercial, private and agricultural premises is therefore | The Applicant's response to FCC comments at Deadline 3, in the Response to the Applicant's comments to the Flintshire County Council's Final Local Impact Report [REP3-046], still apply and make no further comment at this time. | Noted, FCC has no further comments to make. This matter is set out in the Council's Statement of Common Ground with the Applicant as ' <u>not agreed</u> ' The Council does not agree with the applicant' stance on this matter. | The Applicant maintains its position on Deeside Lane. The Applicant notes that the Council states it is concerned about dust and noise but there is no acknowledgment of the considerable dust and noise which would be caused by resurfacing this area. The resurfacing of the lane could not be undertaken over the current base as that would result in a sub-surface work which would degrade quickly. In order to resurface this route, the current surface would require to be dug up, crushed for re-use and re-laid. That work, and the attendant traffic, noise and dust, is not assessed in the ES submitted for the DCO Proposed Development. The Applicant maintains that this work would be entirely disproportionate to and not justified by the impacts of this project in this location. |

| Ref | Local Impact Report Statement (Deadline 1A) | Applicant's Response (Deadline 2) | Council's Response/Comments (Deadline 3) | Applicant's Response | Council's Response Deadline 5 | Applicant Response (DL6) | FCC Response DL7 | Applicants Response at D8 |
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| | | <p>footpath only and the LA is only required to maintain the route up to a footpath standard. Both tracks are currently unsuitable for the proposed usage that would come with this proposal.</p> <p>The LA do not argue with the route being used as a temporary construction access on the basis that it is suitably upgraded to serve the construction traffic that would be using it. We do not feel that it would be suitable to use any type of crushed stone/aggregate for the track as this would generate dust pollution that would be detrimental to anybody walking the rights of way and also to the neighbouring properties and businesses. The</p> | <p>reinstated on any PRow</p> <p>Details of signage to be provided for diversions and</p> <p>The appropriate standards for reinstatement of the PRow</p> <p>The management for each PRow will be secured in the final PRowWMP to be signed off by each relevant authority prior to the commencement of the relevant stage of works, as required by Requirement 5 of the draft DCO [REP1-004].</p> <p>The Applicant notes that Public Bridleway No.8 (309/8/10) is currently used by heavy agricultural vehicles. The Applicant commits to reviewing the condition of the</p> | <p>at this location would subject the Bridleway to usage by larger vehicles (such as HGV's) on a more regular, prolonged, and repetitive basis during the construction of the pipeline at this location. Reinstating the condition of the route on completion of the construction phase of the DCO Proposed Development is not considered satisfactory in light of scale and duration of the proposal, and the length of time that this construction compound would be used for. Therefore, FCC consider that the route should be surface with an appropriate material prior to the commencement of the development of the construction compound in this location at Works no 30E, and prior to the use of the Bridleway for construction vehicles.</p> <p>With specific regard to the construction access track which incorporates Public Bridleway No. 8 & Footpath 309/10/30 (along Deeside Lane),</p> | <p>require surfacing of this route.</p> <p>The Applicant notes that it has not assessed the drainage or landscape or visual impacts of surfacing this track. The Applicant notes that it has adopted an approach of not providing new tarmac surfacing on tracks in agricultural areas elsewhere so that these are sympathetic with the rural nature of the landscape.</p> | <p>considered quite significant.</p> <p>FCC consider that this should be secured in the outline PROWMP and delivered through requirement no. 5 now that point (n) has been included as part of the CEMP, rather than a legal agreement.</p> | | |

| Ref | Local Impact Report Statement (Deadline 1A) | Applicant's Response (Deadline 2) | Council's Response/Comments (Deadline 3) | Applicant's Response | Council's Response Deadline 5 | Applicant Response (DL6) | FCC Response DL7 | Applicants Response at D8 |
|-----|---|--|---|----------------------|-------------------------------|--------------------------|------------------|---------------------------|
| | | <p>use of the bridleway and Deeside Lane would also increase potential conflict between walkers and vehicles.</p> <p>To support the proposal of Bridleway No. 9 and Deeside Lane being utilised as the temporary construction access track we are requesting that the entire route under 'Work No. 30E' be upgraded to a tarmac surface. This would be suitable for the construction traffic, limit the dust pollution to walkers and the community and be an improvement for users as part of the legacy of the Hynet project. The details of the specification of this should be agreed as part of the approval of details at that stage in the</p> | <p>route and its suitability for construction traffic, but does not currently consider that it is appropriate/necessary to upgrade the condition prior to use. The Applicant commits to reinstating the condition of the route to its original condition (or better) on completion of the construction phase of the DCO Proposed Development.</p> <p>The Applicant does not believe a legal agreement is appropriate in this instance and would instead secure the standard of the PRow through final PRowMP, which will be submitted to and requires approval by the relevant planning authority, as secured in Requirement 5 of</p> | | | | | |

| Ref | Local Impact Report Statement (Deadline 1A) | Applicant's Response (Deadline 2) | Council's Response/Comments (Deadline 3) | Applicant's Response | Council's Response Deadline 5 | Applicant Response (DL6) | FCC Response DL7 | Applicants Response at D8 | |
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| | | <p>development. This would mitigate against any negative effect of the development during the use of this track during construction.</p> <p>The Council would welcome the applicant entering into a legal agreement to ensure this section of the right of way network is upgraded to a standard suitable to sustain heavy traffic</p> | <p>the dDCO [REP1-004].</p> <p>and therefore FCC considers this point should be specifically referenced for the avoidance of any doubt, and to ensure that the specification details can be approved prior to the works in that stage of the proposed development.</p> <p>This would provide certainty that the bridleway would be surfaced in the appropriate materials prior construction traffic using this route.</p> | | | | | | |
| Work No. 42 | <p>Construction of an underground CO2 pipeline approximately 1.8km in length and with an external diameter of 36 inches (914.4 mm) between Work No. 41 and Work No. 43.</p> | <p>The PROW affected by the pipeline in this section are adequately protected with temporary diversions during works. PROW 303/143 runs through the site and no temporary diversion has been shown which suggests it won't be affected during construction</p> | <p>This PROW (Ref: 303/143) is intended to be diverted within the Order Limits, if required, during the construction of the DCO Proposed Development. Figure 17.6 and the dDCO will be updated at Deadline 3 to reflect this. The management for each PROW will be secured in the final PROWMP to</p> | <p>The Council would welcome the chance to view this at Deadline 3.</p> | <p>The Outline Public Rights of Way Management Plan was submitted at Deadline 3 [REP3-028] and has been updated at Deadline 4 The Applicant awaits FCC's response to that document.</p> | <p>Noted. FCC have reviewed the Outline PROWMP and are satisfied with the comments concerning the topics within it</p> <p>(NB: FCC are in disagreement regarding the surfacing of Deeside Lane & Bridleway No. 8 and if this was secured via the requirements, the Outline PROWMP would need to be updated accordingly).</p> | <p>The Applicant has responded to FCC regarding the surfacing of Deeside Lane and Bridleway No. 8 above.</p> | <p>Noted, FCC has no further comments to make. This matter is set out in the Council's Statement of Common Ground with the Applicant as 'not agreed'</p> <p>The Council does not agree with the applicant's stance on this matter as set out in the Council's Local Impact Report and representations throughout the Examination.</p> | <p>As line above regarding the resurfacing of Deeside Lane</p> |

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| | | clarification is required. | be signed off by the relevant authority prior to the commence of the relevant stage of works, as required by Requirement 5 of the draft DCO [REP1-004]. | | | | | |

20. WATER ENVIRONMENT AND FLOOD RISK

Land drainage

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| 2.1.180 | The Council has additional duties and powers associated with the management of flood risk under the Land Drainage Act. As Land Drainage Authorities, Ordinary Watercourse consent would be required for any permanent or temporary works that could affect the flow within an ordinary watercourse under their jurisdiction in order to ensure that local flood risk is not increased. | As set out in the Other Consents and Licences document [REP1-011], the Applicant will submit an appropriate application after the DCO is made. | FCC notes that the approval of the surface water drainage systems by the SuDS Approving Body (SAB) is not listed within [REP1-011] | The Applicant can confirm that this has been added into the Other Consents and Licences document [REP3-017], as submitted at Deadline 4. | During the course of the examination of this application, FCC has asked whether the Applicant would fully adhere with the Welsh Governments requirements for SAB Approval which is in compliance with the Flood and Water Management Act 2010, Schedule 3. The Council would expect all fees associated with SAB Approval to be met by the applicant. SAB Approval is undertaken by FCCs specialist Engineering Consultancy and this service is not provided in house. FCC have been unable to find any reference to SAB | The Applicant can confirm that it was agreed with FCC that SAB application are not required for the DCO Proposed Development. | FCC does not agree to this statement and the applicant's position on this matter. <u>This has not been agreed.</u> For the avoidance of doubt, SAB Approval would be required for any permanent hardstanding / impermeable areas in excess of 100 m ² in area. Therefore, the proposed Block Valve stations and above ground installations <u>will</u> require separate SAB applications along with the permanent construction compounds on sites that are over 100 m ² . | The Applicant can confirm that on 12th December 2022, it was agreed with FCC that the SAB process was not required for the DCO Proposed Development. In terms of temporary or permanent drainage, the Applicant has considered permanent design only. Temporary drainage will be considered as part of the temporary works design to be carried out by the Construction Contractor. The Other Consents and Licences document [REP7-028] in Table 2.2 Row 4 includes the requirement for SAB consents to be obtained by the Construction Contractor pre construction. |
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| Ref | Local Impact Report Statement (Deadline 1A) | Applicant's Response (Deadline 2) | Council's Response/Comments (Deadline 3) | Applicant's Response | Council's Response Deadline 5 | Applicant Response (DL6) | FCC Response DL7 | Applicants Response at D8 |
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| | | | | | <p>compliance in Table 2.2 or anywhere else.</p> <p>For the avoidance of doubt, SAB Approval would be required for any permanent hardstanding / impermeable areas in excess of 100 M2 in area.</p> | | <p>What hasn't been clear throughout the process is how the applicant proposes to deal with drainage on temporary hard standings on sites of more than 100m² but are temporary in nature.</p> <p>To date, the applicant has not indicated or provided details with regards to how temporary hardstanding compounds of more than 100m² would be drained to ensure flooding would not occur.</p> <p>It has been agreed that these temporary hardstanding areas in excess of 100m² would not form part of a SAB application. None-the-less, the applicant would be required to submit the details to the SAB so that the SAB can ensure that flooding will not occur and that the temporary hard standing areas</p> | |

| Ref | Local Impact Report Statement (Deadline 1A) | Applicant's Response (Deadline 2) | Council's Response/Comments (Deadline 3) | Applicant's Response | Council's Response Deadline 5 | Applicant Response (DL6) | FCC Response DL7 | Applicants Response at D8 |
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| | | | | | | | would be drained appropriately as the temporary compound areas would be required for the duration of the construction and may be in place for a considerable time period. Therefore, the applicant is advised to seek pre-SAB advice by submitting an application with the appropriate fee. | |
| 2.1. 182 | It is noted that the REAC [APP-222] states that consents would be sought from LLFA for works affecting for Ordinary Watercourses. | As set out in Article 8 of the draft DCO [REP1-004], the requirement for ordinary watercourse consents is disapplied. In line with the ethos and objective of the DCO regime, a separate consent should not be required where this can be addressed through the DCO. | This is noted however, FCC would like to ensure that all documentation that would be required for Ordinary Water Course Consent is provided as part of the Requirements as it does not appear to be detailed in the draft DCO or specified in the requirements specifically. | The Applicant has requested that FCC reviews the outline plans and the strategy secured under the detailed requirements where this detail would be placed and advise what changes it is seeking. | Please refer to FCCs response to ISH1-AP4 [REP4-285] pertinent to Ordinary Watercourse Consent submitted at Deadline 4. FCC still maintains this position with regards to Ordinary Water Course Consent. | The Applicant has requested and awaits FCC's comments on the outline plans submitted at Deadline 5. The Applicant considers that these outline plans address this issue. | FCC has responded directly to the applicant on minor comments on the Outline Surface Water Management Plan and are content that the proposed Protective Provisions for the Drainage Authority will ensure details are provided by the applicant at the appropriate time in relation to works associated with Ordinary Water Courses which addresses the Council's concerns. | The Applicant acknowledges the responses from FCC and has no further comments. |
| Surface Water Drainage | | | | | | | | |

| Ref | Local Impact Report Statement (Deadline 1A) | Applicant's Response (Deadline 2) | Council's Response/Comments (Deadline 3) | Applicant's Response | Council's Response Deadline 5 | Applicant Response (DL6) | FCC Response DL7 | Applicants Response at D8 |
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| 2.1.184 | Schedule 3 of the Flood and Water Management Act 2010 makes sustainable drainage systems (SuDS) a mandatory requirement on all new developments involving more than a single dwelling or a construction area more than 100m ² . | The Applicant acknowledges the position of FCC and has no further comments at this time. | FCC notes that the approval of the surface water drainage systems by the SuDS Approving Body (SAB) is not listed within [REP1-011] | Refer to row 2.1.180 above. | | Refer to row 2.1.180 above. | Refer to row 2.1.180 above. For the avoidance of doubt, SAB Approval would be required for any permanent hardstanding / impermeable areas in excess of 100 m ² . | Refer to Applicant's response in row 2.1.180 above. |

22. GENERAL COMMENTS ON THE DRAFT DCO

Part 4

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|--------|---|--|--|---|--|-----------------------------|--|---|
| 2.1.21 | Part 4; Supplemental powers, article 19; Discharge of water. It is considered that Article 19 (5) should also include reference to seeking Ordinary Watercourse consent. The Council suggest that the following wording should be considered: " <i>The undertaker must not, in carrying out or maintaining the works pursuant to this article, damage or interfere with the bed or banks or construct any works within any Ordinary Watercourse without obtaining Ordinary Watercourse Consent from</i> | This addition would directly conflict with the provisions of article 8 where the requirement for ordinary watercourse consents is disapplied. In line with the ethos and objective of the DCO regime, a separate consent should not be required where this can be addressed through the DCO. | This is noted however, FCC would like to ensure that all documentation that would be required for Ordinary Water Course Consent is provided as part of the Requirements as it does not appear to be detailed in the draft DCO or specified in the requirements specifically. | Please see response to line 2.1.182 above | Please see FCC response to line 2.1.182 above. | Refer to row 2.1.182 above. | The Council are content that the proposed Protective Provisions for the Drainage Authority will ensure details are provided by the applicant at the appropriate time in relation to works associated with Ordinary Water Courses which addresses the Council's concerns. | The Applicant has no further comments on this matter. |
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| Ref | Local Impact Report Statement (Deadline 1A) | Applicant's Response (Deadline 2) | Council's Response/Comments (Deadline 3) | Applicant's Response | Council's Response Deadline 5 | Applicant Response (DL6) | FCC Response DL7 | Applicants Response at D8 |
|-----------------------|--|---|--|---|---|--|--|----------------------------------|
| | <i>Flintshire County Council.</i> | | | | | | | |
| 23.OBLIGATIONS | | | | | | | | |
| 2.1.29 | Furthermore, as set out in Section 19 above, should Development Consent be granted, to support the proposal of Bridleway 9 and Deeside Lane being utilised as the temporary construction access track, the Council considers it necessary for the entire route under 'Work No. 30E' be upgraded to a tarmac surface. | Please see Applicant's response above in row 2.1.174 in response to FCC's LIR response in paragraph 19.2 [REP1A-005] . | The Council notes the comments. However, while some heavy agricultural vehicles do use Bridleway No. 8, the usage is not considered to be consistent nor regular/frequent. The siting of the compound at this location would subject the Bridleway to usage by larger vehicles (such as HGV's) on a more regular, prolonged, and repetitive basis during the construction of the pipeline at this location. Reinstating the condition of the route on completion of the construction phase of the DCO Proposed Development is not considered satisfactory in light of scale and duration of the proposal, and the length of time that this construction compound would be used for. Therefore, FCC consider that the route should be surface with an appropriate material prior to the commencement of the | The Applicant does not agree or accept that surfacing of the bridleway is necessary or appropriate. The Applicant submits that this is already appropriately surfaced and will only need minor repairs and improvements pre and post occupation of the compound. The Applicant is satisfied that the bridleway is suitable for the proposed use and would highlight that it is currently frequently used by HGVs to access the various agricultural and light industrial properties accessed. The Applicant does not agree that their proposed use would be a material intensification of that use, particularly given the temporary nature of the use, which would require surfacing of this route. | The comments are noted however, FCC does not agree with the applicant's stance and maintains its comments at Deadline 3 [REP3-046] regarding the resurfacing of Bridleway No. 8 and also Deeside Lane (309/10/30). Deeside Lane may be considered to be in a rural area, however the lane serves as main access to a mix of residential, commercial and agricultural premises along the lane (approximately +20 properties/premises served by 309/10/30). The frequent current use of HGV's (recognised in the applicant's comments) and the current day-to-day traffic from commercial, private and agricultural premises is therefore considered quite significant. | The Applicant's response to FCC comments at Deadline 3, in the Response to the Applicant's comments to the Flintshire County Council's Final Local Impact Report [REP3-046] , still apply and make no further comment at this time. | Noted, FCC has no further comments to make. This matter is set out in the Council's Statement of Common Ground with the Applicant as 'not agreed' The Council does not agree with the applicant's stance on this matter as set out in the Council's Local Impact Report and representations throughout the Examination. | Please refer to row 2.8.1 above. |

| Ref | Local Impact Report Statement (Deadline 1A) | Applicant's Response (Deadline 2) | Council's Response/Comments (Deadline 3) | Applicant's Response | Council's Response Deadline 5 | Applicant Response (DL6) | FCC Response DL7 | Applicants Response at D8 |
|-----|---|-----------------------------------|---|--|--|--------------------------|------------------|---------------------------|
| | | | <p>development of the construction compound in this location at Works no 30E, and prior to the use of the Bridleway for construction vehicles.</p> <p>With specific regard to the construction access track which incorporates Public Bridleway No. 8 & Footpath 309/10/30 (along Deeside Lane), the LPA is still seeking improvements prior to the work commencing. It is considered that the proposal would have a negative impact for both the commercial entities and residential properties on Deeside Lane, such as noise and dust pollution. Addressing the issue of surfacing these routes would alleviate these issues prior to work commencing and would also provide a legacy community benefit for those affected on Deeside Lane.</p> <p>FCC accept this could be delivered through Requirements No.5 now that point (n) has been included as part</p> | <p>The Applicant notes that it has not assessed the drainage or landscape or visual impacts of surfacing this track. The Applicant notes that it has adopted an approach of not providing new tarmac surfacing on tracks in agricultural areas elsewhere so that these are sympathetic with the rural nature of the landscape.</p> | <p>It is considered that this should be secured in the outline PROWMP and delivered through requirement no. 5 now that point (n) has been included as part of the CEMP, rather than a legal agreement.</p> | | | |

| Ref | Local Impact Report Statement (Deadline 1A) | Applicant's Response (Deadline 2) | Council's Response/Comments (Deadline 3) | Applicant's Response | Council's Response Deadline 5 | Applicant Response (DL6) | FCC Response DL7 | Applicants Response at D8 |
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| | | | <p>of the CEMP, rather than a legal agreement.</p> <p>However, the Outline Construction Environmental Management Plan (OCEMP) Appendix 3 – Outline Public Rights of Way Management [REP1-043] plan needs to be amended to include this point. At present, this document does not refer to this and therefore FCC considers this point should be specifically referenced for the avoidance of any doubt, and to ensure that the specification details can be approved prior to the works in that stage of the proposed development.</p> <p>This would provide certainty that the bridleway would be surfaced in the appropriate materials prior construction traffic using this route.</p> | | | | | |
| 24.COMMENTARY ON APPLICANT'S DRAFT DCO REQUIREMENTS | | | | | | | | |
| 2.1.210 | Part/Schedule | Observation | Recommendation | | | | | |

| Ref | Local Impact Report Statement (Deadline 1A) | Applicant's Response (Deadline 2) | Council's Response/Comments (Deadline 3) | Applicant's Response | Council's Response Deadline 5 | Applicant Response (DL6) | FCC Response DL7 | Applicants Response at D8 | |
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| | <p>3: Stages</p> <p><i>"The authorised development may not commence until a written scheme setting out all stages of the authorised development including a plan indicating when each stage will be constructed has been submitted to each relevant planning authority."</i></p> <p>The requirement does not require the stages scheme to be approved or for the undertaker to undertake the developmen</p> | <p>Suggested wording:</p> <p>No part of the authorised development may commence until a written scheme setting out all stages of the authorised development including a plan indicating when each stage will be constructed has been submitted to and approved in writing by each relevant planning authority. The authorised development shall then be undertaken in accordance with the approved stages plan unless approved in writing by each relevant planning authority in accordance with Requirement 17.</p> | <p>As set out in the Applicant's response to Q1.19.44 (page 138 to 143) in the Applicant's response to ExA's Frist Written Question [REP1-044], the submission of stages is proposed to give the LPAs visibility of the planned approach to the development. It is intended to assist the LPA in planning their work load by giving them warning of when applications would be made. It is not submitted for approval. The development will be carried out with multiple work fronts and with some elements, such as complex trenchless crossings carried out ahead of the main pipeline spread.</p> | <p>The Council requires a definition of 'Stage' to be included in this requirement on in the 'interpretation' section of the DCO. It is unclear what the parameters of each stage are and whether each Stage will include specific work numbers. The Council suggests the definition includes this level of detail and if the Stage needs to be amended throughout the Project then the relevant local planning authority is consulted on any change and its consultation response is taken into consideration.</p> <p>For the avoidance of doubt, this requirement should be amended to ensure that the Project is implemented in accordance with submitted (or amended) Stages to ensure that all parties are clear on what is required and by when.</p> | <p>The Applicant has proposed a definition of 'stage' in revision G of the dDCO at Deadline 4.</p> | <p>FCC acknowledges the below amendment to Requirement 1 (Interpretation) of the Draft DCO Rev G [REP4-007] provides a definition of "stage" as to mean <i>"the works and ancillary works, or parts thereof, to be carried out together as a phase of, or in a defined order within, the construction of the authorised development"</i>.</p> <p>FCC note that Requirement 3 has not been amended to require the project to be undertaken in accordance with the stages as submitted.</p> <p>To ensure any subsequent changes made to the stages is reflected in all other approved schemes (CEMP, LEMP etc..) and for the purposes of clarity as to details submitted for approval under the requirements FCC request that Requirement 3 is amended to require the project to be undertaken in accordance with the stages as submitted or amended (and notified</p> | <p>As set out in previous submissions, this plan is for information and to allow forward planning as to when applications for discharge will be made. It is not a control document.</p> | <p>Noted, FCC have reached agreement with the applicant on this matter and offer no further comments in relation to the proposed 'Stages' of the development.</p> | <p>The Applicant acknowledges the responses from FCC.</p> <p>The Applicant notes that there was an error in the Deadline DCOs which omitted an update agree to the staging requirement. This has been corrected at Deadline 8.</p> |

| Ref | Local Impact Report Statement (Deadline 1A) | Applicant's Response (Deadline 2) | Council's Response/Comments (Deadline 3) | Applicant's Response | Council's Response Deadline 5 | Applicant Response (DL6) | FCC Response DL7 | Applicants Response at D8 |
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| | t in accordance with the submitted approved stages. | | | | to the relevant planning authority). | | | |

Table 2.9 - Applicant's Comments on Submission Received at Deadline 7 from Liverpool Friends of the Earth [REP7-315]

| Reference | IP Submission | Applicant's Response |
|-----------|---|---|
| 2.9.1 | Representation by Liverpool Friends of the Earth, Registration ID 20037846, for Deadline 7 [September 5 th 2023], based on August 10 th 2023 Open Floor Hearing Statement. | The Applicant welcomes the IP's engagement and contribution to examination of the DCO Proposed Development. While noting the IP's comments, the Applicant considers that a number of them address matters that are not directly relevant to the scope of the examination. Where considered appropriate, the Applicant has provided responses in the sections below. |
| 2.9.2 | <p>Responding orally to our statement at the August 10th Open Floor Hearing, The Applicant reference REP4-022 [Deadline 4 Submission – D.5.4 Planning Statement] related to the Wellbeing of Future Generations Act [WBFGA]. In particular, The Applicant's associated 3.7.28 cited:</p> <p><i>'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'</i></p> | The Applicant has no further comments on this matter. |
| 2.9.3 | Liverpool Friends of The Earth's [LFoE's] position continues to be one that regards the spirit of the above WBFGA goals as fundamentally not being embraced by Eni's [The Applicant's parent company] global business model. We are minded that other Interested Parties, once aware of such global perspectives, may share our concerns and expect fair and just resolution of them by The Applicant's parent company | The Applicant has already demonstrated consideration of the Well-being of Future Generations (Wales) Act 2015 within the Planning Statement [REP4-022] . |
| 2.9.4 | In outline, this representation explores some ethical and legal perspectives. Particularly given key Welsh legislation, would it be globally just for any corporate that has profited from, and knowingly contributed to, decades of climate harm and which now seeks to expand its UK and global fossil fuel portfolios, to be publicly funded for a large-scale experiment aspiring to reduce or reverse that same harm? | The Applicant notes the IP's comment and considers that it is not directly relevant to the examination of the DCO Proposed Development. |
| 2.9.5 | As a community organisation based within HyNet's geographical footprint, LFoE made an earlier representation supporting and referencing representations of other Interested Parties. We also responded to the Applicant's D.7.16 May 2023 responses, and further referenced some of Eni's answers from its May 10th 2023 AGM about the HyNet Carbon Dioxide Pipeline and Liverpool Bay CCS. We suggest that various of those AGM answers, in addition to global corporate actions undertaken by Eni, appear significantly disengaged from matters of global justice which, we believe, are central to both Wales' Wellbeing of Future Generations Act [WBFGA] and Core Membership of the Beyond Oil and Gas Alliance [BOGA]. BOGA members are, 'working together to facilitate the issue of oil and gas production phase-out in international climate | The Applicant notes the IP's comment and considers that these matters are dealt with below. |

| Reference | IP Submission | Applicant's Response |
|-----------|---|--|
| | dialogues, mobilize action and commitments, and create an international community of practice' | |
| 2.9.6 | Responding to one AGM question, Eni acknowledged it will monitor the integrity of Liverpool Bay geology against CO ₂ leakage for only 20 years following final CO ₂ injection. Without publicly-agreed certainty around monitoring and remediation over a multi-generational timescale, we feel the proposed period's shortness negates the rationale of the HyNet CO ₂ Pipeline | <p>The offshore storage of carbon dioxide is outside the scope of the DCO Proposed Development. The Applicant can confirm that its work on offshore storage of carbon dioxide is being overseen by a competent regulatory body, the North Sea Transition Authority (NSTA).</p> <p>The Applicant can confirm that the full response provided to the question regarding monitoring periods, as provided at Eni's 2023 AGM was that; <i>"Under current UK legislation, measurement, monitoring and verification (MMV) activities must be guaranteed by the Transportation and Storage (T&S) Operator for a period of 20 years after the closure of the storage site. At the end of this period the licence ends and responsibilities pass to the government. However, the T&S Operator will support the costs of monitoring for a period with a financial contribution for a further 30 years"</i>.</p> |
| 2.9.7 | Arising from another AGM response, we feel that Eni did not adequately address questions relating to the Wellbeing of Future Generations Act, WBFGA, nor strategic ramifications of Wales' Core membership of The Beyond Oil and Gas Alliance [BOGA]. Rather than merely noting, 'a continuous dialogue with various departments of the Senedd [Welsh Government]', as Eni did, we feel there should be clear, detailed responses mindful of legislation. There is no evidence that Eni has properly understood or strategically contextualized these policies' interfacings with the Pipeline proposals. | <p>The Applicant has already demonstrated consideration of the Well-being of Future Generations (Wales) Act 2015 within the Planning Statement [REP4-022].</p> <p>The Applicant has been in continuing engagement with Welsh Government and has submitted a signed Statement of Common Ground [REP7-264].</p> |
| 2.9.8 | <p>In addition to Eni's widely-reported July 2017 and February 2022 Liverpool Bay oil spills which affected beaches in Blackpool, in 2016 the UK Health and Safety Executive [HSE], in regard to a trunnion pipe supports failure in the Irish Sea, found that Eni had, 'fail[ed] to ensure that dangerous situations are monitored at suitable intervals'. Despite Eni's 2023 AGNI response that, 'transport and storage of CO₂ will take place in full compliance with what is required under the relevant legislation', with this legacy of patchy integrity for 'tried and tested' infrastructure, and monitoring, can North Wales communities be confident that they will be fully and knowingly protected from failures of untested at-scale pipeline infrastructure? The HSE's strategic relevance to the proposal is further amplified via our understanding that it is still yet to publish guidance on the safe operation of CO₂ pipelines. Without this we and, we imagine, communities through which the pipeline is proposed to pass have many unanswered questions relating to safety</p> <p><i>Consideration one Uncertainty envelopes exist surrounding the total amounts of CO₂ both conveyed through the proposed pipeline, and stored under Liverpool Bay over a multi-generational timescale. In recognition of these uncertainties, The Applicant should, at no public cost, provide a warranty that is cross-checked by an accredited international body, such as the International Sustainability Standards Board</i></p> | <p>The Applicant has nothing to add to the response provided at Eni's 2023 AGM.</p> <p>The offshore storage of carbon dioxide is outside the scope of the DCO Proposed Development. The Applicant can confirm that its work on offshore storage of carbon dioxide is being overseen by a competent regulatory body, the North Sea Transition Authority (NSTA).</p> <p>All of these incidents have been fully resolved to the satisfaction of the UK Regulators, both Health and Safety Executive and Offshore Petroleum Regulator for Environment and Decommissioning.</p> |
| 2.9.10 | We acknowledge The Applicant's earlier noting [Table 2.9 ExQ1, 1.9.3], '... have regard to the explicit guidance that WBFGA should be applied so as to avoid siloed approaches'. We do, however, suggest that this avoidance of siloed thinking must be | The Applicant has already demonstrated consideration of the Well-being of Future Generations (Wales) Act 2015 within the Planning Statement [REP4-022] . |

| Reference | IP Submission | Applicant's Response |
|-----------|--|--|
| | <p>taken to the next level and thereby embrace globally overarching perspectives. Fundamentals of both WBFGA and Wales' Core Membership of BOGA, make it untenable to focus on the HyNet Pipeline 'silo' alone: reports of Eni's seemingly globally harmful fossil fuel extractivism in Mozambique and portfolio ambition in The Gulf of Mexico and Guinea-Bissau, cannot be ignored.</p> <p><i>Consideration two In light of the above, is there confidence that Eni's and The Applicant's corporate ethos are compatible with WBFGA's 'thinking and acting in a way that is globally responsible'?</i></p> | |
| 2.9.11 | <p>[We wonder if views of other Interested Parties, as well as our own, contrast with Eni's 2023 AGM responses that, 'the HyNet NW project has no connection' with operations in Mozambique and proposals for the Gulf of Mexico? Physically networked connections, perhaps not; ethical connections impacting current and future generations globally, very much so]</p> <p>In 2022, the Swedish Government awarded Mozambican climate activist Anabela Lemos its Per Anger human rights prize. Ms Lemos is Director of the environmental rights group Justiça Ambiental, aka Friends of The Earth Mozambique</p> <p>The citation for this award notes, '[Ms Lemos] has worked for twenty years to protect the environment and help those affected by climate change. She is fighting against foreign corporations' exploitation of natural gas and other natural resources in Mozambique. She insists on not giving up, despite her and her co-workers being exposed to threats, harassment, and burglary'</p> <p>We continue to work directly with Ms Lemos' team and understand their long-standing concerns include Eni's on- and off-shore operations in Mozambique, particularly in the northern province of Cabo Delgado where violent civil unrest is widespread</p> <p><i>Consideration three Should it be clarified with this internationally-recognised human rights and climate campaigner [Anabela Lemos] that she, Mozambican communities, and local NGOs are now assured, by Eni, that their operations in that country are not, and will not, contribute towards either societal or ecosystem harm?</i></p> | <p>The Applicant does not consider this item to be relevant to the scope of the DCO Proposed Development.</p> <p>The Eni AGM response stated that 'The HyNet NW project has no connection with Mozambique or the projects implemented by Eni in Mozambique and has no impact on the Mozambican community.'</p> |
| 2.9.12 | <p>Following a global 'lobbying and greenwashing' lawsuit issued against Eni on May 9th 2023 by civil complainants, including twelve citizens, in Rome, we feel that the financial footing of any major project where Eni, or one of its subsidiaries, is central must be reappraised. Further, Greenpeace Italy and advocacy group ReCommon were, on July 26th, hit with a seemingly retaliatory Strategic Lawsuit Against Public Participation [SLAPP] by Eni.</p> <p>SLAPPs are civil lawsuits which may be brought by powerful organisations or individuals in an apparent attempt to deter public protest and in order to drain economic resources from the defendants</p> <p><i>Consideration four Does the backdrop of the action brought against Eni by Italian civil groups and individuals and, more particularly, Eni's apparent counter-action, undermine confidence for meaningful transparent discussions and negotiations involving The Applicant, and North Walian elected representatives and communities?</i></p> | <p>The Applicant does not consider this item to be relevant to the scope of the DCO Proposed Development, save in respect of funding, for which the Applicant would refer to its Funding Statement [APP-029].</p> |

| Reference | IP Submission | Applicant's Response |
|-----------|--|---|
| 2.9.13 | <p>On November 21st 2022, Eni announced the launch of the Bacton Thames Net Zero Cooperation Agreement, citing, perhaps prematurely given the remit of the August 10th Open Floor Hearing, 'a successful track record in Carbon Capture and Storage thanks to its work in guiding the HyNet project in the Liverpool Bay area'</p> <p>Additionally, in June this year the purchase was announced, by Eni, of one of the biggest producers of gas in the North Sea, Neptune Energy, in a £2.1 billion deal. It can be anticipated that Eni may further expand its North Sea gas extraction portfolio, taking advantage of the UK Government's now questionable 'domestic energy security' aspirations</p> <p><i>Consideration five Given Eni's sometimes sketchy announcements and its anticipated huge growth in UK fossil fuel extraction f Neptune's annual North Sea output has been of the order of 100k barrels, equivalent], might this further impact on The Applicant's credibility as an infrastructure provider in North Wales helping deliver WBFGA and BOGA goals?</i></p> | <p>The Applicant has already demonstrated consideration of the Well-being of Future Generations (Wales) Act 2015 within the Planning Statement [REP4-022].</p> |
| 2.9.14 | <p>On March 19th, 2021, Eni offered to pay \$14m to settle a Congo-Brazzaville graft inquiry relating to payment of suspected bribes when oil licences were being renewed in 2015</p> <p>In a statement, Eni said the offer was not an admission of guilt, 'but an initiative aimed at avoiding the continuation [of] a judicial process that would entail further expenditure of resources from Eni and all the involved parties'</p> <p>Pages 330 to 334 of Eni's 2022 Annual Report document a range of 'Proceedings concerning criminal / administrative corporate responsibility' and 'Other proceedings concerning criminal matters'. Within these, there are proceedings which are ongoing or pending</p> <p><i>Consideration six Should the outcomes of these criminal proceedings be monitored and considered by decision makers in North Wales and other HyNet partners in order to understand any direct or indirect risks of reputational harm to the Pipeline project?</i></p> | <p>The Applicant does not consider this item to be relevant to the scope of the DCO Proposed Development. The Applicant has nothing to add to the information previously provided by Eni, and as referenced by the IP.</p> |
| 2.9.15 | <p>In advance of the Eni's 2023 AGM, the following question was submitted:</p> <p>'Increasingly, graduates do not want to work for companies whose portfolio remains dominated by oil and gas. Universities within the HyNet geographical footprint are beginning to ban fossil fuel companies from recruitment fairs [eg Wrexham Glyndwr in December 2022]. How will Eni address the resultant skills shortages?</p> <p>Eni's written response was:</p> <p>'There are currently no particular shortages in the availability of personnel'</p> <p><i>Consideration seven is this response indicative of The Applicant's intent not to create well-paid, skilled and secure employment from within local communities?</i></p> | <p>The Applicant has nothing to add to the response provided at Eni's 2023 AGM.</p> <p>With respect to employment in the region the Applicant would refer the IP to the Needs Case for the DCO Proposed Development [APP-049].</p> |

Table 2.10 - Applicant's Comments on Submission Received at Deadline 7 from Natural England [REP7-317]

| Reference | IP Submission | Applicant's Response |
|-----------|--|---|
| 2.10.1 | Natural England has reviewed the RIES and is satisfied that the report presents a detailed account of the information submitted throughout the Examination by the applicant and interested parties in relation to potential effects on European sites. | The Applicant has no further comments on this matter. |
| 2.10.2 | Natural England's advice is that when a formal appropriate assessment is undertaken, the evidence the applicant has provided within the Habitats Regulations Assessment Report (HRAR) is sufficient to support a conclusion of no adverse effect on the integrity with respect to the Dee Estuary Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site, the Mersey Estuary SPA and Ramsar site, and the River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegid SAC. | The Applicant has no further comments on this matter. |

Table 2.11 – Nick Crosby Deadline 7 Submission [REP7-324]

| Reference | Nicky Crosby Reference | IP Submission | Applicant's Response |
|---------------------------|------------------------|--|---|
| 2.10.1 | N/A | <p>Summary</p> <ol style="list-style-type: none"> 1. The project justification in terms of positive climate impacts and reduction of greenhouse gas (GHG) emission is unproven. I ask the applicant for more information about sources of carbon dioxide to be stored, 2. The application does not follow Cumulative Effects Assessment guidelines; 3. The safety of the pipeline is not possible to assess due to inadequate current understanding and regulation to assess that safety; 4. Flood risk has not taken into account predicted sea level rise due to climate change. | <p>The Applicant welcomes the IP's engagement and contribution to examination of the DCO Proposed Development. While noting the IP's comments, the Applicant considers that a number of them address matters that are not directly relevant to the scope of the examination, for example comments that relate to HM Government energy policy matters. Where considered appropriate, the Applicant has provided responses in the sections below.</p> |
| 1. Climate impacts | | | |
| 2.10.2 | | <p>In their first written questions, 1.5.2 the Examining Authority (ExA) invites comments in relation to Climate Change, saying "Therefore, the cumulative benefits of the DCO Proposed Development combined with the other elements of the Project are argued by the Applicant to lead to a cumulative beneficial effect overall".</p> <p>In their Cover Letter, referencing the wider HyNet project, the applicant estimates a projected reduction of 10 million tonnes of CO2 emissions a year by the early 2030s. I question the justification for this claim.</p> | <p>The Applicant has nothing to add to its previous response on page 48 of the Applicant's response to the ExA's First Written Question 1.5.2 [REP1-044].</p> <p>The Applicant can confirm that the Newbuild Carbon Dioxide pipeline sections of the DCO Proposed Development have been designed to transport 10 million tonnes per annum of carbon dioxide in gas phase.</p> |
| 1.1. Blue Hydrogen | | | |
| 2.10.3 | 1.1.1. - 1.1.5. | <p>Much of the Environmental Statement (ES) project description (D.6.2.2) relates to blue hydrogen production from fossil fuel methane. There is growing evidence that blue hydrogen is not a low-carbon fuel, and that investment in it is misplaced.</p> <p>Research by the National University of Australia, comparing both emissions and economics of blue hydrogen finds 'Establishing hydrogen supply chains on the basis of fossil fuels, as many national strategies foresee, may be incompatible with decarbonisation objectives and raise the risk of stranded assets.'</p> <p>Peer reviewed research from Stanford and Cornell Universities found "the greenhouse gas footprint of blue hydrogen is more than 20% greater than burning natural gas or coal for heat". Although HyNet argue their JohnsonMatthey Steam Reforming process is more efficient than that used in this research, their claim that they will capture 97.7% of emissions refers only to emissions from this process and neither includes 'upstream' fugitive emissions when exploring for, extracting and transporting the methane, nor emissions from burning methane to power the carbon capture process (the energy penalty).</p> <p>More recent research has confirmed that upstream emissions of blue hydrogen production are not acknowledged and/ or are underestimated. January 2023 Princeton research concluded that as much as five times more methane is being leaked from oil and gas production than reported and that the UK</p> | <p>The Applicant considers its Environmental Statement to be accurate. The Applicant notes the IP's comments on the merits and process performance of "blue" hydrogen but does not consider this to be relevant to the scope of the DCO Proposed Development.</p> <p>With respect to the proportion of carbon captured coming from sources other than "blue" hydrogen, the Applicant can confirm that in March 2023, HM Government Department for Energy Security & Net Zero identified an initial set of five projects that will proceed into final negotiations to connect to the DCO Proposed Development. Of these, one is a "blue" hydrogen project, which in capacity terms represents approximately 22% of the initial set of five projects.</p> |


| Reference | Nicky Crosby Reference | IP Submission | Applicant's Response |
|---|------------------------|---|---|
| | | <p>government systematically and severely underestimates emissions in its mandatory reports to international bodies.</p> <p>The ES project introduction (D.6.2.1 para 1.1.3) states "CO2 ... will be captured from proposed hydrogen production facilities (forming part of the wider Project) and existing industrial sources in the North West of England and North Wales". Can the applicant explain what proportion of carbon captured will come from sources other than blue hydrogen production, to facilitate an accurate assessment of the validity of carbon reduction claims?</p> | <p>Future allocation and utilisation of capacity will depend upon a number of policy and business drivers.</p> |
| <p>1.2 Unproven nature of Carbon Capture and Storage</p> | | | |
| 2.10.4 | 1.2.1. - 1.2.4. | <p>Large-scale CCS projects globally have failed to meet projected sequestration targets. Australian government data shows the Gorgon CCS project (capturing CO2 from extraction of reservoir gas) in Australia emitted over 7.7 million tons of CO2 in 2016-17. The project was initially planned to capture and inject underground up to 4 million tonnes (MT) of reservoir CO2 each year but actually sequestered on average less than 1MT per year. Quest, a blue Hydrogen Shell project in Canada, captured 48% of emitted GHG, well below their projected 90%. A Global Witness study found that over a 5 year period, overall project emissions (7.7 MT) significantly exceeded CO2 captured (4.8MT). What experience and expertise does the applicant demonstrate that suggests they are able to substantially improve on these failures?</p> <p>Also from the ES project introduction: "CO2 ... will be securely stored in depleted oil and gas fields in Liverpool Bay". Although it's widely assumed that under-sea storage is secure, there is a risk of long-term escape of sequestered gas. A 2010 article published in Nature Geoscience, considering long-term effectiveness and consequences of CO2 sequestration, concluded "Most of the investigated scenarios result in a large, delayed warming in the atmosphere as well as oxygen depletion, acidification and elevated CO2 concentrations in the ocean"</p> <p>Recent research by the Institute for Energy, Economic and Financial Analysis (IEEFA) into two of the North Sea fields that are frequently cited as successful models of CO2 storage shows that even with the extensive seismic and geological information at those particular fields, there are uncertainties around security and stability. At Sleipner, three years into the project, CO2 had unexpectedly risen in large quantities to a previously unknown shallow layer. At Snøhvit, a geological structure thought to have 18 years' worth of CO2 storage capacity was indicating less than six months of further usage potential. This unexpected turn of events baffled scientists and engineers while at the same time jeopardizing the viability of more than US\$7 billion of investment in field development and natural gas liquefaction infrastructure.</p> <p>What these Norwegian projects demonstrate is that each CCS project has unique geology; that geologic storage performance for each site can change over time; and that a high-quality monitoring and engineering response is a constant, ongoing requirement.</p> <p>In Eni's written response to 2023 AGM questions, they indicate that they only guarantee to monitor emissions from storage in Liverpool Bay for 20 years after the closure of the storage site. (IEEFA article here)</p> | <p>The offshore storage of carbon dioxide is outside the scope of the DCO Proposed Development. The Applicant can confirm that its work on offshore storage of carbon dioxide is being overseen by a competent regulatory body, the North Sea Transition Authority (NSTA).</p> <p>Regarding the final point, the Applicant has nothing to add to the response provided at Eni's 2023 AGM, except to provide the full response which stated that; <i>"Under current UK legislation, measurement, monitoring and verification (MMV) activities must be guaranteed by the Transportation and Storage (T&S) Operator for a period of 20 years after the closure of the storage site. At the end of this period the licence ends and responsibilities pass to the government. However, the T&S Operator will support the costs of monitoring for a period with a financial contribution for a further 30 years"</i>.</p> |

| Reference | Nicky Crosby Reference | IP Submission | Applicant's Response |
|-----------|------------------------|--|--|
| 2.10.5 | | <p>Ince, Stanlow and Flint AGIs all include “CO2 supply manifold with temporary CO2 vent facilities” In what circumstances will CO2 be vented and what modelling has been done to assess impact on claimed Climate mitigation?</p> | <p>As described in Chapter 3 – Description of the DCO Proposed Development [REP7-035], during normal operation of the DCO Proposed Development, carbon dioxide venting will be limited to periodic planned maintenance activities. Carbon dioxide venting is required to ensure the safety of personnel during these activities. It should be noted that it is in the Applicant's interest to minimise the amount of routine maintenance venting activities (consistent with ensuring long-term asset integrity), and to minimise the amount of carbon dioxide vented during these activities.</p> <p>The impact of carbon dioxide venting on greenhouse gas emissions has been assessed in Chapter 10 – Greenhouse Gases [REP7-048] using a reasonable worst-case scenario approach for the venting frequency.</p> |
| 2.10.6 | 2.1. | <p>In the applicant's words: the DCO Proposed Development enables further elements of the HyNet project to be developed which includes the production of low-carbon hydrogen and a hydrogen distribution network. Without the CO2 Pipeline, the wider HyNet project and cluster, cannot take place.” Despite being asked by the Examining Authority, in their first written questions Q1.1.6, the applicant has not adequately shown that this application does not breach the relevant threshold and significance criteria for Cumulative Effects Assessment under the EIA Regulations. Although the applicant in D.7.16 states ‘The applicant can also only take into account information in the public domain and therefore available to it’, the applications for the following are underway: the HyNet Hydrogen Pipeline DCO; consent and licence for undersea storage; all Above Ground Installations (AGI) and Block Valve Stations (BVS). All AGIs include a “Connection point for potential future pipeline connections as part of future stages of the Project”.</p> <p>What is in substance and reality a very large set of interrelated projects has been ‘salami-sliced’ into a series of smaller projects, of which this DCO request is just one, and the cumulative environmental impact of the whole cannot be assessed.</p> | <p>The Cumulative Effects Assessment as reported in Chapter 19 [REP7-065] has been carried out in accordance with the consenting strategy proposed for the DCO Proposed Development and other HyNet projects.</p> <p>The Applicant's consenting strategy is explained in the Planning Statement [REP4-022], and the Applicant considers that its response to the Examining Authority's first written question 1.1.6 [REP1-044] sets out its position adequately and with due regard to case law.</p> <p>As set out in Section 2.1 of ES Chapter 2 ‘The Project’ [REP7-035] HyNet North-West (‘The Project’ and ‘HyNet’) is not considered by the Applicant to be a single project within the meaning of the Environmental Impact Assessment Regulations. The Project is being developed by a consortium of partners and the DCO Proposed Development facilitates the connection of various carbon dioxide emitters to offshore storage.</p> <p>With regard to the case law the other elements of the wider HyNet Project are accordingly not a single project. There was no attempt in defining the DCO project in this case to avoid EIA, which is a key factor in determining if the ‘project’ has been too narrowly defined (or salami-sliced). The various</p> |

| Reference | Nicky Crosby Reference | IP Submission | Applicant's Response |
|--|------------------------|--|---|
| | | | other consortium proposals will be subject to EIA as required under the relevant consenting processes for them, including cumulative assessments taking into account this project if it is granted, as another existing project. |
| 2.10.7 | 2.2. | This approach is problematic not only from the point of view of the EIA Regulations. Liverpool Bay CCS (Parent company ENI) and other HyNet partners are currently negotiating with HM Government for public money to subsidise construction. This means that the risk is not theirs, but the Treasury's (tax payer risk). In addition, if this consent is granted, there could be unfair pressure on decision makers to grant consent for subsequent related projects because of the public money already committed. | The Applicant does not consider this item to be relevant to the scope of the DCO Proposed Development. |
| 2. The land-based pipeline. Integrity, Corrosion, CO2 Composition, Repurposed pipelines, Soil stability, Knowledge Gaps, Regulation, Toxicity, Leakage risk, Major Hazard Potential and public safety risk. | | | |
| 2.10.8 | 3.1 - 3.6 | <p>CO2 is odourless, colourless, heavier than air (so will not disperse quickly, and is an asphyxiant and intoxicant, so transporting carbon dioxide by pipeline poses serious public safety risks.</p> <p>Historically, CO2 pipelines have transported relatively dry and pure CO2. In this pipeline, different sources of CO2 have the potential for higher water content and more impurities being introduced. Carbon dioxide mixed with water can form carbonic acid which is corrosive to the internal surface of the pipe and exacerbates risk of brittle fracture.</p> <p>There are additional risks associated with repurposing pipelines previously used to transport hydrocarbons. The Health and Safety Executive (HSE) states: "UK experience of designing and operating CO2 pipelines is limited and only some pipeline design codes include it as a relevant fluid within their scope. With regard to the re-use of existing pipelines, any proposal to change the fluid conveyed will require a re-assessment of the original pipeline design to ensure that the pipeline is capable of conveying the fluid safely. Oil and gas companies, particularly in the USA, do have some experience of using high pressure injection of CO2 in oilfields for enhanced oil recovery. However, the extent of the reliability data available from these activities is limited compared to that from hydrocarbon pipeline operation." https://www.hse.gov.uk/pipelines/co2conveying-full.htm.</p> <p>There appears to be little information in this application concerning the repurposing of the 24km pipeline between Flint Connection and Point of Ayr, that has previously carried methane in from the Liverpool Bay gas fields. Can the applicant explain how risk of corrosion and fracture is managed, both in the new and in the repurposed pipeline?</p> <p>The risk of rupture will be exacerbated by climate-change related increased rainfall and temperatures which may impact soil stability in areas previously considered stable.</p> <p>In 2020, a CO2 pipeline in Satartia Mississippi ruptured, leading to the evacuation of approx. 200 residents and 46 people treated in local hospitals. The investigation into the incident, undertaken by US regulatory authority Pipeline and Hazardous Materials Safety Administration (PHMSA), implicated a landslide triggered by heavy rains, which created axial strain on the pipeline and resulted in a full circumferential girth weld failure. The PHMSA subsequently issued an advisory note listing 17 significant pipeline incidents in the US related to earth movement and other geological-related incidents in the period 2016-2022</p> | <p>The design, construction and operation of the DCO Proposed Development will ensure that all necessary controls are identified and implemented to ensure the integrity and safety of the pipeline system, in compliance with all applicable regulations, codes and standards. This will be managed and controlled through implementation of the overall pipeline operation and integrity management systems. Specific aspects of these arrangements in relation to the topics and questions raised in the IP submission are described below.</p> <p>The risk of corrosion, in relation to carbon dioxide pipeline systems, is known and well understood. In the case of the DCO Proposed Development, the carbon dioxide gas stream generated by the emitter facilities and being transported in the carbon dioxide pipelines will be required to comply with precisely defined limits covering all operating parameters, including its composition. The carbon dioxide gas will be dry with a moisture content maintained below a specified threshold and specified limits for other impurities will be imposed. Compliance with these limits will be ensured through continuous monitoring and the process controlling the carbon dioxide stream entering the pipeline.</p> <p>The design and materials of construction of both the new and existing pipelines are selected and verified with reference to the carbon dioxide specification and operating parameters to ensure integrity, including consideration of the brittle fracture phenomenon. The re-use of existing pipelines has been subject to specific repurposing and requalification</p> |

| Reference | Nicky Crosby Reference | IP Submission | Applicant's Response |
|-----------|------------------------|---|--|
| | | <p>Internationally, regulation and guidance has not kept up with recent interest in CCS systems and new large-scale pipelines associated with them.</p> <p>The incident in Satartia prompted the PHMSA to initiate new research and development projects related to the safe transportation of carbon dioxide through pipelines (PHMSA, n.d.). These projects will not report for 2 years. They attempt to address knowledge gaps, for example in relation to:</p> <ol style="list-style-type: none"> 1. fracture toughness and steel pipe quality needed to prevent CO2 leak or ruptures. 2. The effects of corrosion, dents, cracks, or gouges on a wide range of steel grades 3. Odorization strategies (Odorization of CO2 is likely one of the simplest ways to ensure effective leak detection as well as public safety and emergency response). 4. Defining a safe distance or plume dispersion model for developing a potential impact area (PIR). (Without a PIR, it is impossible to establish accurate emergency response safe distances, potentially with deadly consequences). These projects will not report for 2 years. Considering the scope of this research, and the directive to look at CO2 as both a gas and a liquid, it is clear that PHMSA is concerned not only with the underregulation of CO2 pipelines, but also with the current lack of technical knowledge which is needed to create appropriate minimum safety standards (Trust, Pipeline Safety, 2022) <p>In the UK the situation is similar. The Health and Safety Executive (HSE) https://www.hse.gov.uk/carboncapture/major-hazard.htm acknowledges limited experience and safety data in relation to CO2 pipeline development. HSE states that “currently the behaviour of CO2, when released in its dense and supercritical phases, is not yet fully understood”, and that “detailed standards and codes of practice written specifically for the design and operation of dense phase or supercritical CO2 plant and pipelines are still being developed”.</p> <p>A 2009 report concluded that CO2 used for CCS has sufficient toxicity to be regulated as a dangerous fluid under the Pipeline Safety Regulations (PSR) but regulations have not been updated since 1996. A 2011 report concluded that CO2 has major accident hazard potential if released at, or above, its critical pressure. Despite these reports, CO2 is not currently defined as a dangerous substance under the Control of Major Accident Hazards Regulations 1999 (COMAH) or as a dangerous fluid under PSR.</p> <p>As part of a written response 24th July 2023 to my request for information about regulation of CO2 transport in pipelines, HSE responded: “HSE has initiated a four-year programme of work to develop modelling capability for CO2 pipelines, to support HSE’s role as a statutory consultee to the planning system.”</p> <p>I note that the HSE has yet to answer the ExA’s first written questions at 1.20.3 concerning the designation of CO2 as a dangerous fluid and the pipeline’s classification as a Major Accident Hazard Pipeline.</p> <p>The applicant states in Chapter 13 of the Environmental Statement on Major Accidents and Disasters “CO2 (in gaseous phase) conveyed by the DCO Proposed Development is not currently defined as a dangerous fluid under these Regulations. Despite this being the case, the Applicant has followed the principle of the Regulations to ensure that risks are identified and managed out at the Design and Pre-Construction Stages.” (13.2.25)</p> | <p>assessments to confirm and demonstrate that they are suitable for transportation of carbon dioxide. For the DCO Proposed Development, the operating conditions under future carbon dioxide service conditions are well within the original design parameters of the pipeline.</p> <p>In terms of soil stability and ground conditions, extensive topographical and geotechnical surveys have been undertaken along the entire pipeline route (reported in Appendix 11.6 of the ES, Ground Investigation Report [REP7-124 to 126]) to ensure the stability and integrity of the pipeline system, including consideration and resilience in terms of environmental conditions and related climate factors.</p> <p>Operating parameters will be continuously monitored and the DCO Proposed Development will be equipped with leak detection technology to allow the carbon dioxide pipeline to be safely shut down in the highly unlikely event of a leak occurring, through isolation of flow by the closure of block valves, together with any other necessary response actions. Odourisation is not considered to be a necessary or effective provision for carbon dioxide pipeline infrastructure in the same way that it is used for natural gas pipelines and distribution networks, as the risk to individuals associated with a small carbon dioxide leak is considered negligible.</p> <p>Overall, comprehensive pipeline integrity management systems will be implemented, which include planned internal inspections, to ensure the pipeline condition continues to comply with all integrity management requirements.</p> <p>There is a substantial body of existing knowledge for pipeline carbon dioxide transportation which includes research and operational experience from the CCS and Oil and Gas industries. This is embodied in a range of codes, standards, guidance and papers published by industry and regulatory bodies (including UK HSE, British Standards Organisation, International Standards Organisation, DNV, and the Energy Institute). The design and operation of the pipeline will comply with these and other applicable codes and standards, and be in line with relevant guidance.</p> |

| Reference | Nicky Crosby Reference | IP Submission | Applicant's Response |
|-----------|------------------------|---|---|
| | | <p>How can risk be eliminated when international understanding is limited in so many ways and the HSE programme of work on this won't report for 4 years?</p> | <p>The Applicant notes that HSE has made a submission to Deadline 7 [REP7-314], responding to ExQ3, stating <i>“At the currently [sic] time the transportation of CO2 as proposed by this DCO Application would not constitute the transportation of a ‘Dangerous fluid’ as defined in the Pipeline Safety Regulations 1996; and the proposed pipeline would not be classified as a Major Accident Hazard Pipeline by the same Regulations.”</i></p> <p>As a responsible operator the Applicant has been undertaking direct and regular engagement with HSE since 2021, covering all relevant technical safety factors and regulatory requirements applicable to the DCO Proposed Development. To date HSE have not raised any significant issues. This engagement is an ongoing process and will continue through all future phases of the project development, into and including operation of the infrastructure. This engagement supports the process of ensuring compliance with all applicable safety regulations and the requirements of the regulator including provision of information required with respect to demonstration of the safety of the DCO Proposed Development in compliance with relevant applicable regulations and guidance.</p> <p>The pipelines associated with the DCO Proposed Development will operate with the carbon dioxide in gas phase while the Sataria incident occurred on a pipeline operating in dense phase, so in this respect is not directly comparable with the Proposed Development. However, the incident highlights the importance of managing pipeline integrity, based on detailed knowledge and understanding of the pipeline, local conditions along the route of the pipeline and the response action required in the unlikely event of a failure. The measures adopted by the Applicant for the DCO Proposed Development will ensure these requirements are fully understood and effectively managed.</p> |

| Reference | Nicky Crosby Reference | IP Submission | Applicant's Response |
|-----------|------------------------|---|--|
| 2.10.9 | 4.1 – 4.3 | <p>Government advice on “When and how local planning authorities, developers and their agents should use climate change allowances in flood risk assessments” and in particular “Assessing credible maximum scenarios for nationally significant infrastructure projects” is quoted below. Source: https://www.gov.uk/guidance/flood-risk-assessments-climate-changeallowances#credible-maximum-scenarios</p> <p>“Nationally significant infrastructure projects (NSIPs) are major infrastructure projects such as new harbours, roads, power stations and power lines. If you develop NSIPs you may need to assess the flood risk from a credible maximum climate change scenario. Check the relevant national policy statement.”</p> <p>This map shows the pipeline route superimposed over Climate Central prediction of land that will be below annual flood level by 2050. The pipeline is due to be in operation till 2065.</p>  <p>(Climate Central predictions are based on IPCC data from 2021. It is known that IPCC data is 12 to 24 months old by the time it is reported, and that new evidence of accelerating sea level rise and ice melting were released in autumn 2022)</p> <p>This Natural Resource Wales flood risk map https://flood-riskmaps.naturalresources.wales/?locale=en</p> | <p>The Applicant notes that flood risk from all sources to the proposed infrastructure forming the DCO Proposed Development has been assessed in accordance with the requirements of the Environment Agency and Natural Resources Wales in line with national policy and guidance, taking into account the local flood risk issues and climate change predictions.</p> <p>The majority of the pipeline is proposed to be buried and therefore unaffected by rising seawater levels due to climate change. Where the proposed Carbon Dioxide pipeline crosses a watercourse above the ground, should that configuration have to be adopted, this will be designed with a factor of safety for climate change so that there are no blockages to flow in the watercourse and therefore no increase in flood risk elsewhere.</p> <p>The proposed AGIs and BVSs have been sited in Flood Zones A (Wales) and Flood Zone 1 (England) respectively, taking into account present day and future flood risk mapping. In England, where it was not possible to site the AGIs/BVSs in Flood Zone 1, relevant measures have been incorporated in the design proposal, in agreement with the Environment Agency, to mitigate against flood risk over the lifetime of the DCO Proposed Development, again with a factor of safety for climate change.</p> <p>In regards the query for the facilities at Point of Ayr, this forms part of a separate planning application submitted to Flintshire County Council (Planning Application Reference: FCC/000246/23) and is not covered under this DCO application. Again, for the Point of Ayr site, a Flood Consequences Assessment has been completed in support of the proposal in full compliance with the requirements of Flintshire County Council, Natural Resources Wales together with compliance with regional and national policies and guidance on flood risk.</p> |

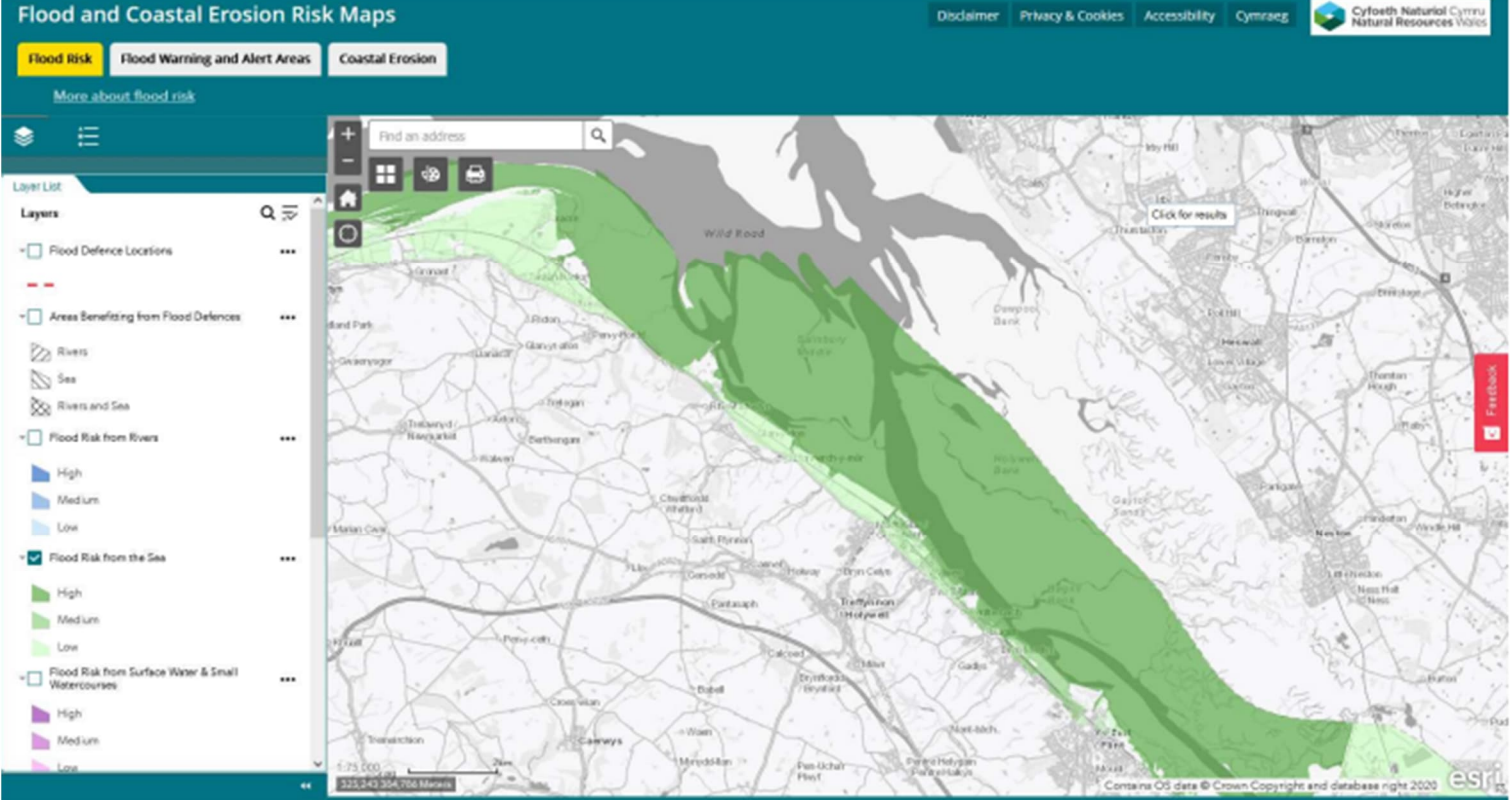
| Reference | Nicky Crosby Reference | IP Submission | Applicant's Response |
|-----------|------------------------|--|----------------------|
| | | <p data-bbox="477 327 1887 1073">  </p> <p data-bbox="477 1094 1887 1167">substantially agrees that at Point of Ayr and along the pipeline route, there is High flood risk from the sea. High means that “each year, this area has a chance of flooding of greater than 1 in 30 (3.3%)”</p> <p data-bbox="477 1178 1887 1461">The maps show that substantial sections of the pipeline, as well as Aston Hill BVS and the Point of Ayr terminal, will be below annual flood levels by 2050. Aston Hill BVS (Diagram EN070007-D.2.8-EL-Sheet 3, D.2.8 updated Mar 23), does not appear to be mentioned in the flood risk assessment with the (D.6.3.18.4). The Point of Ayr terminal has been scoped out of this assessment, but is presumably essential for pipeline operation. Although the applicant has quoted climate related sea level rises in the Flood Risk Assessment, this does not appear to have been discussed in meetings with the Environment Agency or Natural Resource Wales. The applicant has not indicated impact or mitigation. What arrangements has the applicant made for maintenance and security of the pipeline when under water?</p> | |

Table 2.12 - Applicant's Comments on Submission Received at Deadline 7 from Natural Resources Wales (NRW)'s response to The Examining Authority's Report on the Implications for European Sites [OD-008] – Annex A [REP7-318]

| Reference | NRW Ref | IP Submission | Applicant's Response |
|--|---------|---|---|
| ANNEX A: NRW response to the Examining Authority's Report on the Implications for European Sites [OD-008] | | | |
| 2.11.1 | 1.1 | <p>NRW has reviewed the Examining Authority's Report on the Implications for European Sites [OD-008] where relevant to Wales. The following sites have been considered:</p> <ul style="list-style-type: none"> • River Dee and Bala Lake/Afon Dyfrdwy a Llyn Tegid Special Area of Conservation (SAC) • Deeside and Buckley Newt Sites SAC • Halkyn Mountain/Mynydd Helygain SAC • Dee Estuary/Aber Dyfrdwy SAC/Special Protection Area/Ramsar site • Alyn Valley Woods/Coedwigoedd Dyffryn Alun SAC <p>NRW concurs with the assessment of effects associated with the above sites</p> | The Applicant has no further comments on this matter. |
| 2.11.2 | 1.3 | In response to question reference ID 2 (Table 4.1 of the RIES), NRW concurs with the Applicant's revised assessment criteria and conclusions based on their consideration of the 1.6km Great Crested Newt (GCN) dispersal distance. | |
| 2.11.3 | 1.4 | Table 4.1 of the RIES refers to the Deeside and Buckley Newt Sites SAC only. However, the 1.6km GCN dispersal distance also applies to the Halkyn Mountain/Mynydd Helygain SAC, for which GCN are a feature. NRW advises that the conclusions of the assessment will remain the same when a revised dispersal distance of 1.6km is considered for this site. | |
| 2.11.4 | 1.5 | NRW has no further comments to make regarding the RIES. | |

Table 2.13 - Applicant's Comments on Submission Received at Deadline 7 from Peel NRE [REP7-326]

| Reference | Peel NRE Ref | IP Submission | Applicant's Response |
|---|--------------|---|--|
| Introduction | | | |
| 2.12.1 | 1.1 – 1.4 | <p>This Written Response Statement has been prepared by Turley and Addleshaw Goddard on behalf of Peel NRE, an Interested Party, to the application by Liverpool Bay CCS Limited ('Applicant') for a development consent order ('Order') seeking powers for the delivery of the HyNet Carbon Dioxide Pipeline and related infrastructure (Planning Inspectorate Reference EN070007) ('Pipeline').</p> <p>This Response Statement has been prepared to provide an update on the matters of objection raised by Peel NRE in its Written Representations to Deadline 1 (17 April 2023), Deadline 2 (10 May 2023), Deadline 3 (23 May 2023), Deadline 5 (4 July 2023), and Deadline 6 (18 July 2023).</p> <p>This Response Statement identifies those parts of the Pipeline with which we agree, and those parts with which we do not agree and therefore object, taking into account the changes made to the Pipeline and the additional information submitted. 1.4 Background information on Peel NRE and their interests is provided within Peel's Written Representations (17 April 2023) and is not repeated in this Response Statement. This Response should be read in conjunction with the previous Written Representations</p> | <p>The Applicant welcomes this response from Peel NRE and would like to thank Peel NRE for the positive engagement, openness and flexibility that the parties have shared during the examination process.</p> <p>As noted in the Statement of Common Ground with Peel NRE submitted at Deadline 7 [REP7-262], the remaining open actions are related to Protective Provisions and a voluntary agreement being finalised. The Applicant believes that a framework for the resolution of the open points has been agreed and is targeting the completion of the required documents as soon as is possible.</p> |
| 2.12.2 | 1.5 – 1.6 | <p>Peel is wholly supportive of the principle of the Pipeline. Indeed, Peel NRE recognises that there are potential beneficial synergies between the Pipeline and Protos1 . However, should the Order be granted as proposed, the Pipeline will conflict with planned development at Protos which would prejudice the delivery of a key development within the Cheshire West and Chester Council ("CWACC") area and limit its great potential. The key issues presented in this Response Statement, and to which objections are raised, include:</p> <ul style="list-style-type: none"> • Means of access to the Ince AGI and CO2 Pipeline. • Easement of the CO2 Pipeline at Ince. • Negotiating land agreements. <p>All other objections previously raised are now resolved, including:</p> | |
| Layout of the Ince Above Ground Installation | | | |
| 2.12.3 | 1.7 – 1.8 | <p>There are no concerns with the principle of the Ince AGI element or its general location.</p> | <p>The Applicant has committed to giving Peel NRE an updated design file, as is detailed in the Statement of Common Ground with Peel NRE submitted at Deadline 7 [REP7-262].</p> |

| Reference | Peel NRE Ref | IP Submission | Applicant's Response |
|-------------------------------------|--------------|--|---|
| | | <p>The Ince AGI Landscape Layout (ref. D.2.14-LAY-Sheet 2 Rev C) identifies the location for landscaping/ecological mitigation and a drainage detention pond. This aligns with the updated drainage design submitted at Deadline 5 (ref. D.6.5.13 Surface Water Drainage Strategy Rev C). Whilst further detailed plans / information is awaited from the Applicant, there is a commitment to resolve this issue. Therefore, the previous issues are now resolved and Peel NRE accordingly removes their objection to the current proposed layout of the Ince AGI.</p> | |
| Environmental Considerations | | | |
| 2.12.4 | 1.9 – 1.10 | <p>The following previous matters which Peel NRE object to are now resolved: concerns associated to odour impacts; locations and extents of ecological mitigation; impacts on land and businesses; and assessment of cumulative effects.</p> <p>As part of continuing discussions / agreements, Peel NRE is seeking agreement with the Applicant for ongoing dialogue and approval of details in respect of management plans for landscaping, construction, traffic etc. as part of any implementation of the DCO in order to ensure there is no conflict with Peel's own development proposals at Protos. The Applicant has also agreed to share information on any HSE land use planning controls / restrictions when advice is received from the HSE.</p> | Please refer to the Applicant's response in rows 2.12.1 above and 2.12.8 below. |
| 2. Objections | | | |
| 2.12.5 | 2.1 – 2.2 | <p>Peel NRE is a supporting organisation of HyNet and remains wholly supportive of the principle of the Pipeline. Indeed, Peel NRE recognises that there are potential beneficial synergies between the Pipeline, HyNet and Protos.</p> <p>Peel NRE has been working with the Applicant to resolve the objections presented in the Written Representations (dated 17 April 2023; 23 May 2023; 4 July 2023; and 18 July 2023) however the Parties (Peel NRE and the Applicant) have not yet managed to reach agreement on some matters (as listed at paragraph 1.5). Those matters that are agreed (to date) are set out in the Statement of Common Ground (SoCG) submitted by the Applicant. Until satisfactory agreement has been reached with the Applicant on all matters to resolve Peel NRE's concerns, Peel NRE maintains its objection and must continue to reserve the right to make further submissions to the Examination.</p> | Please refer to the Applicant's response in rows 2.12.1 above and 2.12.8 below. |
| Access | | | |
| 2.12.6 | 2.3 – 2.4 | <p>The proposed access continues to conflict with the delivery of the approved Protos Plastics Park (CWACC Planning application ref. 21/04076/FUL), and the delivery of the railway line consented as part of the overarching planning permission for Protos</p> | Please refer to the Applicant's response in rows 2.12.1 above and 2.12.8 below. |

| Reference | Peel NRE Ref | IP Submission | Applicant's Response |
|---|--------------|---|--|
| | | <p>(ref. 14/02277/S73), which would constrain the delivery of the developments (the importance and benefits of these developments are provided in previous Written Representations (at Deadline 5 (4 July 2023), and Deadline 6 (18 July 2023)).</p> <p>Peel NRE is in discussions with the Applicant regarding an alternative means of access and the parties are also close to reaching agreement via Protective Provisions within the draft DCO which, if agreed, would go some way towards alleviating Peel NRE's concerns. However, at this stage Peel NRE must maintain its objection in principle to the proposed means of access.</p> | |
| Easement of the CO₂ Pipeline Corridor | | | |
| 2.12.7 | | <p>The pipeline corridor is proposed to travel north/south along the eastern boundary of the Order limit. The location of the pipeline corridor in the current proposal is an improvement on the location of the pipeline previously proposed in the Section 42 Consultation. However, despite this improvement, the current proposals are still not acceptable to Peel NRE on the basis that the proposed 24.4m corridor around the pipeline for the permanent acquisition of sub-soil (at plots 1-11, 1-12, 1-13, 1-15, 1-18 and 1-19) would cause an unacceptable quantum of land to be restricted from development by way of the proposed restrictive covenants.</p> <p>Notwithstanding Peel NRE's objection on this matter, the Applicant has confirmed that the 24.4m easement corridor and associated restrictive covenants proposed to be involved are necessary for the protection of the pipeline. The Parties are currently in discussions to reach an agreed position on this matter via Protective Provisions but the position has yet to be agreed and so Peel NRE must maintain its objection in principle to the current proposal on the basis that the restrictive covenants to be imposed on this land will unacceptably constrain the development of the Protos Plastics Park.</p> | Please refer to the Applicant's response in rows 2.12.1 above and 2.12.8 below. |
| Negotiating Land Agreements | | | |
| 2.12.8 | 2.7 | <p>The parties have yet to agree a position on the land agreements (and draft agreements are yet to be circulated) however progress has been made in regards to the Heads of Terms (albeit there are commercial points on the Heads of Terms yet to be agreed). Peel NRE has proposed a mechanism to the Applicant which would provide further time for the parties to agree the land agreements whilst also securing the protection required by Peel NRE under the Protective Provisions and a response from the Applicant is awaited. However, at this stage, Peel NRE must maintain its objection to the proposed acquisition of land, interests and rights identified within the Land Plans (drawing ref. EN070007-D.2.2-LP-Sheet 1 Rev G).</p> | <p>The Applicant is seeking to progress the commercial agreements but concurs that these are not yet in place.</p> <p>The Applicant notes that the reference to 'a mechanism' would involve CA powers being removed from the affected plots on the face of the DCO and is not acceptable. The Applicant is however happy to progress a side agreement where that would assist Peel and has made a counter proposal in that regard. However, at this time no voluntary agreement is in place and the Applicant accordingly maintains its application for compulsory powers. That such a voluntary agreement is not yet agreed</p> |

| Reference | Peel NRE Ref | IP Submission | Applicant's Response |
|------------------------------------|--------------|--|---|
| | | | demonstrates why the Applicant requires the ability to rely on such powers as fall back in order to ensure that the authorise development is deliverable. |
| 3. Protective Provisions | | | |
| 2.12.9 | 3.1 – 3.3 | <p>Peel NRE requests that its protective provisions (a copy of which is appended to the Written Representations dated 4th July 2023) (Protective Provisions) are included in the Order to ensure that its land interests and the planned development of the Protos Plastics Park are sufficiently protected in the carrying out of the authorised development and to ensure that Peel NRE is appropriately consulted at the detailed design stage in respect of the elements of the proposed Order which interface with the Protos Plastics Park.</p> <p>Peel NRE is in discussions with the Applicant and hopes to seek the agreement of the content of the Protective Provisions with the Applicant prior to the close of the Examination Period. Peel NRE is hopeful that it will be able to agree the form of Protective Provisions with the Applicant by Deadline 8. In the event that agreement on the form of Protective Provisions cannot be reached between Peel NRE and the Applicant, Peel NRE would request that the Protective Provisions (in the form appended to the Written Representations dated 4 th July 2023) are included in Schedule 10 of the Order in order to afford Peel NRE the appropriate protection in light of the impacts of the proposed Order on its land interests in the Protos Plastics Park.</p> | <p>The Applicant refers to its detailed submissions on the protective provisions in the Applicant's update on the DCO Drafting [REP7-294] as submitted at Deadline 7.</p> <p>The Applicant does not agree that the form of such provisions put forward by Peel NRE is proportionate or reasonable to secure the required protections for the works which would be consented by this DCO. The Applicant has incorporated its preferred drafting of the Protective Provisions in favour of Peel NRE in the draft DCO submitted at Deadlines 7 and 8 which it submits are appropriate to the circumstances of this application.</p> <p>In particular, the Applicant cannot agree to the disapplication of the CA powers and other powers in the absence of a suitable voluntary land rights agreement. That a voluntary agreement has not yet been concluded demonstrates why these powers are required to ensure delivery of the NSIP.</p> |
| 4. Withdrawal of Objections | | | |
| 2.12.10 | 4.1 | <p>In order for Peel NRE to be in a position to withdraw its objection to the proposed Order, Peel NRE requires confirmation from the Applicant that:</p> <ul style="list-style-type: none"> • the access to the Ince AGI is relocated or renegotiated (or suitable release provisions are agreed) to avoid conflicting with planned development at Protos. • the acquisition of land and rights and imposition of any restrictions over the Affected Land (including the extinguishment of any rights, compensation and reinstatement provisions) is on terms agreed with Peel NRE. • sufficient protection for the Protos expansion is afforded by the Pipeline scheme to enable the Protos expansion to come forward unhindered. • no works pertinent to the Affected Land shall be carried out without Peel NRE's prior approval of the security arrangements, traffic management and health and safety proposals, method statement and programme of works. | Please refer to the Applicant's response in rows 2.12.1 above and 2.12.8 below. |

| Reference | Peel NRE Ref | IP Submission | Applicant's Response |
|-----------|--------------|---|----------------------|
| | | <ul style="list-style-type: none"> • full access rights, during both the construction and operation phases, are retained to the Affected Land for the benefit of Peel NRE. • the proposed Protective Provisions are agreed. | |

Table 2.14 – Stephens Scown LLP on behalf of Stephen Oultram and Catherine Oultram Deadline 7 Submission [REP7-325]

| Reference | IP Ref | IP Submission | Applicant's Response |
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| Exclusive access required for land parcel 18-17 | | | |
| 2.13.1 | 1 - 5 | <p>The Applicant has now withdrawn from the scheme a requirement for a temporary construction compound on the Oultram land. However, in locating its access point to the pipeline immediately to the East of the working corridor on the north side of Holywell Road, the Applicant has effectively marooned that area of land (an area of approximately 73 acres, although some of this will be lost to the pipeline in due course). The land is accessed along a cow track. However, the land plans and Statement of Reasons make clear that parcel 18-17 would be for the Applicant's exclusive possession. That possession effectively cuts off the first five metres of the cow track, meaning no available access to the acreage beyond it.</p> <p>The Applicant has referred the Examining Authority to REP6-037 which states that "the use of this access...should not impede the use of the access point for cattle movements or other farming activities". The Applicant's Position Paper (REP6-037) is framed as an explanation of CR3 and yet the details in it are inconsistent with the materials put before the ExA under CR3. If the intention is to share the access, why was that position specifically excluded in the CR3 Statement of Reasons and the land plans that will form party of any decision to grant the DCO and its associated powers. The Applicant has said that it is willing to maintain access but has not considered the practicalities of that position.</p> <p>The landowners want a clear guarantee that there will be no interruptions to their access. In response, the Applicant is willing to pause twice a day for cattle movements.</p> <p>It was noted by Mr Tilney that it may be difficult to meet on the point where the farm needs unlimited access including (as noted by Mr Baker) vehicle movements for land work, stock checks, bringing stock back etc..</p> <p>The Applicant responded that it was not saying that it would prevent other access (apart form the regular mass stock movements) and the only possible alternative would be a protective provision (which has not been offered to this point nor any drafting seen).</p> | <p>The Applicant is, as it has repeatedly submitted and as was confirmed in CAH2, willing and able to accommodate shared access into the field at this point. The plot is shown as green and not brown because this is not an existing route which the Applicant wishes to use but one which needs physical works to create it.</p> <p>As has been explained, access by vehicles for 'normal' farm works can be accommodated more or less on demand (subject to normal traffic movements, e.g. waiting while a vehicle enters or exits). It is the movement of the cattle herd that needs to be agreed so that the Applicant can organise a pause in its use of the access.</p> <p>The Applicant has considered the practicalities of that access in detail, including whether the access needs to be made wider to provide space for both uses (which can be accommodated within the order limits and which can be easily constructed over the existing drainage in situ). An example of this is that the Applicant has already noted that new gates would be of assistance in sharing access at this location.</p> <p>As was expressed in CAH2 the Applicant is happy to document this sharing of access but had been asked not to send any further documents to the landowner, which made agreeing an alternative form of wording for this outside of a land agreement, such as a protective provision, impossible. It is unreasonable for the landowner to criticise the Applicant for not documenting such points to their satisfaction when they have refused to engage on the drafting of such documents. Following the hearing the Applicant understands the position on this may have changed and matters such as the precise arrangements for this access can be appropriately agreed within the option terms if the landowner will now engage with those. A revised bespoke Head of Terms was issued to the landowner's agent on 22 August 2023 and the Applicant is awaiting a response from the landowner.</p> |
| Assessed impact | | | |
| 2.13.2 | 6 | <p>The Oultrams have engaged an agricultural consultant to advise on the potential impact. Mr Harvey of Harvey Hughes Ltd notes as follows:</p> <p>The Farm milks around 170 cows and rears its own replacements. In total the farm has around 500 head of animals.</p> <p>The milking cows utilise two blocks of grazing, the first is a block of approx. 38acres around the farm buildings that is used for grazing at night, The</p> | <p>The Applicant notes the landowner's concerns in relation to the grazing platform used by the milking herd at Newbridge Farm.</p> <p>The Applicant remains committed to ensuring the viability of the dairy business operated at Newbridge Farm. Following ongoing discussions with the landowner, the Applicant has sought to understand and reduce impacts on the</p> |

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| | <p>second larger block (73ac) is across the main road. This block is used in the day time and cows access it by walking down the main road and then down a short track into the land.</p> <p>Compound Area.</p> <p>I understand from the plans shown to be by Mr Outram that there is a proposal to have a working compound for the project adjacent to the road on the block of land across the road. The proposal is for the cows and contractors to use the same entrance to access the compound and the land. HyNet have indicated that they would be willing to install crossing gates and have additional staff to assist with the cows. From my experience it is my opinion this will never work, the cows will be unwilling to enter the land with the compound in operation. The noise, smells and general activity will cause a problem. This problem could potentially become dangerous should the cows begin to stampede.</p> <p>Silage Ground.</p> <p>If the area can now not be accessed for grazing then it will have to be mown and additional silage made that can ten be fed back to the cows. Effectively the cows will need to be kept in the buildings. There will be a requirement to make 3 or 4 extra cuts of silage. This will be a greater cost to the business over an above the current costs of grazing the grass.</p> <p>Silage Storage.</p> <p>With the need to make additional silage the farm will require additional clamp storage capacity over and above what it currently has. We looked at the current clamps and there location around the farm buildings, there is no obvious place to build an additional clamp around the farm buildings. The only other location would be at the youngstock rearing unit across the road adjacent to the block of land that has been mown.</p> <p>Silage Movement.</p> <p>As the silage will be required for the milking cows at the Newbridge Farm, this will need to be transported back to the farm on a daily basis. This will be as an additional cost to the business.</p> <p>Slurry Spreading.</p> <p>With the cows now being housed for longer periods then additional slurry will be produced. This slurry will require to be spread on the land and again this will add additional costs over and above the current system.</p> <p>Building Improvements.</p> <p>As the cows aren't currently housed in the summer months improvements will be required to improve ventilation within the sheds. Fans may need to be installed to improve the ventilation. Poor ventilation will reduce the efficiency of milk production and potential cause an animal welfare problem.</p> <p>Reduced Stocking.</p> <p>I understand form my conversation with Mr Outram that not only will be loose land during the 2-3 years of the scheme he will also lose some land</p> | <p>farm business and negotiate with the landowner. The previously proposed construction compound has now been removed from the DCO Order Limits as part of Change Request No.3, which has meant that approximately 20 acres will remain within the control of the farm during construction.</p> <p>The Applicant will continue to work with the landowner to ensure the impacts of construction and loss of any land are mitigated as far as reasonably practicable. The Applicant will work to agree accommodation works, including any requirement for fencing, additional water troughs, gates, passing points to ensure that the cattle are still able to graze the land severed by the temporary works. Having taken advice from a specialist rural surveyor with extensive farming experience, the Applicant appreciates that the farming business is not stop/start but considers, based on that advice, that solutions can be put in place to use land for the construction, operation and maintenance of the DCO Proposed Development whilst ensuring the viability of the herd. For example, the grazing platform may need to be altered during the construction period and the Applicant will continue to consider this as the detailed design develops (such as through the implementation of a 'zero grazing' system). The Applicant does not believe that the temporary loss of grazing land will extinguish the business. The Applicant appreciates that the landowner will require access down the track morning and evening when the cattle are grazing and this will be provided. The Applicant is happy to commit to providing extra staff as required during the early stages of construction to ensure cattle access the land safely, the cattle have walked the same track for generations and we do not agree that the noise, smell and general activity will prevent the cattle from walking down the track. The cattle cross a very busy main road to access the land daily at present and therefore are used to noise, smells and vehicles.</p> <p>The Applicant does not believe that the land will not be accessible for grazing and the system will be able to operate the same as existing. The existing silage clamps provide storage for the cattle at present including maize. There would therefore be no requirement for new silage clamps or improvements to the existing buildings.</p> <p>Given the land is capable of being grazed the existing grazing platform will remain the same, as the DCO Proposed Development will be fenced off during construction (32m corridor). The applicant has committed to providing reasonable crossing points to allow access to any land temporality severed by the works.</p> <p>The Applicant remains committed to working with the landowner to ensure the viability of their business, we do not agree that the dual use of the land will put both human and animal lives at risk, with careful management and planning.</p> <p>Furthermore, the Applicant accept that the works will have a temporary impact on the farming business and the Applicant will work closely with the landowner</p> |
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| | | <p>permanently. This reduction in land area could result in the land holding not being able to support the current numbers of animals, therefore a reduction in stock numbers may be required. The financial impacts of the above point will need to be fully calculated as the full extent and timing of the scheme is fully understood. However I would like to make the point that the dual use of the access track for the cows and contractors will not work and at worst could cause a situation that puts both human and animal life at risk.</p> | <p>to try and mitigate these loses, where this is not possible. The Applicant will compensate for proven losses in line with the compensation code.</p> |
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