

APPLICANT'S RESPONSES TO THE EXAMINING AUTHORITY'S THIRD WRITTEN QUESTIONS (EXQ3)

HyNet Carbon Dioxide Pipeline DCO

Planning Act 2008

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

Document Reference Number D.7.64

Applicant: Liverpool Bay CCS Limited

Inspectorate Reference: EN070007

English Version

REVISION: A

DATE: September 2023

DOCUMENT OWNER: WSP

PUBLIC

QUALITY CONTROL

Document Reference		D.7.64			
Document Owner		WSP			
Revision	Date	Comments	Author	Check	Approver
A	September 2023	Deadline 8	Various	AV	AH

TABLE OF CONTENTS

1. INTRODUCTION.....	2
1.1. Purpose of this document.....	2
1.2. The DCO Proposed Development.....	2
2. APPLICANT’S RESPONSE	3

TABLES

Table 2.1 – Applicant's comments on Cheshire West and Chester Council’s Response to ExQ3 [REP7-305]	4
Table 2.2 – Applicant's Comments on the Environment Agency response to ExQ3 [REP7-309].	9
Table 2.3: Applicant's Comments on Flintshire County Council’s Response to ExQ3 [REP7-311]	15
Table 2.4: Applicant's Comments on the Health and Safety Executive’s response to ExQ3 [REP7-314]	20
Table 2.5: Not Used	21
Table 2.6: Applicant's Comments on Natural Resources Wales (NRW)’s response to ExQ3 [REP7-318]	22
Table 2.7: Applicant's Comments on Stephens Scown LLP on behalf Stephan and Catherine Oultram’s response to ExQ3 [REP7-325].....	35
Table 2.8: Applicant's Comments on the Woodland Trust’s response to ExQ3 [REP7-319].....	37

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 (ESNZ) 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 the Examining Authority's (ExA) Third Written Questions (EXQ3) **[PD-027]**.

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 section provides the Applicant's response to the Applicant's Responses to ExQ3. Each table relates to a section of WQs as numbered in EXQ3 **[PD-027]**.
- 2.1.2. The Applicant has responded to the Deadline 7 response from National Highways **[REP7-316]** within the Applicant's Final Position Statement (document reference: **D.7.65**).

Table 2.1 – Applicant's comments on Cheshire West and Chester Council's Response to ExQ3 [REP7-305]

Reference	Respondent	Question	CWCC Response	Applicant's Response
2. Assessment of Alternatives				
Q3.2.1	Applicant FCC Cheshire West and Chester Council (CWCC) NRW Woodland Trust IPs	<p><i>For the avoidance of direct impacts upon an existing slurry tank at New Bridge Farm referred to in DL4 submissions notes that two options of the Stanlow AGI to Flint AGI Pipeline indicative alignment have been considered separately. Both require the same extension of the Newbuild Infrastructure Boundary to the NorthWest and West, towards the Ancient Woodland south of Holywell Road. The two proposed design options being:</i></p> <ul style="list-style-type: none"> • <i>PS02a – Removal of the slurry tank at New Bridge Farm and the pipeline would be constructed outside of the 15m Ancient Woodland buffer within the indicative alignment of the Stanlow AGI to Flint AGI Pipeline.</i> • <i>PS02b – Retention of the slurry tank at New Bridge Farm in its current location with the pipeline being constructed further North-West and West than the indicative alignment of the Stanlow AGI to Flint AGI Pipeline. It would remain outside of the Ancient Woodland itself, but work would be required within 15m of the Ancient Woodland.</i> <p><i>Applicant:</i></p> <ul style="list-style-type: none"> • <i>Having regard to proposed option PS02b, explain what specific work would be needed within the Ancient Woodland 15m buffer.</i> • <i>How far would such work intrude into the buffer?</i> • <i>Would any mitigation be utilised to offset any anticipated intrusion? And is the potential impact accurately reflected in updated tree impact</i> 	This matter relates to land in Flintshire. The Council has no comment.	The Applicant has no further comments on this matter at this time.

Reference	Respondent	Question	CWCC Response	Applicant's Response
		<p><i>information supporting the application? If so, please signpost that.</i></p> <ul style="list-style-type: none"> • <i>What is the Applicant's present position on its most favoured option?</i> • <i>Is the Applicant's favoured position expected to be subject to further change?</i> <p><i>IPs: Please make whatever comments you consider necessary</i></p>		
Q3.2.2	Applicant FCC CWCC NRW Woodland Trust IPs	<p><i>Having regard to the alternatives possible to reduce impacts on veteran trees at Backford Brook referred to in the Applicant's responses to DL4. The ExA notes:</i></p> <ul style="list-style-type: none"> • <i>Option 1 crosses Backford Brook and the nearby veteran trees via a trenchless crossing. This would require a minimum of 75 metres trenchless crossing length to avoid the veteran trees and 120 metres to avoid all trees and maintain a safe distance from the nearby existing buried utilities. To reduce construction and maintenance risks, trenchless crossings should be minimised in quantity and length, as such they should only be used where no practical alternative engineering solution exists.</i> • <i>Option 2 extends the Newbuild Infrastructure Boundary to the North which would increase the pipeline corridor width to reduce impacts on veteran trees west of Backford Brook. Further tree surveys of this area were undertaken in January 2023 and the indicative alignment of the Stanlow AGI to Flint AGI Pipeline has been realigned to aid the avoidance of the removal of veteran trees at this location, subject to detailed design. This option avoids four veteran trees in comparison to Revision A of the ES and is considered the Applicant's preferred option presently.</i> 	The Council has no comment.	The Applicant has no further comments on this matter at this time.

Reference	Respondent	Question	CWCC Response	Applicant's Response
		<ul style="list-style-type: none"> • Can the Applicant further explain its reasons for its preferred Option relative to veteran tree protection and minimising loss or damage. • Which Option would be least harmful to trees? Would Option 1 result in less harm to veteran trees than Option 2? Explain how. • Is Option 1 now a fall-back position for the Applicant? If so, explain why. • What is the current position of the Applicant for being able to successfully implement Options 1 or 2 given the Environmental Impact Assessment (EIA) is ultimately intended to find the least harmful environmental outcome? <p>IPs: Please make whatever comments you consider necessary.</p>		
5. Climate Change				
Q3.5.1	Applicant FCC CWCC IPs	<ul style="list-style-type: none"> • Further clarify how the development would successfully mitigate against the probable shrinking and cracking of soils within the DCO application area during operation of the scheme? • What are the known consequences of inadequate mitigation? For example, would existing soil carbon sequestration be significantly reduced in affected land areas? • Would any new hedgerow reinforcement currently anticipated boost soil carbon sequestration through the strengthening of existing microbial/ fungal networks? If so, what are the optimal locations for new or reinforced hedgerows relative to the DCO scheme? 	The Council has no comment.	The Applicant has no further comments on this matter at this time.
6. Compulsory Acquisition				
Q3.6.2	Information National Highways	Please provide a full and considered response to the 'Applicants comments on submissions made at Deadline 5 - Appendix A' [REP6-035].	The Council is providing a separate representation on this issue at Deadline 7.	The Applicant will respond accordingly to submissions made by CWCC.

Reference	Respondent	Question	CWCC Response	Applicant's Response
6. Cultural Heritage				
Q3.7.1	Clarification. Cadw, Historic England, CWCC, FCC and Clwyd Powys Archaeological Trust	In the light of the Applicant's Archaeological Evaluation Report [REP4-267], can IP's confirm that they are satisfied with the Applicant's proposed mitigations, as set out in table 5.1 of that document?	<p>The Council can confirm that it is satisfied with the Applicant's proposed mitigation contained within table 5.1 of the Archaeological Evaluation Report [REP4-267].</p> <p>The Council notes that further trail trenching is also proposed in parts of the easement where earlier geophysical survey did not reveal features (apparently blank areas) or where access has yet to be secured. This may reveal more archaeology requiring further investigations similar to those outlined in Table 5.1.</p> <p>The Council also notes (although this is already acknowledged in documentation prepared by the applicant's agents) that there will need to be a phase of reporting and, possibly, publication following the completion of the fieldwork.</p>	The Applicant has no further comments on this matter at this time.
10. Flood Risk, Hydrology, Water Resources and Contamination				
Q3.10.2	NRW EA FCC CWCC Welsh Government IPs	<ul style="list-style-type: none"> <i>In your overall view would the Applicant's development proposal meet the requirements of the WFD with its preferred crossing method? If not, is the alternative crossing proposed by the Applicant considered to be feasible in terms of meeting the requirements of the WFD? If not, please state why not.</i> <i>If one or both crossing methods be considered not to be compliant, please comment as to how the Applicant would be able to make the scheme WFD compliant</i> 	<p>The Council has no comments to make regarding WFD biodiversity matters.</p> <p>The Council as Lead Local Flood Authority advise that it is not aware of any shortcomings in the Applicants WFD assessment at this stage. The WFD Assessment identifies that the majority of the potential impacts arising from the development would be during the Construction Stage. The Council advises that it would be in a better position to comment, in conjunction with the Environment Agency, once in receipt of confirmed detailed plans for each watercourse crossing submitted as part of the application to discharge of requirements under the draft DCO</p> <p>The Council as Lead Local Flood Authority advise it will be in a better position to comment once in receipt of confirmed detailed plans for each watercourse crossing. Any discussion on mitigatory measures for each crossing can only take place following submission of detailed crossing designs. Such discussions will</p>	The Applicant confirms that further engagement with the Environment Agency will be undertaken at the detailed design stage.

Reference	Respondent	Question	CWCC Response	Applicant's Response
			need to be in conjunction with the Environment Agency.	
20. Other				
Q3.20.3	Information Applicant/ CWCC/ Rostons Ltd	REP5-045 (Rostons Ltd) refer to the following submissions to CWCC: 22/04248 (EIA Screening); and 23/01234 (Pre-App). Please could the IPs listed provide an update in relation to these submissions, including their current status, as well as providing copies of relevant letters, documents and/ or decisions issued in regard to these submissions by CWCC. If it is not possible to supply these items, please explain why.	The Council attach its EIA Screening Opinion for application no. 22/04248/SCR placed on the planning register on the 18 August 2023. The Council has no further information to provide to the ExA.	The Applicant has no further comments on this matter at this time.

Table 2.2 – Applicant's Comments on the Environment Agency response to ExQ3 [REP7-309]

Reference	Respondent	Question	EA's Response	Applicant's Response
10. Flood Risk, Hydrology, Water Resources and Contamination				
Q3.10.1	NRW Environment Agency (EA) FCC CWCC Welsh Government IPs	<p><i>The Applicant's WFD Assessment (Appendix 18.3, Volume III) (updated at DL4) has screened for both the potential construction and operational impacts of the DCO Proposed Development upon WFD water bodies for main rivers, canals, ordinary watercourses, transitional waterbodies, and objectives from the NorthWest and Dee River Basin Management Plans (RBMP) and groundwater resources.</i></p> <p><i>This includes identifying likely risks to biodiversity, the biological, physio-chemical and hydro-morphological quality of WFD water bodies (including River Dee, River Gowy, Stanney Mill Brook, Shropshire Union Canal, Finchetts Gutter, Sandycroft Drain, Wepre Brook), nearby ordinary watercourses and groundwater quality, and the likely ability of good-practice methods to manage risks associated with pollutants typically experienced during the construction and operational phase.</i></p> <p><i>• Are there any shortcomings in the Applicant's WFD Assessment remaining? If so, explain/clarify what those specific shortcomings are. • Outline any remaining areas of disagreement with the conclusions of the Applicant's WFD Assessment giving your full/ specific reasons as to why disagreement remains.</i></p>	<p>The EA understand it is the Applicant's intention to submit a revised WFD Assessment for Deadline 7. Once the EA have had an opportunity to review the revised WFD Assessment, we would request an opportunity at Deadline 8 to address this question fully. However, based on the WFD Assessment submitted at Deadline 4 (REP4-174), we advise the following:</p> <p>The WFD Assessment needs to make reference to the HWMB WFD mitigation measures and an associated assessment to demonstrate that the scheme will not prevent the delivery of these measures.</p> <p>For the proposed River Gowy trenchless crossing, further assessment will be required at the detailed design stage to inform an appropriate pipeline crossing depth and thereby ensure the delivery of mitigation measure 'MMA We1075: remove obsolete structure' is not precluded. Additionally, it is noted in the Outline Landscape Ecological Management Plan [APP-229] that additional areas of mitigation for mass planting have been identified for safeguarding.</p> <p>We note in the Landscape and Ecological Management Plan [REP4-190], Work Plan 57F includes a section of the River Gowy corridor; embankment and channel. The WFD Assessment does not currently make reference to this plan with regards to consideration of its potential effect on the delivery of the re-naturalisation of the River Gowy as a WFD mitigation measure.</p> <p>Wider to WFD matters, we would advise that the EA would not support proposals that would impact the integrity of the existing embankments on the River Gowy or access in this area. Engagement with the EA on the intentions of Work Plan 57F will be necessary, where it is likely a sufficient buffer zone from the watercourse and its embankments will be required. We would welcome clarity from the Applicant on this matter.</p>	<p>The Applicant confirms that an updated Water Framework Directive (WFD) assessment was submitted into the examination at Deadline 7 [REP7-174], and submitted at Deadline 8.</p> <p>The WFD assessment includes an assessment of Heavily Modified Water Body (HMWB) WFD mitigation measures. This includes additional information based upon previous comments received from the Environment Agency (EA). The WFD assessment concludes that the DCO Proposed Development will not prevent the delivery of the WFD mitigation measures. These WFD mitigation measures were taken into account within the DCO Proposed Development design, including specific design solutions for individual watercourse crossings. Therefore, consideration of the WFD mitigation measures has been integral to the design of watercourse crossings.</p> <p>The Applicant has a commitment within the REAC D-WR-055 [REP7-236] for further engagement with the EA regarding the crossing depth for the trenchless crossing of the River Gowy at detailed design.</p> <p>Riparian enhancements are proposed at the River Gowy. However, these enhancements will not prevent the achievement of the WFD mitigation measures. In addition, the riparian enhancements will not interact with the channel bed, banks or embankments or prevent access maintenance to the channel and embankments. At the detailed design stage, further engagement with the EA will be undertaken to ensure the integrity of the embankments, channel and maintenance access and for the potential future delivery of the River Gowy WFD mitigation measures.</p> <p>The Applicant reminds the EA that the proposed crossing of the River Gowy is trenchless, therefore the pipeline crossing will not interact with the river channel, banks or embankments.</p> <p>The riparian enhancements are not intended to offset impacts of the DCO Proposed Development. Habitat</p>

Reference	Respondent	Question	EA's Response	Applicant's Response
			<p>Further to the above, whilst the package of riparian enhancements proposed is welcomed, this should not form part of the mitigation package intended to offset impacts of the development. We advise habitat compensation for watercourses and the surrounding riparian corridor is sought in the event reinstatement may not be achievable within the same WFD waterbody. Given the significance of the scheme; multiple watercourse crossings by trenched techniques and in the absence of design details providing a firm understanding of the extent of impact to pre - existing habitats at this stage in proceedings, we are unable to ascertain whether a simple reinstatement of any vegetation / habitat lost is reasonably 'practicable' at this time. Our approach on this matter is to ensure there is consideration for habitat compensation for watercourses / riparian corridor within the same WFD water body is acknowledged in the event that a straightforward reinstatement of any habitat / vegetation cannot be achieved, therefore, ensuring no detriment to the status and potential of the watercourse.</p> <p>Although it is acknowledged singular instances of limited vegetation / habitat loss are unlikely to affect WFD status, our consideration is that a cumulative effect could be observed. All actions undertaken on a watercourse should be seeking to achieve alignment to the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017.</p> <p>Therefore, recognition that a cumulative assessment of impacts at the water body scale should be included within the WFD assessment at the detailed design stage, to determine such impacts and establish if any compensation actions are necessitated.</p> <p>Further to the above, it is strongly recommended that opportunities to address the measures in place for physical modification (detailed in Table 5.12 of the WFD Assessment [REP4-174]) are sought as part of any habitat reinstatement, which would contribute to achieving the objectives of the RBMP.</p>	<p>reinstatement will be provided on site for each trenched crossing allowing for a two-year habitat reinstatement post-construction, as agreed with the EA at a consultation meeting on 2 March 2022 as stated in the Statement of Common Ground [REP1-024]. In addition, riparian enhancements are proposed at Backford Brook, Friar's Park Ditch, Finchetts Gutter Tributary, where trenched crossings are proposed at more sensitive watercourses. Therefore, riparian enhancements will be provided not only on the same watercourse and within the Order Limits, but also within the same WFD water body. Therefore, additional enhancements form part of the on-site embedded design at these more sensitive trenched crossing locations in addition to the habitat reinstatement post-construction. Therefore, the Applicant asserts that enhancements are provided on the same watercourse and therefore within the same WFD water body.</p> <p>For man-made drainage ditches where trenched crossings are proposed, these channels are simple, trapezoidal ditches with no or only uniform or simple riparian vegetation structure; therefore, these channels will be a simple straightforward reinstatement.</p> <p>Furthermore, additional riparian enhancements are proposed at East Central Drain and Elton Lane Ditch 1 in England and Alltami Brook and Wepre Brook in Wales.</p> <p>The Applicant undertook the WFD assessment on the assumption that the pipeline watercourse crossing could be anywhere within the Order Limits and, therefore, the most sensitive watercourse crossing location was assumed. The Applicant concludes that reinstatement will be feasible post-construction when assuming the most sensitive watercourse crossing point. At detailed design, the Applicant will seek to micro-site the pipeline watercourse crossing to avoid more sensitive reaches of the watercourses and aim to undertake trenched crossings within low sensitivity reaches where channel reinstatement will be simpler. Given the Applicant's approach taken to the WFD compliance assessment, the Applicant is confident in the ability to reinstate the channel and habitats at the trenched crossings. The Applicant has also provided pre-existing habitat (baseline) data [REP7-</p>

Reference	Respondent	Question	EA's Response	Applicant's Response
			<p>We advise acknowledgement that an updated WFD Assessment will be required at the detailed design stage of the pipeline scheme. Further to this, a WFD Assessment will be required, where necessary, for decommissioning activities and in support of the Decommissioning Environmental Management Plan.</p>	<p>168] which was used to inform the assessment of proposed trenched watercourse crossings. The Applicant also draws attention to the fact that most watercourses that will be subjected to trenched crossings are man-made, straight, homogenous, trapezoidal, artificial drainage channels.</p> <p>An assessment of cumulative effects has been included within the WFD assessment. The Applicant reiterates that impacts will be limited to the construction phase and therefore temporary in nature, and also managed through the mitigation measures and principles as detailed within the OCEMP [REP7-242].</p> <p>The Applicant has considered the measures for physical modification and, given the nature of the DCO Proposed Development and the construction phase impacts only, contribution to delivering these measures is considered disproportionate. The Applicant will not be preventing the achievement of measures set out in the River Basin Management Plan (RBMP). In addition, the Applicant is providing riparian enhancements across the DCO Proposed Development as a contribution towards the objectives set out in the RBMP.</p> <p>Once detailed design is available, the Applicant will undertake a confirmatory review of the WFD assessment to ensure the DCO Proposed Development does not undermine WFD objectives or compromise delivery of WFD Mitigation Measures.</p> <p>The Applicant also acknowledges that a WFD assessment will be required at decommissioning, if such legislation remains valid, or an assessment of impacts to the water environment in line with any potential future legislation at the time of decommissioning.</p>
Q3.10.2	NRW EA FCC CWCC Welsh Government	<p><i>• In your overall view would the Applicant's development proposal meet the requirements of the WFD with its preferred crossing method? If not, is the alternative crossing proposed by the Applicant considered to be feasible in terms of meeting the requirements of the WFD? If not, please state why not.</i></p>	<p>The EA would favour trenchless techniques for all watercourse crossings. However, the principle of the proposed crossing methods will be considered compliant under the WFD subject to the Applicant addressing the points raised by the EA under Q3.10.1. Therefore, we would request an opportunity at Deadline 8 to address this question fully.</p>	<p>The Applicant has provided a response to points raised in Q3.10.1 above.</p>

Reference	Respondent	Question	EA's Response	Applicant's Response
	IPs	<ul style="list-style-type: none"> If one or both crossing methods be considered not to be compliant, please comment as to how the Applicant would be able to make the scheme WFD compliant 		
19. Draft Development Consent Order				
Q3.19.2	Applicant EA NRW	<ul style="list-style-type: none"> Clarify the protective provisions available (for construction and operation) for the EA and NRW which will ensure the development will not jeopardise the attainment of 'good status' in future under the WFD. • EA and NRW please state specifically any additional DCO inclusion(s) needed to achieve the above aim. 	<p>The applicant has sought the disapplication of the provisions of any byelaws made under paragraphs 5, 6 or 6a of Schedule 25 to the Water Resources Act 1991. The effect of the disapplication provision would disapply the North West Region Land Drainage Byelaws, made 17th November 1977 relating to the construction of any work or the carrying out of any operation for the purposes of or in connection with, the construction of the authorised development or maintenance of any part of the authorised development, is concerned. The EA and the Applicant have recently agreed a set of Protective Provisions with regards to the above matter which is anticipated to be included within a draft Development Consent Order (DCO) under the Applicant's Deadline 7 submission.</p> <p>We would advise, in line with the comments provided by the EA under Q3.10.1 above and previous deadline submissions [REP1- 062] [REP4-279] [REP6-041] to ensure the development will not jeopardise the attainment of 'good status' in future under the WFD, the inclusion of the following DCO Requirements (or wording to a similar effect):</p> <ol style="list-style-type: none"> No stage of the authorised development is to commence until an updated Water Framework Directive Assessment for that stage is submitted to the relevant authority, in consultation with the Environment Agency. This shall include: <ul style="list-style-type: none"> An assessment of the construction; operational and cumulative impacts of the detailed design proposals. Details of mitigation or compensation measures; enhancements; and contributions to the River Basin 	<p>The Applicant agrees that the protective provisions as included in the dDCO [REP7-013] at Deadline 7 were agreed with the EA.</p> <p>The Applicant does not agree to the requirement sought by the EA. Once detailed design is available an assessment is undertaken to ensure it does not undermine WFD objectives or compromise delivery of WFD mitigation measures, but that is not a new full WFD assessment, it is confirmatory that we remain within the scope of the original assessment.</p> <p>The WFD compliance decision must be made at the time of determination of the DCO application. It is not legal or appropriate for the EA, which is not the decision maker for the consent, to revisit that at detailed design. The "assessment of the construction; operational and cumulative impacts of the detailed design proposals" has already been undertaken and set out in the WFD assessment before the Examination.</p> <p>The seeking of 'compensation' measures later is unreasonable – the Applicant cannot be reasonably required to commit to unknown, uncosted and unconsented measures later when the assessment on which the consenting decision will be based does not establish a need for these measures.</p> <p>Details of riparian restoration are already secured under requirements 5 (CEMP) and requirement 11 (LEMP) of the DCO [REP7-013].</p> <p>The second part of the requirement sought replicates details which the Applicant proposed to include in protective provisions (in response to an EA request) but which the EA advised did not need to be secured in the DCO as they would be submitted through the permitting process. The EA's request is therefore entirely inconsistent with its responses to the Applicant on the protective provisions.</p>

Reference	Respondent	Question	EA's Response	Applicant's Response
			<p><i>Management Plan objectives for each waterbody.</i></p> <p><i>(c) An assessment of the Heavily Modified Waterbody mitigation measures identified for the Gowy (Milton Brook to Mersey) and Stanney Mill Brook water bodies and the ability to reach overall good 'ecological potential'.</i></p> <p><i>(d) Based on (b), restoration details of the riparian corridor and channel for all trenched watercourse crossings.</i></p> <p><i>The scheme shall be implemented as approved. Any changes to these components require the written consent of the relevant authority, in consultation with the Environment Agency.</i></p> <p><i>2. No stage of the authorised development is to commence until a scheme for the protection of water resources for that stage is submitted to the relevant Authority, in consultation with the Environment Agency for approval of the following details:</i></p> <p><i>(a) Depth of installation of the pipeline below all watercourse crossings and the riparian corridor, including the minimum depth from the crown of the pipeline to the bottom of the watercourse;</i></p> <p><i>(b) Measures to prevent the pipeline creating a pathway which will impact on groundwater baseflow and interaction with surface water bodies;</i></p> <p><i>The scheme shall be implemented as approved. Any changes to these components require the written consent of the relevant authority, in consultation with the Environment Agency.</i></p> <p><i>Please note, proposed Requirement (2) above will also be dependent on the additional site investigation and assessment work to establish ground conditions at watercourse crossings.</i></p>	<p>Given that the EA's legal advisor said securing provision of those details in the DCO was <u>unnecessary</u>, the requirement cannot meet the test to be a valid requirement and should not be imposed.</p> <p>An assessment of the Heavily Modified Waterbody mitigation measures identified for the Gowy (Milton Brook to Mersey) and Stanney Mill Brook water bodies and the ability to reach overall good 'ecological potential' has been undertaken and is before the Examination.</p>

Reference	Respondent	Question	EA's Response	Applicant's Response
Q3.19.3	NRW EA IPs Applicant	<ul style="list-style-type: none"> • <i>The ExA notes the Applicant's preference for a trenched crossing of Alltami Brook alongside flexibility to implement an embedded pipe bridge crossing should the ExA, or the Secretary of State (SoS), disagree with the applicant's preferred crossing option.</i> • <i>Are IPs satisfied with the current wording of Requirement 4 detailed in the Applicant's draft DCO [REP4-008] to facilitate different Alltami Brook crossings?</i> • <i>If you are not satisfied with the wording of Requirement 4, please set out the wording you wish to be included.</i> • <i>Can the Applicant further justify the wording of Requirement 4 in the event the ExA or the SoS were to find either of the options tabled for the Alltami Brook crossing to be unsuitable. In such circumstances how does the present draft DCO allow an unsuitable crossing option to be negated/ discounted by the recommendation/ decision maker without a further recommended DCO being consulted upon?</i> • <i>In the event that the Applicant's current preferred options for the Alltami Brook crossing be found unsuitable, the ExA requests the Applicant provide an alternate draft DCO that only includes the alternative option (ie the embedded pipe bridge crossing).</i> 	The EA has no comments to make on the proposals for the Alltami Brook and would defer to Natural Resources Wales on this matter	The Applicant has no further comments on this matter.

Table 2.3: Applicant's Comments on Flintshire County Council's Response to ExQ3 [REP7-311]

Reference	Respondent	Question	CWCC Response	Applicant's Response
General and Cross Topic				
Q3.1.3	Applicant FCC Cheshire West and Chester Council (CWCC) NRW Woodland Trust IPs	<ul style="list-style-type: none"> • NRW is understood by the ExA to have established a previous Creative Nature Partnership (linked with the Arts Council of Wales). Is that nature partnership link still currently active and being implemented through live projects? <ul style="list-style-type: none"> • NRW is anticipated to be supporting of the aims contained within the Wellbeing of Future Generations Act which establishes a duty on public bodies to improve the environmental, cultural, economic, physical, and mental wellbeing of the people of Wales. • In your view would environmental considerations towards nature and the water environment also form part of the cultural expectations indicated in the Act? • The ExA is seeking a greater understanding of any cultural aspects/ implications the DCO scheme would result in, through inviting NRW or the Welsh Government or any other IPs to make whatever comments are deemed to be appropriate when considering the definitions and terminology applicable within the Act. • Do you think the Applicant has done enough to meet the cultural expectations triggered by the scheme? 	<p>CC are not aware of the Creative Nature Partnership but it is understood that funding has just ceased for the Green Communities project run by Cadwyn Clwyd:</p> <p><i>The Green Communities project aims to bring people and nature together, for the benefit of the environment and communities; enabling communities to transform their local area into a more desirable place to live, work and play; increase opportunities to volunteer locally outdoors while also creating opportunities for wildlife to flourish.</i></p> <p>https://cadwynclwyd.co.uk/green-communities/</p> <p>Landmap – the Welsh landscape baseline includes “cultural landscape” as one the five spatial datasets https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/evidence-to-inform-development-planning/landmap-the-welsh-landscape-baseline/?lang=en</p>	The Applicant has no further comments on this matter.
2. Assessment of Alternatives				
Q3.2.1	Applicant FCC Cheshire West and Chester Council (CWCC) NRW Woodland Trust IPs	<p><i>For the avoidance of direct impacts upon an existing slurry tank at New Bridge Farm referred to in DL4 submissions notes that two options of the Stanlow AGI to Flint AGI Pipeline indicative alignment have been considered separately. Both require the same extension of the Newbuild Infrastructure Boundary to the NorthWest and West, towards the Ancient Woodland south of Holywell Road. The two proposed design options being:</i></p> <ul style="list-style-type: none"> • <i>PS02a – Removal of the slurry tank at New Bridge Farm and the pipeline would be constructed outside of the 15m Ancient Woodland buffer within the indicative alignment of the Stanlow AGI to Flint AGI Pipeline.</i> 	FCC considers that Option PS02b is acceptable. The details of the agreed option are contained as stated in entry FCC 3.6.3 of the Council's Statement of Common Ground.	The Applicant has no further comments on this matter.

Reference	Respondent	Question	CWCC Response	Applicant's Response
		<ul style="list-style-type: none"> PS02b – Retention of the slurry tank at New Bridge Farm in its current location with the pipeline being constructed further North-West and West than the indicative alignment of the Stanlow AGI to Flint AGI Pipeline. It would remain outside of the Ancient Woodland itself, but work would be required within 15m of the Ancient Woodland. <p>Applicant:</p> <ul style="list-style-type: none"> Having regard to proposed option PS02b, explain what specific work would be needed within the Ancient Woodland 15m buffer. How far would such work intrude into the buffer? Would any mitigation be utilised to offset any anticipated intrusion? And is the potential impact accurately reflected in updated tree impact information supporting the application? If so, please signpost that. What is the Applicant's present position on its most favoured option? Is the Applicant's favoured position expected to be subject to further change? <p>IPs:</p> <p>Please make whatever comments you consider necessary</p>		
Q3.2.4	Applicant FCC CWCC NRW Woodland Trust IPs	<ul style="list-style-type: none"> Given NRW's position that the open trenched method proposed by the Applicant is not Water Framework Directive (WFD) compliant (which the Applicant does not agree with), a further design option is possible which would utilise an embedded pipe bridge solution. Should the Secretary of State not accept the conclusions of the WFD assessment presented and determine that derogation cannot be applied, an alternative option is included in the application by the Applicant on a without prejudice basis. 	The Council would respectfully defer to the advice of NRW on this matter as it is considered that they are best placed to provide an answer to the ExA to this question.	The Applicant has no further comments on this matter.
Q3.2.5	Applicant FCC CWCC	<ul style="list-style-type: none"> ES Chapter 4 Paragraph 4.5.64 sets out the alternative methods considered for crossing Alltami Brook. An open trench method of construction remains the Applicant's preferred option for crossing Alltami Brook. Yet, this 	The Council would respectfully defer to the advice of NRW on this matter as it is considered that they are best placed to provide an answer to the ExA to this question.	The Applicant has no further comments on this matter.

Reference	Respondent	Question	CWCC Response	Applicant's Response
	NRW Woodland Trust IPs	would still have significant temporary impacts on the watercourse. <ul style="list-style-type: none"> The ExA notes that mitigation measures are proposed reducing overall working width and width of the trench, as well as micro siting to the least sensitive section of the riverbed as outlined in Table 4.8 and detailed in the Register of Environmental Actions and Commitments (REAC). IPs <ul style="list-style-type: none"> Please make whatever comments you deem to be necessary. 		
5. Climate Change				
Q3.5.1	Applicant FCC CWCC IPs	<ul style="list-style-type: none"> Further clarify how the development would successfully mitigate against the probable shrinking and cracking of soils within the DCO application area during operation of the scheme? What are the known consequences of inadequate mitigation? For example, would existing soil carbon sequestration be significantly reduced in affected land areas? Would any new hedgerow reinforcement currently anticipated boost soil carbon sequestration through the strengthening of existing microbial/ fungal networks? If so, what are the optimal locations for new or reinforced hedgerows relative to the DCO scheme? 	It is considered that this is a specialist area, however mycorrhizal fungi (that have a symbiotic relationship with plants) and other microbes contribute to carbon sequestration in the soil alongside sequestration from plant growth. It would be expected that a healthy hedge would have a thriving soil microbial activity supporting healthy growth. Within the context of the proposed DCO scheme, the agricultural soils (except for very poorly drained land) will be suitable for hedge planting with planting, establishment and aftercare more critical than identifying optimal locations. It is considered that all of the proposed sites within Flintshire for hedgerow planting are suitable.	The Applicant has no further comments on this matter.
7. Cultural Heritage				
Q3.7.1	Clarification. Cadw, Historic England, CWCC, FCC and Clwyd Powys Archaeological Trust	In the light of the Applicant's Archaeological Evaluation Report [REP4-267], can IP's confirm that they are satisfied with the Applicant's proposed mitigations, as set out in table 5.1 of that document?	FCC can confirm that we are in agreement with the parameters of the required watching brief. Advice on cultural heritage and historic environment has been provide by Clwyd and Powys Archaeological Trust, who have confirmed that they are in agreement with the proposed mitigation.	The Applicant has no further comments on this matter.

Reference	Respondent	Question	CWCC Response	Applicant's Response
8. Design and Layout				
Q3.8.1	Information FCC	<ul style="list-style-type: none"> • Are IPs satisfied with the design implications of the Applicant's options for the Alltami Brook embedded bridged crossing design brought around by the change requests? • Does FCC have any comments in relation to the application of green wedge policy to the embedded pipe bridge crossing? Would that option be compliant with local policy? • Please make whatever comments you deem to be appropriate. 	<p>FCC can confirm that the Alltami Brook falls outside of the Green Wedge designation, therefore, it is considered that the proposed embedded pipe bridge crossing could not harm the openness of the Green Wedge as its falls outside of this designation.</p> <p>FCC provided an additional submission prior to Issues Specific Hearing 3 (ISH3) to confirm the location of the Green Wedge designation which was accepted at the discretion of the Examining Authority ref [AS-078]. This submission/map clearly shows that the location of the Green Wedge and the that the Alltami Brook and the point of the Alltami Brook crossing point is outside of the Green Wedge.</p> <p>Policy EN11 Green Wedges of the adopted Flintshire Local Development Plan clearly states that the policy applies to development within the green wedge, and does not require policy consideration to development adjacent to the Green Wedge designation.</p>	The Applicant has no further comments on this matter.
10. Flood Risk, Hydrology, Water Resources and Contamination				
Q3.10.2	NRW EA FCC CWCC Welsh Government IPs	<ul style="list-style-type: none"> • In your overall view would the Applicant's development proposal meet the requirements of the WFD with its preferred crossing method? If not, is the alternative crossing proposed by the Applicant considered to be feasible in terms of meeting the requirements of the WFD? If not, please state why not. • If one or both crossing methods be considered not to be compliant, please comment as to how the Applicant would be able to make the scheme WFD compliant 	The Council would respectfully defer to the advice of NRW on this matter as it is considered that they are best placed to provide an answer to the ExA to this question.	The Applicant has no further comments on this matter.
12. Landscape and Visual				
Q3.12.1	FCC NRW	Are IPs satisfied in regard to the landscape and visual impacts of the alternative option related to the crossing of the Alltami Brook (ie the embedded pipe crossing	It is accepted that the visual impact of the embedded pipe crossing would be limited and largely confined to users of the Public Right of	The Applicant agrees that irrespective of which option is progressed, impacts to trees/woodland would occur. The Applicant, through its extensive suite of habitat and

Reference	Respondent	Question	CWCC Response	Applicant's Response
	Welsh Government	<p>proposal), which has been entered into the Examination for consideration.</p> <p>Do NRW, FCC or Ips have a view on whether the Applicant has fully considered this option and proposed suitable mitigation in relation to it, where appropriate?</p>	<p>Way no.39A during the construction and the operational phases. Whether the crossing is open trenched or an embedded pipe the impact on the trees/woodland, and consequent wider landscape, would result from the crossing's position and the pipe's route up the north slope of the brook. Micro-siting, aided by an arboricultural survey, should seek to minimise the adverse impact to trees and in turn reduce landscape impact.</p> <p>If it is deemed necessary to remove an embedded pipe bridge crossing at the decommissioning stage then the felling of replacement trees is likely to be required to gain access. An open trenched crossing would not have any adverse landscape and visual impact at the decommissioning stage if, as proposed, it remains in situ.</p>	<p>protected species surveys, has fully assessed the potential impacts arising from construction (as detailed within Chapter 9 Biodiversity of the ES [REP7-046] and its associated appendices). The Applicant has provisioned appropriate mitigation accordingly (as detailed within the Outline Construction Environment Management Plan [REP7-242]), as submitted at Deadline 7. The Applicant additionally agrees with FCC's comments regarding the probable need to fell trees to facilitate any decommissioning of an embedded pipe bridge. The Applicant has iterated that it's preference for construction is the use of open-cut trenching.</p>

Table 2.4: Applicant's Comments on the Health and Safety Executive's response to ExQ3 [REP7-314]

Reference	Respondent	Question	Health and Safety Executive Response	Applicant's Response
1. Consent Order Application				
Q1.20.3	Health and Safety Executive IPs	<p>Pipeline safety Regulations Health and Safety Executive</p> <p>Please confirm whether or not, in the opinion of the Health and Safety Executive:</p> <ul style="list-style-type: none"> i) the transportation of CO2 as proposed by this DCO Application would constitute the transportation of a 'Dangerous fluid' as defined in the Pipeline Safety Regulations 1996; and ii) the proposed pipeline would/ would not be classified as a Major Accident Hazard Pipeline by the same Regulations. 	<p>Provided by HM Inspector Mr James Rutherford of the Energy Division Gas and Pipelines team. At the currently 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 Hazzard Pipeline by the same Regulations.</p>	<p>The Applicant has no further comments on this matter.</p>

Table 2.5: Not Used

Table 2.6: Applicant's Comments on Natural Resources Wales (NRW)'s response to ExQ3 [REP7-318]

Reference	Respondent	Question	NRW Response	Applicant's Response
1. General and Cross Topic Questions				
Q3.1.3	Natural Resources Wales (NRW) Flintshire County Council (FCC) Welsh Government IPs	<p><i>NRW is understood by the ExA to have established a previous Creative Nature Partnership (linked with the Arts Council of Wales). Is that nature partnership link still currently active and being implemented through live projects?</i></p> <p><i>NRW is anticipated to be supporting of the aims contained within the Wellbeing of Future Generations Act which establishes a duty on public bodies to improve the environmental, cultural, economic, physical, and mental wellbeing of the people of Wales.</i></p> <p><i>In your view would environmental considerations towards nature and the water environment also form part of the cultural expectations indicated in the Act?</i></p> <p><i>The ExA is seeking a greater understanding of any cultural aspects/ implications the DCO scheme would result in, through inviting NRW or the Welsh Government or any other IPs to make whatever comments are deemed to be appropriate when considering the definitions and terminology applicable within the Act.</i></p> <p><i>Do you think the Applicant has done enough to meet the cultural expectations triggered by the scheme?</i></p>	<p>NRW confirms that the memorandum of understanding between NRW and the Arts Council of Wales is still currently active and live projects are being implemented. This supports the cultural link to the environment.</p> <p>Projects are being implemented across Wales such as Round 2 of Future Wales Fellowship with applications being sought in August 2023 for eight artists to explore the theme of "connection to nature" across Wales, the Dyffryn Dyfodol collaboration with creative people in July 2023, and in 2022 a peatland exhibition and artwork in Tregaron which was developed with local people to visualise local peat bog restoration.</p> <p>The Area Statement for North-east Wales is hosted on NRW's website and is a material consideration for planning matters. NRW led engagement events to develop this Area Statement and from these it was clear that putting communities at the heart of the Area Statement process had a great deal of support from a wide range of stakeholders. Broadening the depth of involvement at a local level is key to delivering the opportunities in the Area Statement. There was support for nature-based solutions, renewable energy, well-being, language, and culture, together with developing opportunities for outdoor tourism. These 'sub-themes' are entwined across all five themes of the Area Statements.</p> <p>Flintshire County Council and Wales Council for Voluntary Action, with Welsh Government Coastal Capacity Funding have enabled community groups and local organisations to be part of a series of films capturing Flintshire's coastal wildlife and community.</p>	<p>The Applicant is committed to continuing its engagement with partners on projects designed to improve the environmental, cultural, economic, physical and mental wellbeing of the communities in which it operates.</p> <p>The Applicant has no further comments on this matter.</p>

Reference	Respondent	Question	NRW Response	Applicant's Response
			<p>The films cover a range of topics: Regeneration; Eat Well Cookery; Innovation; Activity and Volunteering; Short Supply Chains; Using the Dee; Well Fed; Wildlife; and History.</p> <p>The films highlight the importance of sustainable fishing, and NRW and RNLI Flint also feature in the films, outlining the importance of protecting, and using the Dee Estuary safely.</p> <p>NRW is satisfied that its advice is consistent with its general purpose of pursuing the sustainable management of natural resources in relation to Wales and applying the principles of sustainable management of natural resources. In particular, NRW acknowledges that the principles of sustainable management include taking account of all relevant evidence and gathering evidence in respect of uncertainties, and taking account of the short-, medium- and long-term consequences of actions. NRW further acknowledges that it is an objective of sustainable management to maintain and enhance the resilience of ecosystems and the benefits they provide and, in so doing meet the needs of present generations of people without compromising the ability of future generations to meet their needs and contribute to the achievement of the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015.</p>	
2. Assessment of Alternatives				
Q3.2.1	Applicant FCC Cheshire West and Chester Council (CWCC) NRW Woodland Trust	<i>For the avoidance of direct impacts upon an existing slurry tank at New Bridge Farm referred to in DL4 submissions notes that two options of the Stanlow AGI to Flint AGI Pipeline indicative alignment have been considered separately. Both require the same extension of the Newbuild Infrastructure Boundary to the NorthWest and West, towards the Ancient Woodland south of Holywell Road. The two proposed design options being:</i>	NRW has previously referred the Applicant to its website for standing advice regarding development proposals affecting ancient woodland and advised that they consider this in addition to liaising with the relevant LPA's (Flintshire County Council) ecologist. NRW has no further comments regarding this matter.	The Applicant has provided a response to this question on page 5 of the Applicant's Response to the Examining Authority's Third Written Questions (EXQ3) submitted [REP7-291] .

Reference	Respondent	Question	NRW Response	Applicant's Response
	IPs	<ul style="list-style-type: none"> • <i>PS02a – Removal of the slurry tank at New Bridge Farm and the pipeline would be constructed outside of the 15m Ancient Woodland buffer within the indicative alignment of the Stanlow AGI to Flint AGI Pipeline.</i> • <i>PS02b – Retention of the slurry tank at New Bridge Farm in its current location with the pipeline being constructed further North-West and West than the indicative alignment of the Stanlow AGI to Flint AGI Pipeline. It would remain outside of the Ancient Woodland itself, but work would be required within 15m of the Ancient Woodland.</i> <p><i>Applicant:</i></p> <ul style="list-style-type: none"> • <i>Having regard to proposed option PS02b, explain what specific work would be needed within the Ancient Woodland 15m buffer.</i> • <i>How far would such work intrude into the buffer?</i> • <i>Would any mitigation be utilised to offset any anticipated intrusion? And is the potential impact accurately reflected in updated tree impact information supporting the application? If so, please signpost that.</i> • <i>What is the Applicant's present position on its most favoured option?</i> • <i>Is the Applicant's favoured position expected to be subject to further change?</i> <p><i>IPs:</i></p> <p><i>Please make whatever comments you consider necessary</i></p>		
Q3.2.2	Applicant FCC	<i>Having regard to the alternatives possible to reduce impacts on veteran trees at Backford</i>	NRW notes that Backford Brook is located in England and therefore defers to the relevant English IPs for comment on this matter.	The Applicant has provided a response to this question on page 7 of the Applicant's Response to the Examining

Reference	Respondent	Question	NRW Response	Applicant's Response
	CWCC NRW Woodland Trust IPs	<p><i>Brook referred to in the Applicant's responses to DL4. The ExA notes:</i></p> <ul style="list-style-type: none"> • <i>Option 1 crosses Backford Brook and the nearby veteran trees via a trenchless crossing. This would require a minimum of 75 metres trenchless crossing length to avoid the veteran trees and 120 metres to avoid all trees and maintain a safe distance from the nearby existing buried utilities. To reduce construction and maintenance risks, trenchless crossings should be minimised in quantity and length, as such they should only be used where no practical alternative engineering solution exists.</i> • <i>Option 2 extends the Newbuild Infrastructure Boundary to the North which would increase the pipeline corridor width to reduce impacts on veteran trees west of Backford Brook. Further tree surveys of this area were undertaken in January 2023 and the indicative alignment of the Stanlow AGI to Flint AGI Pipeline has been realigned to aid the avoidance of the removal of veteran trees at this location, subject to detailed design. This option avoids four veteran trees in comparison to Revision A of the ES and is considered the Applicant's preferred option presently.</i> • <i>Can the Applicant further explain its reasons for its preferred Option relative to veteran tree protection and minimising loss or damage.</i> • <i>Which Option would be least harmful to trees? Would Option 1 result in less harm to veteran trees than Option 2? Explain how.</i> • <i>Is Option 1 now a fall-back position for the Applicant? If so, explain why.</i> • <i>What is the current position of the Applicant for being able to successfully implement Options 1 or 2 given the Environmental Impact Assessment (EIA) is ultimately intended to find the least harmful environmental outcome?</i> 		Authority's Third Written Questions (EXQ3) submitted at Deadline 7 [REP7-291].

Reference	Respondent	Question	NRW Response	Applicant's Response
		<p><i>IPs:</i></p> <p><i>Please make whatever comments you consider necessary.</i></p>		
Q3.2.3	NRW FCC Welsh Government IPs	<p><i>Rerouting south of the A55 is not considered a viable option by the Applicant due to the presence of Ancient Woodland and a clay quarry. Moreover, avoiding the Alltami Brook is not a feasible option in the Applicant's view for the pipeline route. The trenchless options were considered high risk and high cost due to the presence of coal workings, rugged topography, and potential to encounter polluted mine-water. The open trench method, whilst having significant construction impacts, would avoid the long-term public safety risk and visual impacts associated with a pipeline bridge and would result in minimal long-term changes to flow associated with the installation of a culvert.</i></p> <p><i>• Do NRW and IPs agree with the Applicant's position? if not state why not.</i></p>	<p>The ExA should refer to NRW's previous advice and representations, which comprehensively address this issue. NRW does not agree with the Applicant's position about the open trench method and considers that this method would result in permanent changes to the bedrock at this location.</p> <p>NRW advises that, in the absence of ground investigation information and assurance about the long-term maintenance of the grout filling, NRW does not have confidence in the Applicant's conclusion that there would be "minimal long-term changes to flow" at this location.</p> <p>Accordingly, NRW advises that there may be deterioration of the Wepre Brook water body. The ExA and SoS should only grant consent if satisfied that the provisions of the WFD / Regulations are satisfied. Therefore, in light of the fact that there may be a deterioration in status of the water body in respect of the open trench proposal, the Applicant must satisfy the derogation provisions. To date, in NRW's view, the Applicant has not done so.</p> <p>The reference to a culvert in the ExA's question appears to be erroneous – NRW understands that the Applicant's preferred open trench option involves excavating the bedrock and burying the pipeline at this location, rather than installing a culvert.</p> <p>Please refer to NRW's Deadline 6A Representation (REP6A-024) for our detailed comments regarding this matter.</p>	<p>The Applicant has provided an Alltami Brook Crossing Options Appraisal report [REP3-039], which details the potential crossing options for achieving the watercourse crossing. The report concludes that the trenched crossing methodology is the preferred option. The trenched crossing method will be implemented using industry best-practice methods, which are widely adopted for large-scale engineering projects, where similar environmental issues require similar construction mitigation to protect the water environment. Therefore, the proposed trenched crossing and proposed mitigation to prevent the potential loss of water is based upon engineering expertise. The bedrock will also be reinstated on the channel bed post-construction, and therefore mimic baseline conditions. Therefore, there would only be highly localised (a 4m length of channel) and slight adverse (not significant) impacts.</p> <p>The Applicant reminds NRW that undertaking ground investigation at the Alltami Brook location was not possible due to land access issues, which the Applicant has communicated with NRW repeatedly. Ground investigation will be undertaken at the detailed design stage.</p> <p>The grout would be injected into any exposed fractures using high pressure, therefore the void within the fractures would be completely filled with grout, then sealed with concrete capping. Therefore, the grouting would create an impermeable seal for water loss and the grout itself has no pathway for loss.</p> <p>The Applicant asserts that with the proposed construction mitigation in place, along with the proposed reinstatement of the channel bed with bedrock, that there would be no deterioration in the Wepre Brook water body as a result of a 4m wide trenched crossing of the Alltami Brook.</p> <p>The Applicant has also submitted a Without Prejudice Water Framework Directive Derogation Case for Alltami Brook [REP5-016], should the Secretary of State agree with NRW regarding WFD compliance as a result of the trenched</p>

Reference	Respondent	Question	NRW Response	Applicant's Response
				crossing. The Applicant asserts that a robust case for derogation has been presented. Whilst NRW does not agree with this assertion, NRW will object to the Applicant's case due to their base position that they do not want an open cut through bedrock.
Q3.2.4	NRW FCC IPs	<p><i>Given NRW's position that the open trenched method proposed by the Applicant is not Water Framework Directive (WFD) compliant (which the Applicant does not agree with), a further design option is possible which would utilise an embedded pipe bridge solution.</i></p> <ul style="list-style-type: none"> • <i>Should the Secretary of State not accept the conclusions of the WFD assessment presented and determine that derogation cannot be applied, an alternative option is included in the application by the Applicant on a without prejudice basis.</i> <p><i>NRW:</i></p> <ul style="list-style-type: none"> • <i>Would the embedded pipe option be a feasible alternative solution to overcome your concerns? Explain the reasons why or why not.</i> • <i>Can the Applicant's supporting derogation case be successfully applied?</i> <p><i>IPs:</i></p> <ul style="list-style-type: none"> • <i>Please make whatever comments you deem to be necessary</i> 	<p>The ExA should refer to NRW's previous advice and representations, which comprehensively address this issue.</p> <p>The Applicant has presented an alternative Alltami Brook crossing option (embedded pipe bridge) which, based on the information provided, would appear to be compliant with the WFD/Regulations and accordingly would not appear to NRW to need a derogation.</p> <p>NRW advises that the evidence provided by the Applicant in support of its WFD derogation case for its preferred open trench option is insufficient/inadequate to enable the ExA to conclude that a WFD derogation case can be made</p>	<p>The Applicant acknowledges that NRW would consider the embedded pipebridge to be WFD compliant and not require WFD derogation.</p> <p>The Applicant has provided a robust derogation case for the preferred trenched option in the Without Prejudice Water Framework Directive Derogation Case for Alltami Brook [REP5-016], and draws upon the evidence presented within the Alltami Brook Crossing Options Appraisal report [REP3-039], which details the potential crossing options for achieving the watercourse crossing.</p> <p>For WFD derogation, test d requires that the benefits of the project cannot be achieved by a significantly better environmental option. The Applicant points out that the key here is 'significantly better environmental option', and that the Applicant does not consider that the embedded pipebridge constitutes a significantly better environmental option for the Alltami Brook crossing, as stated within the Without Prejudice Water Framework Directive Derogation Case for Alltami Brook [REP5-016] and the Alltami Brook Crossing Options Appraisal report [REP3-039].</p> <p>Consequently, whilst the embedded pipebridge provides an alternative option, it is not a significantly better environmental option due to the extent of the construction and decommissioning phase impacts, as presented both within the Alltami Brook Crossing Options Appraisal report [REP3-039] and the Without Prejudice Water Framework Directive Derogation Case for Alltami Brook [REP5-016].</p>
Q3.2.5	NRW IPs	<p><i>ES Chapter 4 Paragraph 4.5.64 sets out the alternative methods considered for crossing Alltami Brook. An open trench method of construction remains the Applicant's preferred option for crossing Alltami Brook. Yet, this would still have significant temporary impacts on the watercourse.</i></p>	<p>NRW notes that the Examining Authority's question refers to the "temporary" impacts of the Applicant's proposed open trench crossing of Alltami Brook. However, NRW advises that this proposal for excavation of the bedrock beneath Alltami Brook would result in a permanent, physical change to the watercourse.</p>	<p>The Applicant proposes to reinstate the bedrock channel bed of the Alltami Brook, and therefore this would not constitute a permanent, physical change. The zone of impact would be just 4m of the total length of the Alltami Brook and therefore highly localised in terms of potential impacts. The reinstatement of the bedrock capping would return the brook to a state that mimics baseline, and</p>

Reference	Respondent	Question	NRW Response	Applicant's Response
		<p><i>The ExA notes that mitigation measures are proposed reducing overall working width and width of the trench, as well as micro siting to the least sensitive section of the riverbed as outlined in Table 4.8 and detailed in the Register of Environmental Actions and Commitments (REAC).</i></p> <p><i>NRW:</i></p> <ul style="list-style-type: none"> <i>• Why would the temporary effects of the open cut method from a WFD perspective be unacceptable following any mitigation which could be applied?</i> <i>• In particular why would grout filling of any sandstone cracks (as mitigation) be unsuitable in your view if the Applicant is applying modern day construction materials, techniques and standards?</i> <i>• Is there any other mitigation NRW would recommend for the open cut method should it be accepted as being WFD compliant?</i> <i>• What is NRW's crossing method preference based on what is presently submitted and known? Explain why such method(s) would be the preferable option in your view based on the information currently available relative to any uncertainty.</i> <i>• Would the submission of further information make any of the other options feasible from a water resource protection perspective? If so, what information would achieve that and for which other crossing options do they relate to?</i> <i>• NRW is invited to set out its approach to achieving an optimal outcome to the crossing details in dispute alongside the optimal riparian improvements which could be secured.</i> <p><i>IPs:</i></p> <p><i>Please make whatever comments you deem to be necessary</i></p>	<p>NRW considers there is inadequate evidence to demonstrate that a WFD derogation case can be made. NRW does not agree that the beneficial objectives served by the proposed modifications to the Wepre Brook water body cannot, for reasons of technical feasibility or disproportionate cost, be achieved by other means, which are a significantly better environmental option.</p> <p>The Applicant has presented an alternative crossing option (embedded pipe bridge) which would not appear to need a derogation and has failed to provide evidence to satisfy NRW that this would not be a significantly better environmental option.</p>	<p>therefore there would be no permanent physical change. Installation of bedrock cappings has been used in other case studies, including ones listed in the Manual of River Restoration Techniques published by the River Restoration Centre.</p> <p>The Applicant considers that a robust Without Prejudice Water Framework Directive Derogation Case for Alltami Brook [REP5-016] has been provided and that the evidence presented, along with the evidence provided within the Alltami Brook Crossing Options Appraisal report [REP3-039] clearly demonstrates that there is no significantly better environmental option for the Alltami Brook crossing.</p> <p>The Applicant would also like to draw to attention that the impasse between NRW and the Applicant has arisen due to NRW postulating a worst-case hypothetical scenario for potential loss of flow within the Alltami Brook. Such worst-case, hypothetical scenarios do not form the basis of assessment under the Water Framework Directive and the assessment should be made on a reasoned and objective basis.</p> <p>The Applicant has provided evidence that the embedded pipebridge does not provide a significantly better environmental option. This evidence is presented in the Alltami Brook Crossing Options Appraisal report [REP3-039] and the Without Prejudice Water Framework Directive Derogation Case for Alltami Brook [REP5-016].</p>
<p>5. Climate Change</p>				

Reference	Respondent	Question	NRW Response	Applicant's Response
Q3.5.1	Applicant FCC CWCC IPs	<ul style="list-style-type: none"> • Further clarify how the development would successfully mitigate against the probable shrinking and cracking of soils within the DCO application area during operation of the scheme? • What are the known consequences of inadequate mitigation? For example, would existing soil carbon sequestration be significantly reduced in affected land areas? • Would any new hedgerow reinforcement currently anticipated boost soil carbon sequestration through the strengthening of existing microbial/ fungal networks? If so, what are the optimal locations for new or reinforced hedgerows relative to the DCO scheme? 	<p>NRW is not aware that there is any significant net soil carbon sequestration within the DCO application area.</p> <p>The planting of new hedgerows around the development would provide some marginal benefits in terms of additional carbon sequestration within the hedgerow and the below ground biomass but is unlikely to have a significant effect on the strengthening of existing microbial/fungal networks within the DCO application area.</p>	The Applicant has provided a response to this question on page 13 of the Applicant's Response to the Examining Authority's Third Written Questions (EXQ3) submitted at Deadline 7 [REP7-291].
8. Design and Layout				
Q3.8.1	IPs FCC	<ul style="list-style-type: none"> • Are IPs satisfied with the design implications of the Applicant's options for the Alltami Brook embedded bridged crossing design brought around by the change requests? • Does FCC have any comments in relation to the application of green wedge policy to the embedded pipe bridge crossing? Would that option be compliant with local policy? • Please make whatever comments you deem to be appropriate. 	<p>The ExA should refer to NRW's previous advice and representations, which comprehensively address this issue.</p> <p>NRW has no objection to the Applicant's alternative embedded bridged crossing option for Alltami Brook.</p>	The Applicant acknowledges that NRW has no objection to the alternative embedded pipebridge option for Alltami Brook. The Applicant's preferred option remains for the trenched crossing.
9. Environmental Impact Assessment/ Environmental Statement				
Q3.9.1	NRW IPs	<i>The Applicant considers, via its Options Appraisal [REP3-039], that the assessment for the embedded pipe bridge option referred to in the Examination (on a without prejudice basis) demonstrates it is not significantly better in environmental terms, and therefore derogation for the trenched crossing should be granted. Do parties agree or disagree? Please provide a fully detailed response.</i>	<p>The ExA should refer to NRW's previous advice and representations, which comprehensively address this issue, particularly NRW's Deadline 6A Representation (REP6A-024). NRW disagrees with the Applicant's conclusion.</p> <p>NRW considers there is inadequate evidence to demonstrate that a WFD derogation case can be made. NRW does not agree that the beneficial objectives served by the proposed modifications to the Wepre Brook water body cannot, for</p>	The Applicant has provided a response to these matters in Q3.2.3, Q3.2.4 and Q3.2.5 above.

Reference	Respondent	Question	NRW Response	Applicant's Response
			reasons of technical feasibility or disproportionate cost, be achieved by other means, which are a significantly better environmental option.	
10. Flood Risk, Hydrology, Water Resources and Contamination				
Q3.10.1	NRW Environment Agency (EA) FCC CWCC Welsh Government Ips	<p><i>The Applicant's WFD Assessment (Appendix 18.3, Volume III) (updated at DL4) has screened for both the potential construction and operational impacts of the DCO Proposed Development upon WFD water bodies for main rivers, canals, ordinary watercourses, transitional waterbodies, and objectives from the NorthWest and Dee River Basin Management Plans (RBMP) and groundwater resources.</i></p> <p><i>This includes identifying likely risks to biodiversity, the biological, physio-chemical and hydro-morphological quality of WFD water bodies (including River Dee, River Gowy, Stanney Mill Brook, Shropshire Union Canal, Finchetts Gutter, Sandycroft Drain, Wepre Brook), nearby ordinary watercourses and groundwater quality, and the likely ability of good-practice methods to manage risks associated with pollutants typically experienced during the construction and operational phase.</i></p> <p><i>• Are there any shortcomings in the Applicant's WFD Assessment remaining? If so, explain/ clarify what those specific shortcomings are. • Outline any remaining areas of disagreement with the conclusions of the Applicant's WFD Assessment giving your full/ specific reasons as to why disagreement remains.</i></p>	<p>The ExA should refer to NRW's previous advice and representations, which comprehensively address this issue.</p> <p>NRW disagrees with the conclusions of the Applicant's WFD compliance assessment. NRW considers that there may be deterioration of Wepre Brook water body, as a result of the proposed opencut crossing of Alltami Brook. This is because there is a risk that excavating bedrock for the proposed Alltami Brook open-cut crossing could create a pathway for surface water to be lost to the ground/contaminated mine workings; this could cause water courses to dry up downstream. NRW considers there is inadequate evidence to demonstrate that a WFD derogation case can be made.</p> <p>NRW does not agree that the beneficial objectives served by the proposed open cut/trenched modifications to the Wepre Brook water body cannot, for reasons of technical feasibility or disproportionate cost, be achieved by other means, which are a significantly better environmental option.</p>	<p>The Applicant asserts that the WFD assessment is compliant. NRW postulate a worst-case hypothetical scenario for the potential loss of water flow within the Alltami Brook. The WFD assessment should be made on an objective basis and not on hypothetical worst-case risk, as stated within the Without Prejudice Water Framework Directive Derogation Case for Alltami Brook [REP5-016].</p> <p>The Applicant will use specialist contractors to provide the construction mitigation required to ensure any exposed fractures during excavation are filled using a high-pressure grouting technique. Such techniques are widely adopted on major infrastructure schemes, where similar risks occur. Such techniques are proven for providing an impermeable seal to prevent the potential loss of water flow. Therefore, there would be no pathway for the potential loss of water flow to ground or contaminated mine workings.</p> <p>The Applicant has provided evidence that the embedded pipebridge does not provide a significantly better environmental option, as stated in the rows above.</p>
Q3.10.2	NRW EA FCC CWCC	<p><i>• In your overall view would the Applicant's development proposal meet the requirements of the WFD with its preferred crossing method? If not, is the alternative crossing proposed by the Applicant considered to be feasible in terms of meeting the requirements of the WFD? If not, please state why not.</i></p>	<p>The ExA should refer to NRW's previous advice and representations, which comprehensively address this issue, particularly NRW's Deadline 6A Representation (REP6A-024).</p> <p>NRW considers that there may be deterioration of Wepre Brook water body, as a result of the proposed open-cut crossing of Alltami Brook. This</p>	<p>The Applicant acknowledges NRW's position but submits that the proposed trenched crossing is WFD compliant with proposed mitigation in place. The Applicant would ensure that no pathways are created for a hypothetical worst-case scenario for loss of water flow as a result of the trenched crossing by employing industry standard high-pressure grouting techniques to prevent a pathway for water loss to</p>

Reference	Respondent	Question	NRW Response	Applicant's Response
	Welsh Government IPs	<ul style="list-style-type: none"> <i>If one or both crossing methods be considered not to be compliant, please comment as to how the Applicant would be able to make the scheme WFD compliant</i> 	<p>is because there is a risk that excavating bedrock for the proposed Alltami Brook open-cut crossing could create a pathway for surface water to be lost to the ground/contaminated mine workings; this could cause water courses to dry up downstream. NRW considers there is inadequate evidence to demonstrate that a WFD derogation case can be made. NRW does not agree that the beneficial objectives served by the proposed open cut/trenched modifications to the Wepre Brook water body cannot, for reasons of technical feasibility or disproportionate cost, be achieved by other means, which are a significantly better environmental option. The Applicant has submitted an alternative crossing option (embedded pipe bridge). NRW has provided advice to the ExA about this [CR2RR-002]. In summary, based on the information provided, NRW considers that such an option would not result in deterioration in the status of the Wepre Brook water body and on that basis, would likely be compliant with the Water Framework Directive and Regulations. Therefore, NRW considers that a derogation under the respective provisions would not be required.</p>	<p>be created, as evidenced in the Hydrogeological Impact Assessment of Open Cut Crossing – Alltami Brook [REP7-278].</p> <p>The Applicant has presented a robust Without Prejudice Water Framework Directive Derogation Case for Alltami Brook [REP5-016], should the Secretary of State agree with NRW's position regarding WFD compliance. The derogation case presents solid evidence to meet all Article 4(7) tests under the WFD legislation. The evidence presented, along with evidence documented within the Alltami Brook Crossing Options Appraisal report [REP3-039], provides a robust account of why the embedded pipebridge, whilst a viable alternative, is not a significantly better environmental option.</p>
Q3.10.3	NRW FCC Welsh Government IPs	<ul style="list-style-type: none"> <i>Do you have any areas of disagreement with the findings of the Applicant's Without Prejudice WFD Derogation Case for Alltami Brook Crossing [REP5- 016] submitted at DL5?</i> <i>If so, please specify what specific areas of disagreement remain and the reasons.</i> 	<p>The ExA should refer to NRW's previous advice and representations, which comprehensively address this issue, particularly NRW's Deadline 6A Representation (REP6A-024).</p> <p>NRW considers there is inadequate evidence to demonstrate that a WFD derogation case can be made. NRW does not agree that the beneficial objectives served by the proposed open cut/trenched modifications to the Wepre Brook water body cannot, for reasons of technical feasibility or disproportionate cost, be achieved by other means, which are a significantly better environmental option. The Applicant has presented an alternative crossing option (embedded pipe bridge) which would not appear</p>	<p>The Applicant has presented a robust case for why the embedded pipebridge does not provide a significantly better environmental alternative. The Applicant has provided further response above against Q3.2.3, Q3.2.4 and Q3.2.5.</p>

Reference	Respondent	Question	NRW Response	Applicant's Response
			to need a derogation and has failed to provide evidence to satisfy NRW that this would not be a significantly better environmental option.	
Q3.10.4	NRW FCC IPs	<ul style="list-style-type: none"> Do you disagree with any conclusion contained in the Applicant's document entitled <i>Hydrogeological Impact Appraisal of Open Cut Crossing - Alltami Brook [REP5-014]</i>? If so, please state what is disagreed with and why. 	<p>The ExA should refer to NRW's previous advice and representations, which comprehensively address this issue, particularly NRW's Deadline 6 Representation (REP6-049). NRW acknowledges that the Applicant has developed a conceptual model for the site of the Alltami Brook crossing. NRW advises that the geology of the Alltami Brook crossing location is complex. NRW does not agree with the Applicant's conclusion that there is a consistent bedrock groundwater contribution to the Alltami Brook in all locations (an upwards hydraulic gradient). In the absence of site-specific ground investigation data, NRW does not have confidence in the Applicant's conclusions.</p>	<p>The Applicant agrees with NRW's position that there are uncertainties in the conceptual understanding. However, the Applicant considers that the evidence base is sufficiently robust to establish the level of risk. The Applicant does not agree with NRW's proposed scenario where a significant loss of flow would occur from the Alltami Brook to ground. Based on the lines of evidence, this is not congruent with the geological and hydrogeological conditions present at the site. For there to be a significant, permanent loss of flow to occur, there needs to be a receptor present capable of accepting continuous flow in perpetuity. The aquifers present would need to have hydraulic properties which are representative of a chalk karst principal aquifer, i.e., which has regional fracture flow with large open fractures or conduits capable of accepting significant volumes of continuous flow and transporting it over larger distances to downstream receptors e.g., springs, similar to a disappearing stream/dry valley setting. This is not what is present at the Alltami Brook.</p> <p>The bedrock aquifer underlying the Alltami Brook, an aquifer within which lateral flow is limited due to discontinuous fractures, is not considered a viable receptor capable of receiving the continuous discharge required. It is highly likely that any such discharge directed into the bedrock from the river would cause the local fractures to be filled and would not be capable of receiving additional flow. Additionally, should such features be prevalent at the site, these would already be present within the watercourse and be receiving flow under current conditions. There is no evidence that this is occurring. Therefore because of this (and also because of the proposed construction approach/pressure grouting of fractures), the scenario which NRW propose it not realistic and the risk of impacting WFD status of the Wepre Brook water body is not considered significant.</p>
12. Landscape and Visual				

Reference	Respondent	Question	NRW Response	Applicant's Response
Q3.12.1	NRW FCC IPs	<ul style="list-style-type: none"> • Are IPs satisfied in regard to the landscape and visual impacts of the alternative option related to the crossing of the Alltami Brook (ie the embedded pipe crossing proposal), which has been entered into the Examination for consideration. Do NRW, FCC or IPs have a view on whether the Applicant has fully considered this option and proposed suitable mitigation in relation to it, where appropriate? 	NRW is not in a position to advise regarding local landscape and visual impacts. The relevant LPAs are better placed to advise on this matter.	The Applicant has no further comments on this matter.
19. Draft Development Consent Order				
Q3.19.2	Applicant EA NRW	<ul style="list-style-type: none"> • Clarify the protective provisions available (for construction and operation) for the EA and NRW which will ensure the development will not jeopardise the attainment of 'good status' in future under the WFD. • EA and NRW please state specifically any additional DCO inclusion(s) needed to achieve the above aim. 	With regard to the Wepre Brook water body, NRW has not been provided with evidence of the existence of appropriate mitigation measures (whether by protective provisions or otherwise) to rule out deterioration and to overcome the requirement of a derogation.	<p>The Applicant has provided an Outline Construction Environmental Management Plan [REP7-242] and an Outline Surface Water Management and Monitoring Plan [REP7-285].</p> <p>With the measures in place, potential impacts arising from both the construction and operation phases will ensure that the attainment of good status/potential is not jeopardised.</p>
Q3.19.3	NRW EA IPs Applicant	<ul style="list-style-type: none"> • The ExA notes the Applicant's preference for a trenched crossing of Alltami Brook alongside flexibility to implement an embedded pipe bridge crossing should the ExA, or the Secretary of State (SoS), disagree with the applicant's preferred crossing option. • Are IPs satisfied with the current wording of Requirement 4 detailed in the Applicant's draft DCO [REP4-008] to facilitate different Alltami Brook crossings? • If you are not satisfied with the wording of Requirement 4, please set out the wording you wish to be included. • Can the Applicant further justify the wording of Requirement 4 in the event the ExA or the SoS were to find either of the options tabled for the Alltami Brook crossing to be unsuitable. In such circumstances how does the present draft DCO allow an unsuitable crossing option to be negated/ discounted by the recommendation/ decision 	The ExA should refer to NRW's previous advice and representations, which comprehensively address this issue. Regarding the wording of Requirement 4, NRW shares the ExA's concerns on the inclusion of provisions for the open cut trenching method at Alltami Brook. NRW considers that there may be deterioration of Wepre Brook water body as a result of such an approach. On that basis, a Development Consent Order should only be granted if a WFD derogation case can be made. NRW considers that the evidence submitted in support of a derogation is inadequate. Accordingly, the DCO should not include provisions for the open cut trenching at Alltami Brook. The Applicant should, as the ExA has recommended, provide an updated draft DCO for consideration which only includes reference to the embedded pipe bridge crossing. The ExA should also ensure that references to work plans are consistent insofar as they provide only for the embedded pipe bridge	<p>The Applicant asserts that the conclusions in the Water Framework Directive Assessment [REP7-172] as correct and, with mitigation in place, there would be no deterioration to the Wepre Brook WFD water body.</p> <p>The Applicant has also presented a robust Without Prejudice Water Framework Directive Derogation Case for Alltami Brook [REP5-016] where strong evidence against the Article 4(7) tests for derogation is provided.</p>

Reference	Respondent	Question	NRW Response	Applicant's Response
		<p><i>maker without a further recommended DCO being consulted upon?</i></p> <ul style="list-style-type: none"> <i>In the event that the Applicant's current preferred options for the Alltami Brook crossing be found unsuitable, the ExA requests the Applicant provide an alternate draft DCO that only includes the alternative option (ie the embedded pipe bridge crossing).</i> 	<p>method in respect of Alltami Brook. However, if the ExA is minded to accept the Applicant's proposed approach in respect of the DCO so as to refer to a conditional or optional approach to the Alltami Brook crossing, NRW notes that there does not appear to be any reference to the 'ground investigation' work that is proposed to be completed to inform the detailed design of the Applicant's preferred open-cut Alltami Brook crossing option. NRW notes that Requirement 4 includes a 'geomorphological assessment' (sub-paragraphs 5 and 6) and advises that the ground investigation work should be explicitly referred to.</p>	
Q3.20.2	Applicant/ NRW	<ul style="list-style-type: none"> <i>The ExA notes that the Marine Licence (ML) application was withdrawn at the request of NRW, with a view to it being resubmitted once the information originally presented is in an acceptable form to it. Please update the ExA with regard to progress on the ML, when the ML Application is to be resubmitted and when it is anticipated the ML may be issued.</i> 	<p>On the 21 June 2023, the Applicant withdrew its Marine Licence application for the works proposed under the River Dee. NRW confirms that the application was resubmitted on the 01 September 2023 and will now conduct its verification checks on the submitted information</p>	<p>The Applicant has no further comments on this matter.</p>

Table 2.7: Applicant's Comments on Stephens Scown LLP on behalf Stephan and Catherine Oultram's response to ExQ3 [REP7-325]

Reference	Respondent	Question	NRW Response	Applicant's Response
Q3.2.4	Alternatives - Alltami Brook NRW FCC IPs	<ul style="list-style-type: none"> • Given NRW's position that the open trenched method proposed by the Applicant is not Water Framework Directive (WFD) compliant (which the Applicant does not agree with), a further design option is possible which would utilise an embedded pipe bridge solution. • Should the Secretary of State not accept the conclusions of the WFD assessment presented and determine that derogation cannot be applied, an alternative option is included in the application by the Applicant on a without prejudice basis. NRW • Would the embedded pipe option be a feasible alternative solution to overcome your concerns? Explain the reasons why or why not. • Can the Applicant's supporting derogation case be successfully applied? <p>IPs</p> <ul style="list-style-type: none"> • Please make whatever comments you deem to be necessary. 	<p>Our client is aware that when the A55 was built the stream was diverted in several places and culverts created without any obvious adverse effects (that our client is aware of). An embedded pipe bridge will be more obtrusive and is likely to require a larger land take than the original design. If that requires further mitigation land then that will be a further loss to our client's available farming land and further risk the viability of the enterprise (when taken alongside all of the other predicted impacts). This may be a case where NRW is seeking to over-engineer a solution but that is a matter for NRW to comment on.</p> <p>Our client makes no comment on the matter of the WFD derogation sought as that is outside of their area of knowledge and expertise.</p>	<p>The Applicant notes the Interested Party's comments on the embedded pipebridge option for the Alltami Brook crossing.</p> <p>The Applicant has provided an Alltami Brook Crossing Options Appraisal report [REP3-039], which details the potential crossing options for achieving the watercourse crossing. The report concludes that the trenched crossing methodology is the preferred option.</p>
Q3.2.5	Alternatives - Alltami Brook NRW IPs	<ul style="list-style-type: none"> • ES Chapter 4 Paragraph 4.5.64 sets out the alternative methods considered for crossing Alltami Brook. An open trench method of construction remains the Applicant's preferred option for crossing Alltami Brook. Yet, this would still have significant temporary impacts on the watercourse. • The ExA notes that mitigation measures are proposed reducing overall working width and width of the trench, as well as micro siting to the least sensitive section of the riverbed as outlined in Table 4.8 and detailed in the Register of Environmental Actions and Commitments (REAC). <p>IPs</p> <ul style="list-style-type: none"> • Please make whatever comments you deem to be necessary. 		

Reference	Respondent	Question	NRW Response	Applicant's Response
Q3.8.1	Alltami Brook IPs FCC	<ul style="list-style-type: none"> • Are IPs satisfied with the design implications of the Applicant's options for the Alltami Brook embedded bridged crossing design brought around by the change requests? • Does FCC have any comments in relation to the application of green wedge policy to the embedded pipe bridge crossing? Would that option be compliant with local policy? • Please make whatever comments you deem to be appropriate 		
Q3.19.3	Protective Provisions Applicant	<ul style="list-style-type: none"> • Please provide an update in relation to discussions concerning all Protective Provisions which are not yet agreed with the relevant IPs. 	Our client makes no representation on the wording of Requirement 4 but, in the interests of certainty should consent be granted, supports the provisions of an alternative draft DCO rather than a single version with an 'either/ or' provision.	The Applicant has no further comments on this matter.

Table 2.8: Applicant's Comments on the Woodland Trust's response to ExQ3 [REP7-319]

Reference	Respondent	Question	Woodland Trust Response	Applicant's Response
1. Consent Order Application				
Q3.2.1	Woodland Trust IPs	<p><i>For the avoidance of direct impacts upon an existing slurry tank at New Bridge Farm referred to in DL4 submissions notes that two options of the Stanlow AGI to Flint AGI Pipeline indicative alignment have been considered separately. Both require the same extension of the Newbuild Infrastructure Boundary to the North-West and West, towards the Ancient Woodland south of Holywell Road. The two proposed design options being:</i></p> <ul style="list-style-type: none"> <i>PS02a – Removal of the slurry tank at New Bridge Farm and the pipeline would be constructed outside of the 15m Ancient Woodland buffer within the indicative alignment of the Stanlow AGI to Flint AGI Pipeline.</i> <i>PS02b – Retention of the slurry tank at New Bridge Farm in its current location with the pipeline being constructed further North-West and West than the indicative alignment of the Stanlow AGI to Flint AGI Pipeline. It would remain outside of the Ancient Woodland itself, but work would be required within 15m of the Ancient Woodland.</i> <p><i>IPs:</i></p> <p><i>Please make whatever comments you consider necessary.</i></p>	<p>The Woodland Trust will always advocate for the provision of larger buffer zones to protect ancient woodland habitats from the impacts of development. However, we do not generally support or specifically advocate for alternative development options given the potential for impact to other habitats and wider considerations outside of our remit.</p> <p>With respect to both options posed, we would like to raise that our position as outlined in our written representation regarding buffer zone recommendations of 30 metres to all ancient woodland remains.</p>	<p>The Applicant acknowledges Woodland Trust's response. As presented within the Applicant's comments on Submissions Received at Deadline 4 [REP5-015], the Applicant has provisioned for the protection of the ancient woodland at this location through the measures detailed within the Outline Construction Environmental Management Plan (OCEMP) [REP7-242], secured by Requirement 5 of the dDCO [REP7-013], agreed with Flintshire County Council (see row 2.19.1 of Table 2.19 in [REP5-015] and item FCC 3.6.3 in Table 3-6 of the Statement of Common Ground with Flintshire County Council [REP7-259].</p>
Q3.2.2		<p><i>Having regard to the alternatives possible to reduce impacts on veteran trees at Backford Brook referred to in the Applicant's responses to DL4. The ExA notes:-</i></p> <ul style="list-style-type: none"> <i>Option 1 crosses Backford Brook and the nearby veteran trees via a trenchless crossing. This would require a minimum of 75 metres trenchless</i> 	<p>We have no specific comments to make on the proposed options, as outlined for the reasons above. However, we would advise that our general position is that all veteran specimens should be retained and afforded buffer zones in line with Natural England/Forestry Commission's standing advice.</p>	<p>The Applicant can confirm that following the Design Changes, the Applicant will retain all veteran trees with protection measures during construction and no veteran tree will be felled.</p>

Reference	Respondent	Question	Woodland Trust Response	Applicant's Response
1. Consent Order Application				
		<p><i>crossing length to avoid the veteran trees and 120 metres to avoid all trees and maintain a safe distance from the nearby existing buried utilities. To reduce construction and maintenance risks, trenchless crossings should be minimised in quantity and length, as such they should only be used where no practical alternative engineering solution exists.</i></p> <ul style="list-style-type: none"> <i>Option 2 extends the Newbuild Infrastructure Boundary to the North which would increase the pipeline corridor width to reduce impacts on veteran trees west of Backford Brook. Further tree surveys of this area were undertaken in January 2023 and the indicative alignment of the Stanlow AGI to Flint AGI Pipeline has been realigned to aid the avoidance of the removal of veteran trees at this location, subject to detailed design. This option avoids four veteran trees in comparison to Revision A of the ES and is considered the Applicant's preferred option presently.</i> <p><i>IPs:</i></p> <p><i>Please make whatever comments you consider necessary.</i></p>		