



**APPLICATION BY LIVERPOOL BAY CCS LIMITED FOR AN ORDER GRANTING
DEVELOPMENT CONSENT FOR THE HYNET CARBON DIOXIDE PIPELINE**

**APPLICATION REF EN070007 PIBLINELL CARBON DEUOSID HYNET/
HYNET CARBON DIOXIDE PIPELINE**

**FLINTSHIRE COUNTY COUNCIL'S REPRESENTATIONS SUBMITTED AT
DEADLINE 8**

SUBMITTED AT DEADLINE 8 – 12th SEPTEMBER 2023

1. Introduction

This document has been prepared by FCC and relates to an application (“the Application”) for a Development Consent Order (DCO) that has been submitted to the Secretary of State (SoS) for Energy Security and Net Zero (DESNZ) (formerly BEIS) under Section 37 of the Planning Act 2008 (“the PA 2008”). The Application relates to the carbon (CO₂) pipeline which constitutes the DCO Proposed Development. This document sets out the latest submissions of Flintshire County Council (FCC) made at Deadline 8 of the Examination into the DCO.

2. Change of Position/New Roads and Street Works Act 1991 and Highway Protective Provisions

- 2.1 FCC has reviewed the submissions made by National Highways at Deadline 5 (**REP5-050**), the legal opinion provided by Ruth Stockley dated 4th July 2023 (**REP5-051**), the Applicant’s comments on submissions received at Deadline 5 (**REP6-035**), the discussions between the ExA and the Applicant at ISH3 held of 9th August 2023 and the representations made by CWCC (**REP7-299**, **REP7-300**, **REP7-301** and **REP7-306**).
- 2.2 FCC agree with the stance taken by National Highways and Cheshire West and Chester Council (“**CWCC**”) and agrees with the submissions made by CWCC at paragraphs 2, 3, 4, 6 and 7 of REP7-306). The Applicant has a choice, it can either include the works as street works within the DCO; or it can agree to follow New Roads and Street Works Act 1991 in respect of these works as a separate consent outside the DCO.
- 2.3 FCC’s preference is for the Applicant to follow the procedure in the New Roads and Street Works Act 1991 as it sets the framework for consent to work in the highway including remediation of defects following reinstatement for a period of 24 months. FCC notes that CWCC has provided the Applicant with a set of protective provisions which are acceptable to it as local highway authority. These have been shared with FCC which has prompted discussion between FCC and CWCC as local highway authorities leading to the change of position outlined in this paragraph 2. At this stage FCC reserves its position in relation to protective provisions particularly in relation to condition surveys, damage by HGV’s and the period for restoration/remediation following works in the highway. FCC would look for protective provisions which best protect the Council as local highway/street works authority.

3 Drainage

The Council and the Applicant have agreed protective provisions for drainage and these should be included in the revised draft DCO.

4 BNG

The Council is considering the draft BNG Agreements and proposed Section 106 Agreement (for land to be acquired by the Applicant). These documents require additional detail/ further consideration and the Applicant and FCC are in discussion in this regard.

5.PPA for Discharge of Requirements

This is being reviewed in light of the FCC's revised position on the New Roads and Streets Works Act 1991. It is also being reviewed to ensure that FCC costs can be covered in relation to BNG and Section 106 Agreements.

6.Compulsory Acquisition

FCC is in receipt of Heads and Terms as previously advised and negotiations are ongoing.