

# STATEMENT OF COMMON GROUND WITH ENVIRONMENT AGENCY

## HyNet Carbon Dioxide Pipeline DCO

Planning Act 2008

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

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**STATEMENT OF COMMON GROUND**

**This Statement of Common Ground has been prepared and agreed by (1) Liverpool Bay CCS Limited and (2) Environment Agency**

**Signed**  M. CURRIE (Sep 19, 2023 11:13 GMT+2) .....

**Martin Currie**

**Director**

**on behalf of Liverpool Bay CCS Limited**

**Date: 19 September 2023**

**Signed** 

**Anne-Marie McLaughlin**

**Project Manager and Planning Advisor (Green Growth Team)**

**on behalf of Environment Agency**

**Date: 19<sup>th</sup> September 2023**

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# 1. INTRODUCTION

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## 1.1. PURPOSE OF THIS DOCUMENT

- 1.1.1. This Statement of Common Ground (SoCG) has been prepared by Liverpool Bay CCS Limited (the Applicant) and the Environment Agency (EA).
- 1.1.2. For the purpose of this SoCG, the Applicant and EA will jointly be referred to as the 'Parties'.
- 1.1.3. The purpose of this SoCG is to set out the agreement that has been reached between the Parties in respect of a number of matters related to the Development Consent Order (DCO) Proposed Development. It also lists any points on which discussions are ongoing. SoCGs are an established means in the DCO planning process of allowing all Parties to identify and so focus on specific issues that may need to be addressed during the examination.
- 1.1.4. **Chapter 2** of this SoCG records the consultation undertaken with EA by the Applicant. **Chapter 3** of this SoCG sets out the areas of agreement in relation to the above matters, and any areas of ongoing discussion between the Parties.

## 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 detail of the project and the DCO Proposed Development can be found in the main DCO documentation. The DCO Proposed Development and this SoCG relate to the onshore CO<sub>2</sub> pipeline element of HyNet only. Other elements of HyNet are subject to separate consenting processes and are not addressed here.
- 1.2.2. The DCO Proposed Development impacts EA primarily as a statutory environmental body and land interest.
- 1.2.3. The Applicant has identified the following plots are within the EA's land ownership:  
6-02, 6-03, 6-07, 6-10, 6-11.
- 1.2.4. 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.

## 1.3. TERMINOLOGY

- 1.3.1. In the Issues tables in **Chapter 3** of this SoCG, 'Agreed' and 'Not Agreed' indicates a final position, and 'Under Discussion' indicates where these points will be the subject of on-going discussion wherever possible to resolve or refine,

the extent of disagreement between the Parties. 'Not for Agreement' indicates where an item is included for information only and not for discussion between the parties.

## **2. RECORD OF ENGAGEMENT**

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- 2.1.1. This chapter provides a summary of the engagement undertaken to date between the Parties in relation to the DCO Proposed Development.

**Table 2-1 – Record of Engagement in relation to the DCO Proposed Development**

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
02/03/2022	Microsoft Teams meeting between EA and Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Water Framework Directive (WFD) Screening and Scoping Exercise (Water bodies, activities, quality elements)</li> <li>• WFD Assessment Methodology</li> <li>• Proposed mitigation</li> <li>• Discussion and agreement on WFD Screening Conclusion</li> <li>• Biodiversity Net Gain (BNG) - River Condition Assessment</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Applicant confirmed that screening and scoping of WFD elements has not been included within the Preliminary Environmental Information Report (PEIR).</p> <p>The Applicant confirmed that Stanney Main Drain to be assessed in the WFD.</p> <p>The EA confirmed that smaller watercourses within the wider WFD water body should be included in the WFD assessment, with tributaries of the Mersey transitional water body to be assessed using surface water quality elements and summarised within the transitional water body section of the WFD assessment.</p> <p>The EA confirmed that it is acceptable to undertake one WFD assessment and provide it to both Natural Resources Wales (NRW) and the EA to support the DCO Proposed Development application.</p> <p>If culverts are required for temporary crossings, an assessment of effects would be needed in the WFD though the assessment would not need to include modelling. The EA retain a no culverting policy in the construction phase, even those of a temporary nature, as they want to ensure short term impacts are as minimal as possible.</p> <p>Manchester Ship Canal may need to be screened in for assessment as water from Ince pumping station (EA operated) is pumped into it. Water quality elements only to be assessed - not morphological or biological.</p> <p>The EA confirmed aspirations for the setting back of the flood embankments along the river Gowy in the vicinity of the proposed pipeline crossing. The design and depth of the pipeline therefore needs to allow for the re-naturalisation of the platform of the river at this location.</p> <p>If the pipeline is laid and the riverbed is returned to existing conditions with no bed reinforcement, then this is considered as reinstatement for the purposes of biodiversity calculations and river condition.</p> <p>The EA confirmed that sediment sampling does not need to be included within the WFD. It must be ensured that there is no deterioration to water bodies and that mitigation measures (for the WFD waterbodies) are not prevented from being implemented.</p> <p>The Applicant confirmed that within the Flood Risk Assessment (FRA), the main pipeline will be captured in one section, as impacts are likely to be the same. The Above Ground Installations (AGIs) and Block Valve Stations (BVS) will be assessed individually in the same FRA.</p>



Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p>The EA agreed it is reasonable for the Applicant to make reference to the drainage design and strategy prepared by its consultant as a separate document, but also need to consult with the Lead Local Flooding Authority (LLFA) for their individual requirements.</p> <p>The EA confirmed that it does not have a preference as to whether Flood Risk Activity Permit (FRAPs) applications are submitted for individual watercourses or all watercourses in one application. The FRA assesses only permanent works. Flood risk impacts associated with the construction phase will be managed through the Construction Environmental Management Plan (CEMP) and FRAPs as required.</p> <p>The EA indicated that the vulnerability of the pipeline should be considered as “water compatible” and if a hazardous substance consent is needed for the AGIs then the classification would move to “highly vulnerable”. It was subsequently decided to classify the DCO Proposed Development as essential infrastructure which could be transitioned into further assessments. No further action on this topic required.</p> <p>When applying for FRAPs for temporary crossings, EA confirmed that if there is a clear span structure, then everything is beyond limits of channel. The EA retain a no culverting policy in the construction phase, even those of a temporary nature, as they want to ensure short term impacts are as minimal as possible. No dig methods may not necessarily require FRAPs and the guidance regarding this needs to be consulted by the designer/applicant. The EA has made the Applicant aware temporary culverts may be deemed inappropriate in some instances (i.e., temporary bridges may be a preferable option), however, this would need to be discussed with Flood Risk, Ecology and Geomorphology advisors. The Applicant may seek temporary crossings as part of the construction phase.</p> <p>If proceeding with the FRAP exemption for boring under earth embankments on the river Gowy there are specific criteria around no-dig techniques. If work cannot meet standards, then the Applicant will need to apply for a permit. EA would look at proximity of the excavated work areas to the embankments and ensure any construction in close proximity to defences has been well considered.</p>
<b>15/03/2022 to the 20/04/2022</b>	Email correspondence between EA and Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Data Request</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Obtained information on hydraulic modelling from EA.</p>
<b>06/06/22</b>	Email correspondence between EA and Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Tidal and fluvial flooding at Ince AGI location</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The EA confirmed that the area is defended against tidal flooding and there is usually no requirement for compensatory flood storage for development either in areas located behind flood defences (areas benefitting) or in locations at risk of tidal flooding only.</p> <p>Raising ground or finished floor levels is generally considered a simple and effective way of reducing the risk of flooding.</p>
<b>07/06/22</b>	Email correspondence between EA and Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Tidal and fluvial flooding at Ince AGI location</li> </ul>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p><b>Discussions and Outcomes</b></p> <p>The EA confirmed that the pumping stations controlling water levels in the Ince Marshes are monitored and alarms are generated should the pumping stations fail. The EA would respond to these failures by investigating the faults within four hours. A repair or contingency plan would be implemented if needed at a later date.</p>
25/07/2022	Email correspondence between EA and Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Updated crossing techniques and construction methodologies for watercourses</li> <li>• River Gowy crossing</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The EA agreed that the email allays concerns raised over open trench crossings at the River Gowy. Further discussion will be required on proposed construction methods for watercourse crossings and existing flood defences as part of the Examination process.</p>
08/09/2022	Microsoft Teams meeting between EA and Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Groundwater assessment approach and methodology</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The EA were positive and agreed with the assessment approach. The EA confirmed they would offer formal agreement once they have reviewed the ES.</p>
03/10/2022	Email correspondence between EA and Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Provided the FRA to the EA for review and comment</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The EA has agreed that they would review the FRA as and when, or if required under agreement.</p>
23/01/2023	Microsoft Teams meeting between EA and Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Update on key milestones of HyNet DCO application.</li> <li>• Discuss early first draft on Statement of Common Ground (SoCG).</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>Review of template structure, general layout agreed.</p> <p>The Applicant confirms the front-end section will be updated to include land plots EA hold an interest in.</p> <p>Table of correspondence agreed as accurate.</p> <p>EA looking to provide detailed comments towards the end of February and will continue engagement.</p>
07/03/2023	Microsoft Teams meeting between EA and Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Discussion on the content of the second draft of the SoCG.</li> </ul>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p><b>Discussions and Outcomes</b></p> <p>EA clarified details on land plots at the section of the River Gowy at Wimbolds as the area affected by the pipeline. The Applicant confirmed a review will be undertaken and the document updated to include any missing plots.</p> <p>The EA advised that additional work is required to improve the conceptual site model and provide improved characterisation of land quality and risk to 'controlled waters'.</p> <p>The EA recommended additional wording to be added to the Phase II Ground Investigation Report to reflect the emerging nature of the contaminant of concern, the potential difficulties in dealing with it and that additional permitting may be required.</p> <p>EA advised their interests reflected in the Book of Reference are to remain under discussion until the cross references list is accurate.</p>
15/06/2023	Microsoft Teams meeting between EA and Applicant	<p><b>Key topics:</b></p> <ul style="list-style-type: none"> <li>• Discussion regarding responses to Written Questions and WFD mitigation measures</li> <li>• Discussion of SoCG (Table 3.4 items under discussion)</li> </ul> <p><b>Discussions and Outcomes:</b></p> <ul style="list-style-type: none"> <li>• A summary of the WFD assessment approach was presented. The EA stated that the approach to assessment had been robust and they were confident in the Applicant's competence in assessing impacts to WFD. The EA questioned the Applicant's contribution towards delivering the objectives of the WFD.</li> <li>• Reinstatement of habitats was discussed again and the Applicant outlined the REAC commitments for reinstatement and off-setting where constraints limited total reinstatement, such as root exclusion zones. The EA requested an additional action in the REAC regarding reinstatement and compensation. The EA advised enhancements should not form the mitigation package intended to offset impacts of development delivery.</li> <li>• Micro-siting of the pipeline to more degraded reaches were discussed and the Applicant referred to the associated REAC commitment. However, other constraints also need to be considered in the placement of the pipeline, not just watercourse features.</li> <li>• Riparian enhancements were discussed. The Applicant has proposed riparian enhancements despite the Applicant's position to reinstate with no residual impacts. Therefore, the Applicant is proposing enhancements to watercourses along the pipeline. These enhancements may, in some locations, serve to improve the River Condition Score of the reach.</li> <li>• Pipeline depth below bed level was discussed. The Applicant reasserted that appropriate pipeline depth below bed level, and where necessary, across the floodplain, was fully considered in the assessment in order to prevent future exposure of the pipeline due to fluvial processes.</li> <li>• WFD mitigation measures were discussed, in particular around the River Gowy and Withy Beds weir. The Applicant will include a specific assessment against the Withy Beds weir in the update of the WFD assessment report.</li> </ul>

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		<ul style="list-style-type: none"> <li>The EA requested a resubmission of the WFD report prior to the end of Examination and for the Applicant to notify them of which deadline the updated report will be submitted.</li> <li>EA requested a statement on undertaking a WFD assessment at the time of decommissioning within the WFD assessment.</li> </ul>
20/06/2023	Email correspondence between EA and Applicant	<p><b>Key Topics:</b></p> <ul style="list-style-type: none"> <li>Additional points raised in relation to updates to the WFD assessment as included in the EA's Deadline 1 Written Representation submission.</li> </ul> <p><b>Discussions and Outcomes:</b></p> <ul style="list-style-type: none"> <li>The EA advised that macrophytes and phytobenthos (phytoplankton if this is to remain as part of the WFD quality element) have the potential to be impacted by such proposals and request it be 'scoped-in' to the WFD assessment.</li> <li>The EA outlined that the proposed new outfalls and culverting should also be considered physical modifications to the water body. Therefore, the 'Justification' section should refer to such works to ensure mitigation measures for these proposals are fully recognised.</li> <li>Whilst the EA acknowledge the comments provided under the responses to the Written Representations, whereby outfalls will be set-back and temporary culverts will be removed post-construction, being the reason to 'scope-out' such works, the EA advise this should be 'scoped-in' at this stage for further assessment at the detailed design stage.</li> <li>The EA advised that if there are any modifications required to the watercourses to facilitate the setting-back of culverts they request that the 'physical modification' aspect is considered to ensure appropriate mitigation measures are in place. Where culverts are proposed, the EA recognises the intention for these to be temporary where necessary (with the exception of the Elton Land Ditch 1), but advises that 'physical modifications' are scoped-in given the WFD Assessment should also consider the impacts of construction activities to facilitate the proposed development in the context of Table 5.11 within the WFD Assessment (Table 5.12 of the revised WFD Assessment). The EA is satisfied with the comments provided by the Applicant on this aspect and consider this addressed.</li> <li>The EA still advise 'macrophytes and phytobenthos' be 'scoped-in' given the potential impacts of construction / operation could have on this WFD quality element.</li> </ul>
12/07/2023	Microsoft Teams meeting between EA and Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>Discussion regarding the wording in the REAC relating to construction works during sensitive life cycles for fish.</li> <li>Discussion on the impacts of the scheme on the Gowy Landfill's operations.</li> <li>Discussion on the wording of DCO Requirements from the EA's Deadline 4 and 5 submission responses (Requirement 4; 5; 8; 9; 16; 18)</li> </ul> <p><b>Discussions and Outcomes:</b></p>

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		<p>The Applicant noted that there are a number of potential seasonal constraints to construction across the project and while seasonal avoidance will be employed where practical across the proposed works as a matter of principle, it is unlikely that sensitive seasons can be avoided for every receptor. Consideration will be given to the wording in the REAC regarding reference to 'exemptions' that the EA cannot grant and re-confirmed any affected works will be subject to a FRAP. The Applicant will review the REAC wording.</p> <p>The Applicant advised that whilst they have yet to receive a further response from the Gowy landfill operators, they believe their operations are not affected by the DCO Proposed Development and not deemed to be encroached upon when undertaking previous ground investigation works in the area. The EA requested written confirmation be received.</p> <p>The EA raised queries regarding the limits of deviation for the pipeline depth and issues with not knowing specifics until the detailed design stage, and raised specific concerns regarding the opening of potential pollution pathways, particularly at watercourse crossings that would not be covered under a FRAP. The EA would request the detailed design of the pipeline for watercourse crossings is provided through the DCO Process once available. The Applicant confirmed there is not currently a detailed design regarding the pipeline depth. However, for watercourse crossings, the pipeline would be placed at least 1.2m below watercourse bed level. In addition, the pipeline would also be buried at least 1.2m below watercourse bed level across the floodplain where lateral adjustment could potentially occur, or the future reinstatement of a sinuous planform. Clay plugs/ trench breakers will also be placed at regular intervals along the pipeline trench to avoid preferential flow pathways being created. The EA confirmed they will check the specifics with their legal advisor and contaminated land specialist and get back to the Applicant regarding whether trench breakers address contamination concerns. Additional discussions on contaminated land will be held on 24<sup>th</sup> July 2023.</p> <p>Potential ground contamination issues were discussed, in particular from PFAS, and that the EA feel further ground investigation will be required across the site area and this should be included as a DCO requirement. The EA note that DCO Requirement 9 currently reads as addressing contamination if encountered, which is welcomed, but does not acknowledge that the DCO submission has identified the need for additional site investigation work where areas of contamination have been identified and / or is potentially present. The EA would want to see this information and, if required, subsequent remedial strategy(s) and validation plan(s) prior to commencement of any development. The Applicant advised it would not be practical to undertake further ground investigations over such a large area ahead of <u>any</u> works commencing and that such investigations needs to be staged along with the works for programme reasons. The EA advised the programme should be amended to determine where such works would not be required (i.e. identified low contamination risk, therefore, no further works required) and recognise where additional investigation and potential remedial works will be required. In line with the LCRM Guidance, site investigation works and, if necessary, any remediation; validation plans and subsequent verification reports are required to manage risks of contamination. Therefore, the EA would want to see this information in so far as this relates to the protection of 'controlled waters'. EA highlighted this information will be important to inform management plans under the CEMP (DCO Requirement 5). The details will be discussed further at an upcoming ground contamination meeting on 24 July 2023.</p> <p>Pollution prevention measures were discussed in particular where infiltration has been proposed as a potential part of the surface water drainage strategy for some of the AGIs and a request from the EA for the DCO wording to be changed regarding the level of certainty and general flexibility in the wording. The Applicant advised adding flexibility to the wording of the outline strategy would not be an issue and would be updated prior to Deadline 7 if not sooner. The Applicant also advised the control measures are outlined in the Outline Groundwater Monitoring and Management Plan and the De-</p>

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		<p>watering Management Plan. The EA confirmed they have not had the opportunity to review but will engage with the Applicant on the outcome of their review.</p> <p>With regards to the WFD compliance assessment, the EA raised concerns regarding the reinstatement of riverine habitats to baseline conditions and the use of the wording 'where reasonably practical' within the commitment. The Applicant confirmed there are commitments to re-instate the habitat allowing a period for vegetation reinstatement and maturity over a period of 2 years, which is standard practice. In addition, the Applicant is providing WFD enhancements over and above any potential impacts to watercourses and therefore considers that habitat compensation is already embedded within the design and no further habitat compensation for watercourses is required. The EA advised that enhancements should not be considered as compensatory measures and this consideration is to ensure in the event it is found habitats cannot be reinstated compensation is provided.</p> <p>The Applicant also has a commitment to monitoring, with the relevant REAC commitments outlined during the meeting. The Applicant explained that the use of the term 'reasonably practical' in the commitments for the reinstatement of habitats along watercourses is due to the removal of trees and like for like replacement not being possible within root exclusion zones. However, the Applicant is replacing any felled trees in line with the scheme-wide tree planting strategy, which includes riparian planting to compensate for any tree removal. In addition, the reinstatement of habitats to exactly mirror baseline immediately post-construction is not feasible. A period of natural recovery is required to enable natural fluvial processes to reinstate physical habitat features within the channel and banks of the watercourses. The EA advised they would re-check the details and get back to the Applicant.</p> <p>The Applicant would like to refer the EA back to the consultation meeting held on 2 March 2022 where the question of reinstatement of watercourses and the EA's views on the matter were specifically sought. The EA responded that if the riverbed is returned to existing conditions with no bed reinforcement, then this is considered as reinstatement. The EA did not suggest that reinstatement would not be feasible or the need for additional habitat compensation. The EA were of the opinion at that meeting that it is reasonable to assume reinstatement is feasible in principle. The EA reiterated the measure is to ensure in the event habitat reinstatement is found not to be feasible then compensation will be required which cannot be discounted until the detailed design stage.</p> <p>The EA also requested an additional commitment to provide additional mitigation for WFD compliance should it not be possible for the Applicant to reinstate to baseline conditions. The Applicant did not agree that it would not be possible to reinstate the habitats following trenched crossings, and outlined the REAC commitments regarding habitat reinstatement and the measures proposed, which include detailed pre-construction surveys of watercourses, ECoW supervision for channel and bank reinstatement, and post-construction monitoring. The EA asked for an additional commitment for additional habitat mitigation areas to be provided should there be a future scenario where habitat reinstatement was not feasible. The Applicant stated there is no legal mechanism for securing such a commitment for an unknown area and/or location of land to undertake a potential future unknown scope of works. The measures for habitat reinstatement along watercourses presented within the DCO are robust and follow industry best practice.</p> <p>The EA queried the scoping of WFD quality elements and requested that certain elements and activities were scoped back into the assessment. The Applicant stated that the WFD screening and scoping [REP4-174] was presented to the EA early in the assessment stages of the DCO and the WFD screening and scoping was agreed. The WFD assessment has therefore been undertaken following mutual agreement between the Applicant and the EA on the WFD screening and scoping. The Applicant stated that to change the scoping outcomes at this late stage would result in significant restructuring of the WFD report, only to report the same outcomes. The scoping changes requested by the EA related to</p>

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		<p>groundwater aspects, and given the size and scale of WFD groundwater bodies, the proposed works would not have a significant impact at the WFD groundwater body scale, which is why it was agreed that these elements were scoped out of assessment. The Applicant agreed to provide additional justification to the scoping outcomes. The EA has provided a table with the scoping outcomes where they would like to see further justification. These updates will be made for Deadline 7.</p>
<p><b>19/07/2023</b></p>	<p>Email correspondence between the EA and Applicant</p>	<p>Following discussions on 15<sup>th</sup> June 2023 and the 12<sup>th</sup> July 2023, the EA revisited the Applicant's comments on the WFD matters raised where the Applicant disagreed that a measure to include habitat compensation where reinstatement may not be found to be feasible. The EA welcomed the intention to undertaken monitoring following on from reinstatement and wider enhancement proposals. However, given the multiple watercourse crossings by trenched techniques and in the absence of design details providing a firm understanding of the extent of impact, the request to include a mitigation measure to ensure habitat compensation within the same WFD water body is provided in the event that a straightforward re-instatement of any habitat / vegetation cannot be achieved is still required. This is to ensure no detriment to status and potential of a watercourse in line with the WFD where a cumulative impact of habitat loss / vegetation may potentially occur. Whilst the Applicant has highlighted the proposed enhancement measures to be delivered as part of the DCO Proposed Development, the EA recognises that such matters could be addressed at the detailed design stage and therefore, request a mitigation measure for habitat compensation where reinstatement is found to not be possible is included.</p> <p>The EA Estates team is in discussions with the applicant on the Heads of Terms for plots 6-02; 6-03; 6-07; 6-10; and 6-11. The EA has requested further information for both the purposes of the DCO proposals and Heads of Terms clarity on the intended proposals for work plan 57F in the Outline Landscape and Ecological Mitigation Plan <b>[REP7-250]</b> which has been safeguarded for additional mitigation measures. The Applicant will provide further information to the EA.</p> <p>The EA's stance remains that the wording of the REAC measures associated with works that may take place during sensitive fish spawning / migration seasons (D-BD-50; D-BD-56; and D-BD-58) requires rewording. The EA does not provide 'exemptions' for works to take place during these seasons where it cannot be avoided and the wording needs to ensure that it is recognised that the Flood Risk Activity Permit process will determine if this is possible. The Applicant will revisit the wording of the REAC measures.</p> <p>The EA highlighted that whilst the applicant indicated on 12<sup>th</sup> July 2023 that there was a commitment to ensure pipeline depths are no shallower than 1.2m in depth at watercourse crossings, the EA were unable to establish where this had been included in the current DCO submission. However, the EA recognise the pipeline depth will be subject to further assessment work during the detailed design stage. Therefore, the EA highlighted that we would want to be consulted on the detailed design stage of the watercourse crossings. The EA also highlighted they would want to be consulted on reinstatement proposals on watercourse crossings.</p> <p>Discussion on contaminated land related and pollution prevention measures to be held on 24<sup>th</sup> July 2023.</p>
<p><b>24/07/2023</b></p>	<p>Microsoft Teams meeting between EA and Applicant</p>	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Discussion regarding groundwater and contaminated land, including additional work requirements and levels of investigation.</li> <li>• Discussion on DCO Requirement 9 and any additional wording required (e.g. additional site investigation required to ensure protection of 'controlled waters').</li> </ul>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<ul style="list-style-type: none"> <li>• Discussion on pollution prevention and pipeline design.</li> <li>• Discussion on surface water drainage, including infiltration drainage for AGI's, and update of OSWDS or DCO Requirement 8 wording.</li> <li>• Discussion on PFAS and wider Stanlow area contamination</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The EA provided an update as to their review of existing ground investigation information. They stated that there were limited amounts of ground investigation undertaken thus far, which does not provide sufficient ground investigation, characterisation, assessment, or indication of where remediation (if necessary) would be required that they would be confident to say that the pipeline would be unlikely to cause a significant risk to controlled waters. Additional works are required to improve the site conceptual model.</p> <p>The Applicant does not accept that this is a reasonable position given that most of the route is undeveloped/greenfield land with very low risk of contamination and that investigations on points of potential concern have been carried out in addition to the general investigation across the route.</p> <p>The EA explained that exploratory holes placed every 500m is not considered representative of the pipeline route particularly where there are information gaps in the current submission and there is a possibility that the desk study undertaken may not have picked up on potential works / development through this land (i.e. activities on farmland / developments not included on historic mapping due to sensitivity). The EA's stance remains that the Applicant has not provided sufficient information to fully characterise the pipeline route at this time and therefore, the EA is unable to concur with the Applicant's determination that the GI currently identifies where areas are of 'low risk'.</p> <p>The Applicant queried how far off the EA think the Applicant are in terms of providing sufficient (and additional) work, and if enough had been done across the pipeline's route corridor. The Applicant asked the EA to make clear its concerns.</p> <p>The EA explained it is up to the Applicant to undertake a robust study and to provide sufficient evidence to support their conclusions where the approach undertaken has not been justified at this time and leaves significant information gaps. The Applicant considers that approach has already been applied.</p> <p>The EA confirmed that there were likely to be areas of the development land that don't have a history of industrial land use or any contaminant source to have contaminants but does not come up within initial assessments. The Applicant notes that this is always the case and is precisely the reason for the inclusion of requirement 9.</p> <p>The EA identified that there is a need for additional site investigation work in areas where contamination has a high likelihood of being present before the commencement of development in relevant sections/phases/stages of the pipeline development.</p> <p>The EA would want to see this information and, if required, subsequent remedial strategy(s) and validation plan(s) prior to commencement of any development. The Applicant advised it would not be practical to undertake further ground investigations over such a large area ahead of <u>any</u> works commencing and that such investigations needs to be staged along with the works for programme reasons.</p> <p>The EA made reference to this approach being entirely in line with the LCRM (Land Contamination Risk Management, 2023) guidance document, site investigation works guidance and relevant remediation and validation guidance documentation.</p>



Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p>The EA explained the 'unexpected contamination' approach is only appropriate when the site has been sufficiently investigated and an understanding of the site characteristics determines it is low risk.</p> <p>The EA advised there should not be a reliance on the 'unexpected contamination' approach as a result of insufficient site investigation and assessment to understand the site characteristics. Such investigation needs to be undertaken prior to any works undertaken to understand the site conceptualisation. The EA notes no additional information has been presented to date.</p> <p>The Applicant does not believe it is necessary or proportionate to carry out very detailed GI in areas identified as low risk and the guidance does not require that. In any case, any GI campaign may miss small areas of very localised contamination (such as burials of material by farmers) and not change the position. The EA advises that the information presented has not sufficiently demonstrated where along the pipeline route that there are areas of 'low risk', where there is recognition that the pipeline is located in areas of potential contamination.</p> <p>The EA considers it is not unreasonable to request a sufficient site investigation to provide evidence that areas are at low risk. The Applicant referred to the OCEMP commitments and additional information within the Outline Soil Management Plan [REP7-244] which refer to the need to follow best practice and guidance, of which reference to this would be shared with the EA. The EA advised that using the OCEMP to address contaminated land matters is not appropriate and went against common industry practice. The EA reiterated that adequate ground investigation should be addressed through a DCO Requirement as it is not only a construction related activity and will ensure the land is appropriate for its end use.</p> <p>The Applicant highlighted that requiring additional work prior to the commencement of development would impact the programme of delivery for the pipeline where it is anticipated sections of the pipeline will be commencing in advance of other sections.</p> <p>The EA reminded the Applicant that they had not seen any phasing for the development within the Land and Soils chapter of the ES. The EA asked for some narrative to be provided towards the stages where it can be shown where significant investigation has been undertaken and therefore no need for remedial measures at that particular stage.</p> <p>The Applicant stated that phasing is covered within the DCO Requirements but as 'stages', and that it would be premature to provide a narrative to the stages prior to the appointment of the Construction Contractor(s) who would decide the stages. The Applicant also notes that it is clear in the ES that construction would be undertaken in sections across the route and that it does not consider it reasonable or proportionate to prevent construction in one location where another location which could be tens of kilometres away is investigated or remediated.</p> <p>The Environment Agency rejected this approach as misinterpretation and reiterated that they would want to see the ground investigation and where necessary risk assessment, a remediation strategy and verification plan per section/phase/stage of the linear development where necessary.</p> <p>The EA noted the ES 'Ground Conditions' chapter does not address how land contamination matters would be dealt in a staged approach. The EA considered it not unreasonable to provide narrative on the 'stages', even if this has not been defined at this stage, whereby if the Applicant intends to proceed in stages there needs to be sufficient information to demonstrate where it considers there are areas of low risk and where there are areas that require additional work which will in turn inform the programme of delivery.</p> <p>Discussion covered trench breakers and pipeline depths, where the Applicant outlined that the employment of trench breakers, designed to prevent the pipeline becoming a preferential flow pathway, would be added. The EA queried</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p>whether they would need to see the pipeline designs and where 'collars' are placed. The Applicant notes this would be developed in the detailed design stage.</p> <p>Contamination matters at Stanlow were discussed, and the Applicant considers that it is a special case. Discussions with the landowner are ongoing. The Applicant proposed potential ways forward with how to deal with Stanlow, by either saying that land around the proposed AGIs will be remediated by the operator (someone who is technically competent to operate their facility) under permit (the operator must demonstrably have the authority and ability to ensure that the Environmental Permit is complied with), or that a proposed method of dealing with remediation for that part of construction is presented alternatively. The EA expressed that they would want to see those details prior to commencement and prior to development (Stanlow).</p> <p>The EA did not confirm that it agreed that Stanlow was a special case rather a series of stages which progressed through the Stanlow Manufacturing complex.</p> <p>The EA explained it was difficult to advise due to the complexities of the Stanlow stage of development and the Applicant suggested a framework or additional wording for the DCO Requirements to be put together for Stanlow.</p> <p>With regards to PFAS and previous discussions on this emerging contaminant of concern, the EA noted that it considers that this contaminant may be in the vicinity of the Stanlow complex, and confirmed it was a contaminant of concern. At least for investigations in Stanlow, the EA advised that a PFAS analysis suite should be included in the regime to identify if it is present as it will greatly affect any remediation efforts. The Applicant responded to say that this will be covered where required.</p> <p>As previously discussed at the meeting on 17<sup>th</sup> July 2023, the Applicant provided an update regarding adding extra flexibility to the wording within the Outline Surface Water Drainage Strategy regarding infiltration and infiltration trenches, of which the Applicant stated this would be shared with the EA for their review prior to Deadline 6a.</p> <p>It was agreed that REAC, OCEMP and any management plan commitments or measures relative to ground contamination would be shared by the Applicant with the EA. This has been incorporated into a Ground Investigation Technical Report <b>[REP8-033]</b>.</p> <p>It was agreed that a draft framework or drafted requirement wording within the Draft DCO would be produced by the Applicant relating to the Stanlow area.</p>
<b>03/08/2023</b>	Email Correspondence between the EA and Applicant	The EA confirmed that it was satisfied with the justification provided by the Applicant on 30 <sup>th</sup> June 2023 to scope out 'macrophytes and phytoplankton' for the 'culvert replacement and extension' and 'drainage outfall' activities in the WFD assessment <b>[REP8-013]</b> .
<b>07/08/2023</b>	Email Correspondence between the EA and Applicant	<p>Following the discussion on 24<sup>th</sup> July 2023, the Applicant submitted a Ground Investigation Technical Report <b>[REP8-033]</b> to the EA for review. The Applicant provided a summary of the Ground Investigation approach undertaken, associated REAC measures and a proposed DCO Requirement to manage contamination in the Stanlow area only. As a result of negotiations between the Applicant and the site operator at Stanlow, the Applicant is seeking flexibility through a proposed DCO Requirement to enable remedial works to be undertaken by the site operator, through the Environmental Permitting regime, if not by the Applicant.</p> <p>The EA plans to feedback on the technical aspects of the Ground Investigation Technical Report (discussion on 15<sup>th</sup> August 2023).</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p>With regards to Stanlow, the EA advised that under a DCO Requirement we consider it is not necessary to stipulate who is responsible for undertaking any proposed investigation and / or remedial works. The EA provided clarity to the Applicant that under the Environmental Permitting regime, when surrendering a permit (or partial), the permit holder is required to remediate contamination as a result of the activities under their operational permit.</p> <p>This does not require remediation of historical contamination and only requires remediation of contamination issues under the lifetime of their operational permit to a 'Satisfactory State'.</p> <p>From the EA's perspective, contaminated land matters are required to be managed through the DCO to ensure the land meets the requirements of the National Planning Policy Framework guidance document and in particular paragraphs 174, 183 (especially 183(c) and 184).</p> <p>The EA advised where contamination has been identified / potentially present, prior to the commencement of development, approval of information to manage the risks of contamination (site investigation and assessment; and where necessary, a remediation strategy(s) and validation plan(s)) should be sought.</p> <p>The EA rejected the approach that additional site investigation / assessment work and, where necessary, remedial works could be dealt with through the OCEMP. The EA stated that this information would be utilised to inform the OCEMP, as such this additional information would be essential to ensuring the land is appropriate for its end use for the purposes of the development under the DCO. The EA shared proposed wording to the applicant for a DCO Requirement as the information submitted to date had not addressed the concerns raised.</p> <p>A discussion on the technical deficiencies of the information submitted and to support the Applicant in ensuring sufficient information was presented to enable a staged approach to the development was requested (15<sup>th</sup> August 2023).</p>
08/08/2023	Email correspondence between the Applicant and the	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>The Applicant provided a response to the EA's stance on requirement for recognition of habitat compensation in the event this is found to not be feasible from 19<sup>th</sup> July 2023</li> </ul> <p><b>Discussion and Outcomes</b></p> <p>The Applicant highlighted the consultation meeting where the EA where the reinstatement returned to existing conditions with no bed reinforcement was considered reinstatement. The Applicant indicated the EA had not suggested reinstatement would not be feasible and the need for additional habitat compensation.</p> <p>The Applicant highlighted that there are commitments to re-instate the habitat allowing a period for vegetation reinstatement and maturity over a 2-year period as standard practice including monitoring. There are WFD enhancements provided over any potential impacts to watercourses and therefore, considers habitat compensation is already embedded within the design and no further habitat compensation for watercourses is required. The applicant highlighted the use of the term 'reasonably practical' for reinstatement of habitats along watercourses is due to the removal of trees and like for like replacement not being possible. In addition, a period of natural recovery is required to enable natural fluvial processes to reinstate physical habitat features within the channel and banks of the watercourses.</p> <p>The applicant does not agree that it will not be possible to reinstate the habitats following trenched crossings as the majority of the trenched crossings are on man-made / artificial ditches and therefore, there is no meaningful risk that these channels cannot be reinstated given their nature. For the few trenched crossings where the watercourses do exhibit</p>

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		<p>some morphological diversity, there are commitments in the REAC regarding habitat reinstatement and the measures proposed, which include detailed pre-construction surveys of watercourses, ECoW supervision for channel and bank reinstatement, and post-construction monitoring. In addition, riparian planting is also provided at all of these locations to both offset potential impacts and to provide riparian enhancements. Therefore additional riparian enhancements are proposed within the same watercourse and therefore same WFD water body.</p> <p>The Applicant asserts that there is no legal mechanism for securing additional land at some point in the future of an unknown area and/or location to undertake a potential future unknown scope of works for more habitat compensation.</p> <p>The Applicant indicates an assessment of cumulative impacts has been undertaken and this will be provided in Deadline 7.</p>
15/08/2023	Microsoft Teams meeting between EA and Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Discussion regarding groundwater and contaminated land, including additional work requirements and levels of investigation.</li> <li>• Discussion on information required to enable a staged approach to the development following the EA's request for all contaminated land related matters to be submitted and approved prior to the commencement of the development.</li> </ul> <p>The EA advised the Applicant on the outstanding issues presented to date on the ground investigation work whereby the exploratory holes at approximately 500m apart is not sufficient for a scheme of this scale to sufficiently characterise the site within the Order Limits. Further to this, the exploratory holes in some locations were not within the pipeline corridor where it has not been made clear how this is reflective of site conditions in proximity of the intended pipeline route. The EA noted the applicant had not provided sufficient justification as to why this approach was appropriate. The EA explained that there could be potential contamination from activities and / or development that has been unmapped or assessed through the Phase 1 Desk Study.</p> <p>The Applicant explained that there have been limitations in the site investigation works as a result of gaining access. The EA acknowledge this and pragmatically agreed that such investigation works in these areas could only take place once access has been secured but reiterated that such works need to be completed prior to the commencement of development.</p> <p>The EA advised that it is important sufficient site characterisation is undertaken prior to the commencement of development to ensure the Applicant (as well as relevant regulators) is aware of the conditions on site and what additional works may be required. This will lessen the risks of issues with the delivery of the scheme whereby delays will be caused if areas of contamination are identified which could have been identified in the first instance from a thorough understanding of ground conditions.</p> <p>The EA advised it is not appropriate when dealing with land potentially affected by contamination to rely on the 'unexpected contamination' approach in the absence of such information. The EA also advised that to deal with site investigation / assessment and remediation works through a CEMP is not appropriate as it is essential to ensuring the end use of the development is suitable for its end use. It was recognised that the site investigation / assessment and remediation works, where required, will feed into the forthcoming detailed CEMP.</p>

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		<p>The Applicant explained that the DCO Proposed Development went through areas of arable land within the England section of the scheme and a site walkover had been undertaken along the pipeline route. The EA notes the details of the site walkovers had not been detailed in the Ground Investigation report. The EA note the current reporting does not currently provide a sufficient assessment to establish spatially where areas of low risk have been identified. The Applicant was concerned that by requiring site investigation works prior to the commencement of the development of the whole scheme that this would stop areas that were potentially low risk from a contamination perspective from commencing. The EA did recognise this, reaffirmed its position in the meeting of 24 July 2023 in that that they would want to see the ground investigation and where necessary risk assessment, a remediation strategy and verification plan per section/phase/stage of the linear development where necessary. They recognised that linear develops like this were completed in sections/stages/phases however, highlighted the current ES 'Land and Soils' chapter <b>[REP7-050]</b> does not currently provide narrative on how the management of contamination will be brought forward in stages.</p> <p>Therefore, the EA requested an additional report / amendment to the Ground Investigation Technical Report <b>[REP8-033]</b> to clearly identify, based on the information collated and supplementary information from the site walkovers undertaken, where the Applicant had sufficient information / justification to indicate where areas are low risk and where areas required additional site investigation / assessment work.</p> <p>The EA acknowledged where low risk areas are identified that this can be managed under the 'unexpected contamination' approach and where additional work is required this will need to be addressed prior to the commencement of that 'stage'. The Applicant agreed to produce a report for the EA's review.</p> <p>The EA explained, once there was agreement on the additional information which clearly identifies 'low risk' areas, the EA and Applicant can discuss how such additional works would be secured through the DCO.</p>
<p><b>18/08/2023-24/08/2023</b></p>	<p>Email correspondence between EA and Applicant</p>	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Discussion regarding the wording in the REAC relating to construction works during sensitive life cycles for fish.</li> <li>• EA Response to email dated 15/08/2023 on habitat compensation with regards to WFD matters</li> <li>• EA receipt of Ground Investigation Technical Report <b>[REP8-033]</b> and preliminary comments</li> <li>• EA request for information on Plan 57F in the Outline Landscape and Ecological Management Plan <b>[APP-229]</b>EA provided comments on the Outline Dewatering Management Plan <b>[REP8-031]</b> and Outline Groundwater Monitoring and Management Plan <b>[REP7-283]</b>.</li> </ul> <p><b>Discussions and Outcomes</b></p> <p><u>REAC measure for construction works during sensitive life cycles for fish</u></p> <p>Following the meeting held with the EA on 12/07/2023, the Applicant provided the EA with draft updated text relating to REAC items D-BD-050, D-BD-056 and D-BD-058 on 18/08/2023. The EA confirmed they are happy with the updated wording via email correspondence on 24/08/2023.</p> <p><u>Habitat compensation for WFD matters</u></p> <p>The EA advised that their stance remains from 19<sup>th</sup> July 2023 in the event watercourse / riparian corridor cannot be achieved. The proposed enhancements should not form part of a mitigation package intended to offset impacts. The EA requested an opportunity to review the WFD Assessment in advance of Deadline 7.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p><i>Ground Investigation Technical Report</i></p> <p>The Applicant provided a revised Ground Investigation Technical Report following discussions on 18<sup>th</sup> August 2023, including supplementary information on where the EA provided the following preliminary comments on this matter:</p> <ul style="list-style-type: none"> <li>• The EA hold the position that any area potentially / identified to be impacted by contamination will require additional site investigation / assessment (and remediation strategy(s) including validation plan(s)) prior to the commencement of development and approved by the EA from a 'controlled waters' perspective (Local Authority for human health matters).</li> <li>• The EA disagree additional site investigation / remediation works can be dealt with under the OCEMP. As it is pertinent to ensuring ground conditions are appropriate for the end use of the development and to ensure appropriate mechanisms are in place for the EA to approve such works from a 'controlled waters' perspective. A requirement should be included to ensure the risk to 'controlled waters' is managed appropriately from the proposed development.</li> <li>• It is not considered necessary to have a stand-alone DCO Requirement for Stanlow whereby the principle of submission and approval of site investigation / assessment; remediation strategy(s); and validation plan prior to the commencement of development is necessary <u>for all sites where contamination is potentially / identified to be present</u>.</li> <li>• EA will review the summary of investigation works undertaken in detail to establish a staged approach to the development, however, it was highlighted that the summary of sections provided was broad in nature and did not provide sufficient spatial context with regards to land plans.</li> </ul> <p><i>Work 57F (and Heads of Terms)</i></p> <p>EA requested information as of 19<sup>th</sup> July 2023 on the intentions of Plot 57F</p> <p><i>Outline Dewatering Management Plan</i></p> <p>The EA advised that there is acknowledgement within the report that a Water Features Survey will be required based on the hydrogeological conceptual understanding of the site and such survey work will be determined by the hydrogeological setting and anticipated abstraction rates which may cover wider than 500m. Furthermore, recognition that the hydrogeological setting needs to take into account an assessment of groundwater / surface water connectivity and the contribution groundwater may be making to baseflows of surface water bodies.</p> <p>There also needs to be recognition that appropriate permits are in place prior to any discharge.</p> <p>With specific regard to the proposals to provide discharges to GWDTEs to increase groundwater levels, any proposals for such an activity will need to be accompanied by an appropriate risk assessment relative to the individual site and any designated features within that site.</p> <p>We advised any environmental incidents in England are reported to the EA at the earliest opportunity.</p> <p><i>Outline Groundwater Monitoring and Management Plan</i></p> <p>Factual geological information for each monitoring borehole should be provided as borehole logs produced in accordance with BS 5930:2015 'Code of practice for ground investigation' with levels to Ordnance Datum.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
30/08/2023	Email correspondence between EA and Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Discussion regarding contaminated land issues, updates to Outline Dewatering Management Plan <b>[REP8-031]</b> and Outline Groundwater Monitoring and Management Plan <b>[REP7-283]</b>, additional wording to Other Consents and Licences document <b>[REP7-028]</b>, updates to REAC items.</li> <li>• Ground Investigation Technical Report <b>[REP8-033]</b></li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The EA requested further information on discussion points for the SoCG and information to be presented. The EA requested sight of the WFD assessment prior to Deadline 7 which was provided to them on 3<sup>rd</sup> September 2023.</p> <p>Clarity was sought on if the comments from the EA on the Outline Dewatering Management Plan and Outline Groundwater Monitoring and Management Plan had been addressed, as well as amendments in the Other Consents and Licences document.</p> <p>The EA accepted receipt of the Table of Information 'LBA – Land Assessment and Contamination 25082023' to demonstrate where certain plots and information show areas that have been assessed to demonstrate sufficient site characterisation.</p> <p>It was noted that the Ground Investigation Technical Report will provide context to works undertaken to date. The purpose of this information is to enable the EA to recommend the ExA that a staged approach can be undertaken where they have recommended consideration of a 'pre-commencement' Requirement, with regards to additional GI (and remediation where necessary) based on information currently submitted. The EA noted that Chapter 11 (Land and Soils) does not provide sufficient evidence that would support a staged approach.</p> <p>The Technical Report is an opportunity to establish how the above is intended to be addressed.</p> <p>The EA provided the following narrative:</p> <ul style="list-style-type: none"> <li>• The intention of the Table is to identify the series of land plots where further GI / assessment will be undertaken and encompassed within a DCO Requirement. Whilst it was understood from the meeting on 24<sup>th</sup> August this was to be amalgamated into the draft 'Stanlow' Requirement produced in the latest Ground Investigation Technical Report, the EA have provided preferred wording for this requirement in advance, subject to the EA's review of the additional information. The Table will be reviewed by the EA's Contaminated Land Specialist in conjunction with the Land Plans and Phase 1 / GI reporting - from a preliminary review there are potential concerns with the limited additional GI work that will be undertaken to improve the current site conceptualisation of the route, however, detailed comments will be provided on this matter.</li> </ul> <p>The EA advised the following regarding the Technical Report:</p> <ol style="list-style-type: none"> <li>1. In the event the Table of information is found to not be sufficient in order to identify plots sufficiently, the EA request that the technical report includes narrative to establish a staged approach to the management of contamination. The Table could be included to demonstrate potential details of additional work required at this time to improve the site conceptualisation (until reviewed by the EA's Contaminated Land Specialist) but not a definitive list which will be established at the detailed design stage.</li> <li>2. The EA request the following Requirement is included in the Draft DCO (note – removal of plots and identifies per stage only from the previously circulated version on 24<sup>th</sup> August 2023):</li> </ol>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p><b>X (1)</b> – No stage of the authorised development is to commence until for that stage a remediation strategy or, if remediation is not required, a design statement to deal with the risks associated with contamination of the site has been submitted to and approved by the relevant authority, in consultation with the Environment Agency.</p> <p><b>(2)</b> No authorised development for each stage may commence until additional site investigation and risk assessment is undertaken of the risk to all receptors that may be affected, including those off-site, has been submitted and approved in writing by the relevant authority, in consultation with the Environment Agency.</p> <p><b>(3)</b> Where remediation is found to be necessary based on (2), no authorised development may commence for that stage, until an options appraisal and remediation strategy is submitted to and approved in writing by the relevant authority, in consultation with the Environment Agency, giving full details of:</p> <p><b>(a)</b> remediation measures required to render the land fit for its intended purpose and how they are to be undertaken; and</p> <p><b>(b)</b> a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy under subparagraph (a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>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.</p> <p><b>(4)</b> Prior to each stage of the authorised development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by the relevant authority, in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p> <p><b>(5)</b> If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the relevant authority), for that stage, shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by the relevant authority, in consultation with the Environment Agency.</p> <p>The EA raised that a draft Requirement is their preferred option for the amendments regarding remediation.</p> <p>Amendments were requested for D-LS-022 to address that work undertaken to date is not sufficient to fully characterise the length of the proposed pipeline in terms of contamination. The EA advised updates to include additional ground investigation and additional testing to inform material management and re-use. The Applicant is currently assessing these updates.</p>
31/08/2023	Email correspondence between the EA and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Outline Surface Water Drainage Strategy</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The EA confirmed its review of the amendments made within the Outline Surface Water Drainage Strategy <b>[REP7-254]</b> following their previous deadline responses/discussions in relation to ensuring flexibility in the wording where infiltration drainage has been proposed for AGIs/BVSs.</p>



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		<p>The EA welcomed the inclusion of the following additional wording ‘where the ground condition is considered appropriate, following soakage testing in compliance with BRE 365 standard.’ within the outline surface water drainage proposals for the AGIs / BVs (Section 6). They advised that that this specifically related to determining whether the land can infiltrate surface water and does not encompass the assurance that, where adverse concentrations of contamination are known or is suspected to be present, an assessment to the risk of controlled waters is undertaken to ensure contamination cannot be mobilised where infiltration is proposed. The appropriateness of infiltration in such areas should be informed by suitable ground investigation / assessment work to establish ground conditions. The EA advised the use of soakaways or other infiltration methods on contaminated land which carries groundwater pollution risks.</p> <p>Under Section 2.5 Planning Policy, with regards to reference to the NPPF, the EA advised an additional line referring to NPPF paragraph 174 (e) (‘preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land stability ...’) is included to ensure recognition of planning policy with regards to water pollution.</p> <p>The points above were recommended to be included in a revised Outline Surface Water Drainage Strategy.</p> <p>The EA provided the Applicant with parts of the EA’s Deadline 4 response in relation to the above matter as a summary:</p> <ul style="list-style-type: none"> <li>• The EA raised in their Deadline 1 submission [REP1-062], under ‘Outline Surface Water Drainage Strategy [APP-241]’, where surface water drainage proposals include infiltration, this should be informed by a suitable ground investigation / assessment to establish ground conditions and, where remediation is required, it is demonstrated that infiltration to ground does not pose an unacceptable risk to ‘controlled waters’.</li> <li>• In the instance there is uncertainty on whether ground conditions are suitable for infiltration and / or effectual remediation has occurred to ensure there is no remaining potential risk of contaminants being mobilized, alternative SuDS / methods (i.e. lining of components) may be required.</li> <li>• The Applicant should be aware that where SuDS elements such as filter drains or attenuation basins proposed to drain catchments that may be subject to contamination, such as roadways or hardstanding, that these structures should be lined in order to prevent the discharge of potentially contaminated surface water to ground / groundwater.</li> </ul> <p>The EA queried if the above updates would be made for Deadline 7.</p>
31/08/2023	Email correspondence between the Applicant and EA	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• The Applicant confirmed receipt of the EA’s previous email and confirmed that they will provide responses, clarifications, queries as well as the draft WFD and GI report as soon as possible.</li> </ul>
31/08/2023	Email correspondence between EA and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• The EA acknowledged the Applicant’s response and provided further contact details for contaminated land, and WFD specialists if required.</li> </ul>
03/09/2023	Email correspondence between the Applicant and EA	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• WFD Assessment, Other Consents and Licences document</li> </ul>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<ul style="list-style-type: none"> <li>• Response to EA comments on the Outline Dewatering Management Plan and Outline Groundwater Monitoring and Management Plan provided to the EA,</li> </ul> <p><b>Discussions and Outcomes</b></p> <p>The Applicant provided the EA with a copy of the updated WFD Assessment for their review prior to Deadline 7. The Applicant also provided a copy of the latest Other Consents and Licences document for their review, and responses to the EA's comments on the Outline Dewatering Management Plan and the Outline Groundwater Monitoring and Management Plan.</p> <p>The Applicant also provided a response regarding the EA's comments on riparian re-instatement/mitigation with respect that the watercourses will be reinstated at the zone of impact (and therefore in the same waterbody) along with riparian enhancements proposed across the scheme. Only temporary habitat loss is anticipated to facilitate construction, with reinstatement immediately post-construction. There are commitments to re-instate the habitat allowing a period for vegetation reinstatement and maturity over a period of 2 years, which is standard practice. In addition, the Applicant is providing WFD enhancements over and above any potential impacts to watercourses and therefore considers that habitat compensation is already embedded within the design and no further habitat compensation for watercourses is required.</p> <p>The Applicant confirms that the use of the term 'as far as practicable' in the commitments for the reinstatement of habitats along watercourses is due to the removal of trees and like for like replacement not being possible within root exclusion zones. However, the Applicant is replacing any felled trees in line with the scheme-wide tree planting strategy, which includes riparian planting to compensate for any tree removal. In addition, the reinstatement of habitats to exactly mirror baseline immediately post-construction is not feasible. A period of natural recovery is required to enable natural fluvial processes to reinstate physical habitat features within the channel and banks of the watercourses. The Applicant considers that the measures for habitat reinstatement along watercourses presented within the DCO are robust and follow industry best practice.</p> <p>Clarity was asked of the EA regarding the Heads of Terms.</p> <p>Confirmation was provided that updates to D-BD-050, D-BD-056 and D-BD-058 were completed.</p> <p>A summary of the updates that had been made following the EA's proposed amendments to the Outline Dewatering and Outline Groundwater Monitoring and Management Plans were provided, summarised below:</p> <ul style="list-style-type: none"> <li>• Outline Dewatering Management Plan <b>[REP7-287]</b> (document reference for Deadline 7 submission version): <ul style="list-style-type: none"> <li>○ A paragraph has been added to Section 4.3 to include reference to the need to secure appropriate consents/permits prior to discharge, cross-referencing with D-WR-033 and D-BD-054 of the REAC.</li> <li>○ D-GN-003 has been updated within the text and Annex A to now incorporate the following: "The Construction Contractor should also ensure that environmental incidents in England and Wales are reported to the Environment Agency or Natural Resources Wales' incident hotline at the earliest opportunity"</li> </ul> </li> <li>• Outline Groundwater Management &amp; Monitoring Plan <b>[REP7-283]</b> (document reference for Deadline 7 submission version): <ul style="list-style-type: none"> <li>○ Text has been added to paragraph 4.2.6 to include the following 'Factual geological information for each monitoring borehole will also be provided in the form of borehole logs produced in accordance with BS 5930:2015 Code of Practice for Ground Investigation'.</li> </ul> </li> </ul>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
04/09/2023	Email correspondence between the EA and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>The EA provided an update on their review of the Outline Dewatering Management Plan and Other Consents and Licences document, as well as clarification on the Heads of Terms.</li> </ul> <p><b>Discussion and Outcomes</b></p> <p>The EA provided further comments on the Outline Dewatering Management Plan following the Applicant's previous updates.</p> <p><u>Heads of Terms</u></p> <p>The EA referred to their original query regarding the Heads of Terms, outlined below:</p> <p>EA query:</p> <p><i>"The Heads of Terms include a proposed agreement to lease whole or part of the area for environmental / ecological restoration with regards to Plots within EA ownership (channel bed of the River Gowy in this area) but also includes a wider area not within EA ownership.</i></p> <p><i>The Outline Landscape Ecological Management Plan [APP-229], identifies additional mitigation areas (Section 1.4) 'in order to safeguard the worst case space requirements for replacement planting' – including a section of the River Gowy (work plan 57F). We note the safeguarding of additional mitigation areas do not seem to be included as an environmental action / commitment in the REAC and it is indicated that the space would be utilised in the 'worst-case' scenario.</i></p> <p><i>In the absence of details on the potential mitigation measures proposed in this area, it is not clear how the proposals will impact the land within EA ownership (the River Gowy channel bed); the River Gowy embankments; EA access to the watercourse; and the WFD mitigation measure for the River Gowy. <b>For the purposes of both the DCO proposals and discussions related to the Heads of Terms, noting the project is not at the detailed design stage, we would request further clarity on the intended extent and design of the mitigation proposals in this area (i.e. will this involve works to the channel?)."</b></i></p> <p>The EA noted they had recently received the Heads of Terms for the Gowy channel bed, which was accompanied with an 'Option Agreement and Lease for environmental mitigation land relating to the Hynet Carbon Dioxide Pipeline Project' and included the following statement:</p> <p><i>"The option for the Tenant to take a lease of the whole or part of the Option Area for use in carrying out environmental and ecological restoration, mitigation and/or compensation works and maintaining those during any establishment, monitoring or aftercare period where applicable, including creation of habitat, building or placing of hibernacula, bat boxes or bird boxes and creation of connectivity routes between habitats ("Environmental Mitigation Purposes")."</i></p> <p>The EA expressed that whilst their interest from a land ownership perspective is with regards to the channel bed only, with regards to the ecological mitigation area identified and notwithstanding the WFD matters, they request further information on the intentions in this area. Noting the presence of the River Gowy embankments, they advised any proposals should not impact the integrity of the embankments and EA access in this area, therefore, a sufficient buffer may be required for proposals in this area.</p> <p><b><u>Other Consents and Licences [REP7-028]</u></b></p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p>The EA further addressed Flood Risk Activity Permits within the Other Consents and Licences document. They raised that not all temporary and permanent works near a main river will require a 'bespoke' FRAP (Row 26). The activities under Rows 27 (exemption) and 28 (exclusion) will also be subject to whether they meet the conditions in EA guidance.</p> <p>The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:</p> <ul style="list-style-type: none"> <li>• on or within 8 metres of a main river (16 metres if tidal)</li> <li>• on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)</li> <li>• on or within 16 metres of a sea defence</li> <li>• involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert</li> <li>• in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission</li> </ul> <p>The EA advised that Rows 26 to 28 are amalgamated with the recognition activities in the areas as listed above will be managed under the Flood Risk Activity Permit Process (i.e. activities which take place in the areas above, a Permit or registered exemption will be sought) – therefore, not specifying activities separately under bespoke; exclusion; and exemption as this will be subject to the detailed design stage and whether those conditions have been met.</p>
04/09/2023	Email correspondence between the Applicant and EA	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Update on REAC updates to D-BD-050, D-BD-056, D-BD-058</li> </ul> <p><b>Discussion and Outcomes</b></p> <ul style="list-style-type: none"> <li>• The Applicant provided an update the EA regarding the amendments made to the REAC items D-BD-050, D-BD-056, D-BD-058 as proposed by the EA. This outlined that the amendments had been slightly adjusted to make reference to, and include the need for consideration of, appropriate mitigation and measures to facilitate construction and that these would be presented to the EA/NRW, with an example route of how such information may be presented.</li> </ul>
05/09/2023	Email correspondence between the EA and the Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• REAC items D-BD-050, D-BD-056 and D-BD-058</li> </ul> <p><b>Discussion and Outcomes</b></p> <p>The EA provided further edits to the proposed REAC changes presented by the Applicant, referring back to the previous wording which includes 'liaison with NRW/EA will be sought through the Flood Risk Activity Permit process to determine the appropriateness of the works and mitigation measures required'.</p>
06/09/2023	Email correspondence between Applicant and the EA	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Update from Applicant to the EA on providing confirmation of amendments to the Outline Surface Water Drainage Strategy, submission of Ground Investigation Technical Report.</li> </ul>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p><b>Discussion and Outcomes</b></p> <p>The Applicant provided the EA with an update providing confirmation that the amendments suggested by the EA to the Outline Surface Water Drainage Strategy had been addressed and the document was shared. The Applicant confirmed that both the OSWDS [REP7-254] and the Ground Investigation Technical Report [REP7-293] were submitted at Deadline 7. (Document references above are Deadline 7 references as submitted).</p> <p>The Applicant asked if a call could be set up with the EA to discuss any outstanding matters on the SoCG with the aim for signing the document prior to Deadline 8.</p>
06/09/2023	Email correspondence between EA and Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Outline Surface Water Drainage Strategy [REP7-254], Outline Surface Water Management and Monitoring Plan [REP8-029], Outline Dewatering Management Plan [REP8-031], Ground Investigation Technical Report [REP8-033], Outline Waste Management Plan [REP5-018] and Outline Materials Management Plan [REP7-276], WFD [REP8-013].</li> </ul> <p><b>Discussion and Outcomes</b></p> <p>The EA welcomed the edits to the updated Outline Surface Water Drainage Strategy, and no further comments were made on this document.</p> <p>Amendments were proposed by the EA to the Outline Surface Water Management and Monitoring Plan. Some of these amendments are currently under discussion.</p> <p>The EA confirmed its review of the Ground Investigation Technical Report (submitted 18<sup>th</sup> August), Outline Waste Management Plane, Outline Materials Management Plan and associated REAC measures.</p> <ul style="list-style-type: none"> <li>• Ground Investigation Technical Report – <ul style="list-style-type: none"> <li>○ The EA have reviewed the submissions to date to understand the approach that is being adopted by the development team and how it is associated with critical environmental protections requirements that will ensure ongoing and future protections to the environment from the proposed works. This approach reflects the national requirements and approaches described in the National Planning Policy Framework Directive (NPPF,2021) and Land Contamination Risk Management (LCRM, 2023) guidance.</li> <li>○ Supported by the Part 2A legislation, there is a concurrent need to ensure that no new significant contaminant linkages are introduced as a result f the DCO Proposed Development.</li> <li>○ The EA confirmed their review of the Ground Investigation Technical Report and that the majority of information has been transposed into the Ground Investigation Technical Report).</li> <li>○ The EA stated that it believes the Applicant’s position of believing the current density and extent of ground investigation is sufficiently robust to identify likely sources of contamination such that the risk to environmental receptors is low, and that an approach of unexpected contamination during the works package phase would be sufficient to address any discovery that contradicts this assessment.</li> </ul> </li> </ul>

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		<ul style="list-style-type: none"> <li>○ The EA disagrees with this position and assessment and has highlighted the need for additional ground investigation once the DCO has been finalised and likely to be needed at the finalised detailed design stage – this position is identified in Section 2.2.7 of the Ground Investigation Technical Report.</li> <li>○ It was recognised that reference had been made to the appropriate British Standards (BS5930:2015, BS10175:2011) and the LCRM (2023) guidance but noted there are abstracts from larger and more detailed guidance documents that recognised the need to develop from the preliminary investigation stage, for example that investigations reflect the extent and parameters of the final development as a linear feature which may impact varied environmental receptors. The EA stated it does not believe that investigation holes with 500m centres is sufficient; and that there are only one or two points located within the corridor at this point in time.</li> <li>○ The EA referred to further guidance from the LCRM and to Paragraph 003 of the gov.uk 'Land affected by Contamination' guidance to outline the possibility of natural occurring levels of contamination in addition to industrial areas containing contamination. The EA recognise that this may not be a risk, per se, in-situ but those relevant risks could increase with works associated with pipeline construction, dewatering, waste, soil and materials management plans. They advised it was in keeping with the LCRM guidance to ensure that linear development sites are fully investigated and understood.</li> <li>○ It was acknowledged that the preliminary ground investigation work package has identified the wider, generic, conditions on site and that where access has been made available intrusive works have been identified for the ground conditions at that point - those points have been largely associated with the above ground infrastructure locations (AGI/BVS locations).</li> <li>○ The majority of the pipeline passes through areas which have had no discernible historic activity which may have introduced anthropogenic concentrations of contamination to the ground and localised groundwater. This does not factor in the possibility that the agricultural land uses and uses not identified on historic maps may introduce raised concentrations of contamination which could directly affect the ancillary plans associated with the development at least and may well require further, detailed assessment and then remediation where necessary. The EA reiterated its position that insufficient ground investigation work has been undertaken to address this matter in particular.</li> <li>○ The EA expressed that whilst they recognised potential additions to Requirement 9, the Table presented within the Ground Investigation Technical Report does not sufficiently address their concerns with regards to ensuring sufficient ground characterisation of the overall pipeline route has been undertaken.</li> <li>○ They noted the proposal to approach the Stanlow Manufacturing complex in a different way due to the likely ground conditions and the permitting matters associated with the current operator. The EA do not agree with this approach and the focus on land parcels 3-11, 3-12, 3-13, 3-14 and 3-15. The EA further identified land parcels (3-04 through to 3-10) within the Stanlow Manufacturing complex. These should be included as well as they too could be impacted by the historical land in these areas in the case for Stanlow.</li> <li>○ Clarity was provided in that should the current Environmental Permit be subject to variation and surrender of these areas then the EA in its role as environmental regulator would look and require the current permit holder to remediate those areas (where necessary) to a satisfactory state (based on the baseline information that may be present for the site) similar or identical to the time when the permit was issued i.e.</li> </ul>

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		<p>dealing with any legacy issues created during the operational window of that permit. This may greatly differ to a condition required to address the necessary land conditions under LCRM, 2023 and the NPPF.</p> <ul style="list-style-type: none"> <li>○ The EA saw no further reason to treat the areas within the Stanlow Manufacturing Complex separately to the wider pipeline development under these circumstances. A DCO Requirement requiring site investigation and assessment work and where necessary remediation strategy(s); validation plan(s) and subsequent verification report would sufficiently provide the Applicant the flexibility sought.</li> <li>○ The EA confirmed its review of the draft DCO Requirement 9, sharing the following comments: <ul style="list-style-type: none"> <li>▪ <b>Part A – Stanlow:</b> Plots identified further to 3-11,3-12,3-13,3-14 and 3-15 in the Stanlow area (3-04 to 3-10) which would require further investigation as a result of potential historic contamination. Inappropriate to include (2) with regards to the EA providing written confirmation that the site has been remediated to a standard which renders those plots fit for use under the DCO. It is also deemed not necessary for Stanlow to be considered in separation to the wider development.</li> <li>▪ <b>Part B – Other sites identified as requiring further investigation.</b> This does not sufficiently address the EA’s concerns with regards to the characterisation of the pipeline route – position remains that insufficient GI/assessment has been undertaken as it only identifies plots 1-25, 4-12, 8-10 and 8-12 where the EA have identified further work is necessary. Advised the requirement for remediation will be based on the conclusions of the GI investigation/assessment undertaken by the Applicant ((5)(c) (iii) / (iv)). Verification plan requires approval from the relevant authority and EA.</li> <li>▪ <b>Part C – Unexpected Contamination</b> – Recognition needed that works must stop where contamination is encountered (unless agreed otherwise by the relevant authority) under (7) and then reported. Advised amalgamating (7) and (1). Advised the requirement for remediation will be based on the conclusions of the GI investigation/assessment undertaken by the Applicant (9). Reference required to consultation with the EA for relevant parts (where approval from the authority is sought for GI/assessment/remediation). Verification report to be submitted and approved to the relevant planning authority.</li> </ul> </li> <li>○ Proposed Way Forward – It was noted that the information submitted does not address matters raised by the EA sufficiently. Therefore, based on the comments provided above – the EA advised some proposed wording to Requirements 9(1), (2), (3) (a)(b)(c), (4) and (5) to ensure sufficient GI / Assessment is undertaken and remediation, where necessary, is captured appropriately (note this would also apply to Stanlow): <p><i>9 (1) – No stage of the authorised development is to commence until for that stage a remediation strategy or, if remediation is not required, a design statement to deal with the risks associated with contamination of the site has been submitted to and approved by the relevant authority, in consultation with the Environment Agency.</i></p> <p><i>(2) No authorised development for each stage may commence until additional site investigation and risk assessment is undertaken of the risk to all receptors that may be affected, including those off-site, has been submitted and approved in writing by the relevant authority, in consultation with the Environment Agency.</i></p> <p><i>(3) Where remediation is found to be necessary based on (2), no authorised development may commence for that stage, until an options appraisal and remediation strategy is submitted to and approved in writing by the relevant authority, in consultation with the Environment Agency, giving full details of:</i></p> <p style="padding-left: 40px;"><i>(a) remediation measures required to render the land fit for its intended purpose and how they are to be undertaken; and</i></p> </li> </ul>

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		<p>(c) a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy under subparagraph (a) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.</p> <p>(d) construction measures to control or prevent the release or potential release of contamination as a result of the works.</p> <p>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.</p> <p>(4) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the relevant authority), for that stage, shall be carried out until an updated remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by the relevant authority, in consultation with the Environment Agency. <b>[or similar wording to Part C could be agreed with the EA including recognition of the comments provided above]</b></p> <p>(5) Prior to each stage of the authorised development being brought into use, a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing by the relevant authority, in consultation with the Environment Agency. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.</p> <p>Please note, under 3 (c), as previously raised the EA would want to see pollution prevention measures in place (i.e. clay breakers) and therefore, have included this as an additional point from the previously circulated draft requirement.</p> <ul style="list-style-type: none"> <li>○ The EA’s position remains in that it is unable to agree to the DCO Requirement as proposed, or agreement of similar wording which recognises the need for additional site investigation (wider to the point sources identified) prior to the commencement of each stage, and as such will not be in a position to advise the ExA that contaminated land matters have been addressed appropriately.</li> </ul> <ul style="list-style-type: none"> <li>● Outline Materials Management Plan <b>[REP7-276]</b> – The EA noted that the document aligns with the CL:aire Code of Practice Definition of Waste procedure. Further information will be needed to fulfil the requirements associated with certainty of use, suitability for use and the fit for purpose standard. They outlined there are too many information gaps. The Applicant has responded asking for clarity on the gaps identified.</li> <li>● Outline Waste Management Plan <b>[REP5-018]</b> – The EA acknowledged that sustainability goals need to be paramount in all future developments to ensure as much material is diverted away from landfill as possible. In order to achieve this, it is important to identify where these materials can be safely retained, where treatment or transformation is required to allow for retention or where material will need to be discarded and removed from site. They outlined it is important for sufficient sampling to be enacted and necessary information gathered to support this process. Early engagement with relevant authorities was encouraged before the commencement of the development and throughout.</li> <li>● REAC <b>[REP7-236]</b> Measures – The EA proposed amendments to be made to D-LS-020 and D-LS-021 (and in some part D-LS-022) to include reference to further investigation and assessment based on point source of contamination. They highlighted that some sources may be linear as well as in the form of point sources, especially where impacted (shallow) groundwater is found to be present. They added that further weight to the need for additional ground investigation to bridge information gaps and support an improved understanding of ground conditions was required. Further amendments to D-LS-022 were proposed to reflect the position in D-LS-020</li> </ul>



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		<p>where there is a need to undertake additional ground investigation and testing. The Applicant is currently assessing these comments and will provide feedback on these to the EA in due course.</p> <p>The EA provided their stance on the WFD (prior to providing their full review of the WFD) through their Deadline 7 response which was attached. They advised that the wording to the effect of the DCO Requirements recommended to the ExA will be required.</p> <p>The EA advised that a meeting with all relevant technical advisors available may be possible. They deferred to comments made to date and asked for confirmation/updates on the following:</p> <ul style="list-style-type: none"> <li>• Updates to management plans reviewed by the EA</li> <li>• Response on contaminated land matters and draft requirement</li> <li>• Changes to REAC [REP7-236] measures based on the EA's reviews.</li> <li>• Intention to include proposed Requirement wording (which was included in the EA's D7 response)</li> <li>• Response to draft Requirements presented to ExA under the EA's D7 response.</li> <li>• Clarity on Work Plan 57F/intentions for Heads of Terms</li> <li>• Confirmation from the Gowy operation that the DCO Proposed Development will not impact the operator's activities.</li> </ul>
08/09/2023	Email correspondence between the Applicant and EA	<p><b>Key Topics</b></p> <p>Updates regarding the Outline Surface Water Drainage Strategy, Outline Surface Water Management and Monitoring Plan, Ground Investigation Technical Report , Outline Materials Management Plan, Outline Waste Management Plan, REAC [REP7-236] measures (D-LS-020/021/022), WFD, Heads of Terms/Work Plan 57 in the OLEMP</p> <p><b>Discussion and Outcomes</b></p> <p>The Applicant provided responses and updates to the EA's queries on the above plans. The Applicant noted the EA's comments on the Outline Surface Water Drainage Strategy. The Applicant also provided an update stating that matters relating to the Outline Surface Water Management and Monitoring Plan, Ground Investigation Technical Report and the REAC measures were currently being discussed internally and the Applicant would feed back with a response as soon as possible.</p> <p>The Applicant noted that the EA had omitted some information in their query regarding the Outline Materials Management Plan and asked for clarification as to what this meant.</p> <p>The Applicant noted the EA's comments on the Outline Waste Management Plan. The Applicant responded saying that the detail the EA had mentioned wanting included would be included within the Detailed Waste Management Plan by the Construction Contractor, and believed the matter could be closed out.</p> <p>The Applicant asked for an update on how the EA's review of the WFD Assessment was progressing.</p> <p>The Applicant provided information that the REAC measures D-BD-050, D-BD-056 and D-BD-058 were not being amended further as not all watercourses will be subject to a Flood Risk Activity Permit.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p>The Applicant provided some responses to Heads of Terms/Work Plan 57 matters, particularly in relation to WFD and ecological mitigation and enhancements. The Applicant shared that proposed mitigation/enhancements within the floodplain of the River Gowy will not impact the channel bed, banks or embankments. In addition, the proposed mitigation/enhancements will not compromise the achievement of the River Gowy WFD mitigation measures. At detailed design, further engagement with the Environment Agency 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. A buffer strip will be maintained of approximately 8m, to be confirmed with the Environment Agency during detailed design.</p> <p>The Applicant further asked if a call could be arranged to discuss outstanding SoCG matters and to run through any outstanding comments on other documents.</p>
08/09/2023	Email correspondence between the EA and Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>Responses regarding the Outline Surface Water Drainage Strategy, Outline Surface Water Management and Monitoring Plan, Ground Investigation Technical Report , Outline Materials Management Plan, Outline Waste Management Plan, REAC [REP7-236] measures (D-LS-020/021/022), REAC measures D-BD-050, D-BD-056 and D-BD-058, WFD, Heads of Terms/Work Plan 57 in the OLEMP</li> </ul> <p><b>Discussion and Outcomes</b></p> <p>The EA noted the Applicant’s responses regarding the Outline Surface Water Management and Monitoring Plan, Ground Investigation Technical Report , and REAC measures D-LS-020/21/22.</p> <p>The EA responded to the Applicant’s query on omitted information to their query on the Outline Materials Management Plan – they clarified this was with regards to the GI/assessment work undertaken to date. The EA acknowledged the Applicant’s comments on the Outline Waste Management Plan about further information being added to the Detailed Waste Management Plan by the Construction Contractor – they asked for clarity on what this would include. The Applicant shared that this may include information regarding material retention, treatment or transformation, further assessments if required and engagement with relevant authorities throughout the DCO Proposed Development construction process. The EA responded regarding the Biodiversity REAC measures (D-BD-050, D-BD-056, D-BD-058) and was unclear on the comment in relation to ‘all watercourses’ – they reiterated that the previously presented REAC measures included ‘liaison with NRW/EA will be sought to determine the appropriateness of the works, for example through the Flood Risk Activity Permit process’. The EA will determine whether it is appropriate for works to be undertaken during such periods for fish species. The REAC measure currently indicates information would just be ‘presented’ to the EA in such instances which they do not consider acceptable, and the Applicant should engage with the EA on such matters at the earliest opportunity to determine whether it is appropriate for such works to take place. They asked the Applicant to revert to previous wording presented and agreed (with the inclusion of amended dates / addition of eels and upstream elver migration).</p> <p>The Applicant does not agree that the changes were appropriate as not all FRAPs relate to all watercourses.</p> <p>Regarding WFD comments, the EA appreciated the clarity provided on the Heads of Terms/Work Plan 57. They asked if clarification could be provided as to where that narrative provided by the Applicant would be provided within the Deadline 8 submission.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p>The EA provided the following comments from their initial review of the WFD Assessment:</p> <ul style="list-style-type: none"> <li>• Welcome Table 5-15 which reviews HMWB mitigation measures assigned to the Gowy (Milton Brook to Mersey) water body and an associated assessment to demonstrate that the scheme will not prevent delivery of these measures. It was noted the proposal to maintain the pipeline 1.2m below the bed level, which should be considered a minimum depth subject to further information at detailed design stage, beneath the Gowy for up to 100m of the left bank floodplain. The EA requested justification for the 100m where the floodplain extends further than this. The extent to which the pipeline is maintained at this depth as a minimum should be evidence based, taking into account ground conditions of the area and reviewed at detailed design in consultation with the EA.</li> <li>• The EA welcomed the additional assessment to inform an appropriate pipeline crossing depth to ensure the delivery of mitigation measure 'MMA We1075: remove obsolete structure' is not precluded, and the assessment should be revisited at detailed design. Once detailed design is available, the Applicant will undertake confirmatory review of the WFD assessment to ensure the DCO Proposed Development does not undermine WFD objectives or compromise delivery of WFD Mitigation Measures.</li> <li>• The package of riparian enhancements is welcomed, but should not form part of the mitigation package intended to offset impacts of the DCO Proposed Development.</li> <li>• The EA's position remains for habitat compensation for watercourses and the surrounding riparian corridor to be sought in the event reinstatement may not be achievable within the same WFD waterbody.</li> <li>• It was acknowledged that singular instances of limited vegetation/habitat loss are unlikely to affect WFD status and the Applicant's proposal to reinstate the watercourse at the zone of impact. The EA welcome the intention to undertake a cumulative assessment at the detailed design stage which will further identify appropriate mitigation measures and whether compensatory measures are required. The Applicant would like to clarify that, once detailed design is available, the Applicant will undertake confirmatory review of the WFD assessment to ensure the DCO Proposed Development does not undermine WFD objectives or compromise delivery of WFD Mitigation Measures.</li> <li>• It was noted that all actions undertaken on a watercourse should be seeking to achieve alignment to the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017 by avoiding deterioration of status but also demonstrating how scheme proposal contribute to the delivery of WFD objectives. It is recommended that opportunities to address the measures in place for physical modifications are sought as part of any habitat reinstatement which would contribute to achieving the objectives of the RBMP.</li> <li>• The EA welcomed the proposal for a WFD assessment be undertaken at the decommissioning phase.</li> <li>• The EA advised an updated WFD assessment will be required through detailed design stage, through the DCO process in addition to the FRAP submission.</li> </ul> <p>The EA retains the same position that it would advise the inclusion of the following DCO Requirement (or similar wording) to encompass the WFD:</p> <p>(1) 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:</p> <p>(a) An assessment of the construction; operational and cumulative impacts of the detailed design proposals.</p> <p>(b) Details of mitigation or compensation measures; enhancements; and contributions to the River Basin Management Plan objectives for each waterbody.</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
		<p>(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'.</p> <p>(d) Based on (b), restoration details of the riparian corridor and channel for all trenched watercourse crossings.</p> <p>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.</p> <p>The EA further adds that the following details are to be submitted at the detailed design stage (and within the proposed Requirement):</p> <p>(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:</p> <p>(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;</p> <p>(b) Measures to prevent the pipeline creating a pathway which will impact on groundwater baseflow and interaction with surface water bodies;</p> <p>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.</p>
11/09/2023	Microsoft Teams meeting between EA and Applicant	<p><b>Key Topics</b></p> <ul style="list-style-type: none"> <li>• Discussion on outstanding matters within the SoCG including WFD and Soil/Land Contamination, as well as outstanding queries relating to Outline Management Plans and associated ES documents.</li> </ul> <p><b>Discussion and Outcomes</b></p> <p>The EA and the Applicant discussed outstanding matters within the SoCG relative to WFD and contaminated land. The SoCG was shared on the screen and matters discussed.</p> <p>The Applicant provided a response following EA's queries regarding WFD riparian enhancements and 100m buffer close to the River Gowy and other watercourses. The EA explained it will need to discuss further with their geomorphology specialist and come back with an answer regarding the Applicant's proposals and possible agreement to 3.4.2.</p> <p>It was agreed with both the EA and the Applicant that matters relating to Ground Contamination may not come to an 'Agreed' status, and so has been assessed as 'Not Agreed'. The EA will provide further information for 3.5.1 below on their final position on this matter.</p> <p>The Applicant shared that is had provided updates following EA comments to the Outline Surface Water Management and Monitoring Plan and Outline Dewatering Management Plan and submitted these at Deadline 7.</p> <p>The following matters were agreed during this discussion: 3.1.2, 3.1.3, 3.5.5, 3.7.18, 3.7.19, 3.7.20</p>

Date	Form of Correspondence	Key Topics Discussed and Key Outcomes
12/09/2023	Email correspondence between the EA and Applicant	<p>The Applicant has confirmed there will be a commitment to complete a confirmatory review of the WFD Assessment at the detailed design stage where additional text will be included within the WFD Assessment and Outline Surface Water Management and Monitoring Plan under Deadline 8.</p> <p>The EA advised that an updated confirmatory review of the WFD Assessment will need to be for the Landscape and Ecological Management Plan if further mitigation is found to be required.</p>

### **3. ISSUES**

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3.1.1. This chapter sets out the areas of agreement in relation to specific issues relating to the DCO Proposed Development, and any areas of ongoing discussion between the Parties. The topics discussed between the Applicant and EA are as follows:

- Engagement, ES & Other Application Documents;
- Issues related to the EIA Scoping Opinion;
- Drainage, Flood Risk and Groundwater;
- WFD Compliance;
- Land and Soils; and
- Ecology
- Other Consents and Licences
- Protective Provisions

**Table 3-1 – Engagement, ES & Other Application Documents**

Ref.	Description of Matter	Current Position	Status
<b>Engagement</b>			
EA 3.1.1	Engagement	<p>The Parties agree that engagement has been ongoing in the pre-application period (as set out in the record of engagement) and the Applicant has sought to bring forward a design which has had regard to EA's views.</p> <p>EA has been formally consulted on the application as required by the Planning Act 2008 (PA2008).</p>	Agreed
<b>ES</b>			
EA 3.1.2	ES	<p>The Parties agree that the study area as set out in the ES is appropriate.</p> <p>The Parties agree that the baselines as set out in the ES are appropriate.</p> <p>The Parties agree that the impact assessment methodologies used in the ES are appropriate.</p> <p>The Parties broadly agree that the mitigation proposed in the ES is appropriate.</p> <p>EA broadly agrees that appropriate regard has been had to its proposals in the cumulative assessment having regard to the level of information available.</p> <p>EA broadly agrees with the conclusions of the ES. However, the EA have raised concerns under 3.4.2 WFD &amp; Ecological Enhancement and 3.5.1 Soil and Groundwater Contamination.</p>	Agreed
<b>Other application documents</b>			
EA 3.1.3	Other application documents	<p>The EA have advised that their interests are limited to ownership of plots: 6-02; 6-03; 6-06; 6-10; and 6-11; as reflected in the Book of Reference <b>[CR3-013]</b>, and requested whether the other plots identified in the original draft Statement of Common Ground are in regards to areas of EA's potential requirement for a Flood Risk Activity Permit for any works undertaken within those plots which will be dealt with through this regime..</p> <p>As stated in paragraph 1.2.3 of this SoCG, the Applicant has identified the following las plots in which the EA holds an interest, as reflected in the latest Book of Reference <b>[CR3-013]</b>: 1-04, 1-06, 1-07, 1-21, 12-10, 1-25, 2-01, 3-14, 3-15, 3-17, 4-07, 4-10, 4-13, 5-14, 5-16, 5-24, 5-25, 5-26, 6-02, 6-03, 6-07, 6-10, 6-11, 6-14, 6-17, 6-19, 6-23, 9-16, 9-17 (note as a result of design changes, plot 6-12 no longer exists).</p> <p>The Applicant has also identified that the EA also have rights to carry out maintenance, improvement works etc on the following plots:</p> <ul style="list-style-type: none"> <li>• Regulator in respect of main rivers: plots 1-01a, 1-04, 1-06, 1-21, 1-21, 1-25, 2-01, 3-14, 3-15, 3-17, 4-07, 4-10, 4-13, 5-14, 5-16, 5-24, 5-25, 5-26, 6-14, 6-17, 6-19, 6-23, 9-14a, 9-16, 9-16a, 9-16b, 9-17, 12-10 and the parties agree that a Flood Risk Activity Permit may be required.</li> <li>• Freeholder: 6-02, 6-03, 6-07, 6-10, 6-11 and the parties continue to engage regarding Heads of Terms.</li> </ul>	Agreed

**Table 3-2 Issues related to the DCO Proposed Development – EIA Scoping Opinion**

Ref.	Description of Matter	Current Position	Status
EA 3.2.1	River Gowy	EA agreed in principle on 05 August 2022 to the use of trenchless crossing technology to construct the pipeline beneath the River Gowy.	Agreed



**Table 3-3 Issues related to the DCO Proposed Development – Drainage, Flood Risk and Groundwater**

Ref.	Description of Matter	Current Position	Status
EA 3.3.1	Flood Risk Assessment Scope and Methodology	An FRA [REP4-177, REP4-178] and [REP7-175] has been produced in accordance with the National Planning Policy Framework (NPPF) requirements, to support the operational phase of the DCO Proposed Development. The EA also advises that the FRA should be produced in full compliance with the National Policy Statement for Energy (EN-1) and National Policy Statement for Gas Supply Infrastructure and Gas and Oil Pipelines (EN-4) The Applicant notes these have been considered within Chapter 18 [REP7-063] of the ES. The FRA investigates all potential sources of flooding which might affect/be affected by the DCO Proposed Development during the operational phase and discusses the proposed mitigation measures. Any potential flood risk during the construction phase will be managed through the CEMP and FRAPs/Ordinary Watercourse Consents as appropriate. The Draft DCO [REP8-005] commits the Applicant to produce an approved CEMP.	Agreed
EA 3.3.2	Flood Risk Activity Permit	The EA advise that any temporary or permanent works within 8m of any main river will be subject to the need for a FRAP under the Environmental Permitting (England and Wales) Regulations 2016. The Applicant confirms that AGIs and BVSs will be located at a minimum distance of 8m from main rivers, with no other permanent works within 8m of fluvial main rivers and flood defences, and 16m of tidal main rivers and flood defences.  The Applicant clarifies that the FRA does not assess the construction stage and, where applicable or determined to be required, application for FRAPs will be submitted by the appointed contractor in accordance with the CEMP. Temporary works within 8m of fluvial main rivers and 16m of tidal main rivers will be subject to a FRAP.	Agreed
EA 3.3.3	Surface Water Drainage Strategy Approach and Methodology	A Surface water drainage strategy has been prepared in accordance with the relevant national, regional and local requirements and guidance to demonstrate that the proposed BVS/AGI works will not increase surface water flooding on or off site or have any adverse impacts on existing watercourses and/or networks. The Draft DCO [REP8-005] commits the Applicant to produce a detailed Surface Water Drainage Strategy based on the Outline Surface Water Drainage Strategy [REP7-254].  The EA have advised that they would expect any surface water outfalls connected to 'main rivers' to be for uncontaminated run-off and if this is not the case then an environmental permit / trade effluent consent would be required. The Applicant acknowledges the guidance from the EA.	Agreed

**Table 3-4 Issues related to the DCO Proposed Development – WFD Compliance**

Ref.	Description of Matter	Current Position	Status
EA 3.4.1	Scope of WFD Assessment	The EA agreed with the water bodies screened in for assessment but requested that Stanney Main Drain is also assessed. Manchester Ship Canal should also be considered for water quality elements due to Ince Marshes being pumped into the canal.  It is agreed that smaller watercourses within the wider WFD water bodies will be assessed. Tributaries of the Mersey transitional water body will be assessed using surface water quality elements.  The EA agreed that one WFD assessment covering England and Wales would be acceptable.	Agreed
EA 3.4.2	WFD and Ecological Enhancement	The EA advises that the completion of nearby WFD mitigation measures that enhance riverine habitats for biodiversity must also be included in ecological enhancement. The Applicant acknowledges the reference to the WFD and riverine habitats for biodiversity.	Not Agreed

Ref.	Description of Matter	Current Position	Status
		<p>The Applicant has not proposed any contribution towards the delivery of WFD mitigation measures; however, the Applicant has ensured that the DCO Proposed Development would not prevent the achievement of WFD mitigation measures or the legal objective of 'good ecological potential' as presented in– Chapter 18.3 – WFD Assessment <b>[REP4-174]</b> of the ES addendum 2023. The EA has requested the Applicant includes a mitigation measure for habitat compensation within the same WFD waterbody, notwithstanding the Applicant's proposals for loss of trees, in the event reinstatement of habitats is found not to be feasible. The Applicant has outlined that riparian enhancements are not intended to offset impacts of the DCO Proposed Development. Habitat reinstatement will be provided on site for each trenched crossing allowing for a two-year habitat reinstatement post-construction, as agreed with the Environment Agency at a consultation meeting on 2 March 2022. 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>The Applicant has provided additional assessment of WFD mitigation measures within the updated WFD assessment report <b>[REP7-172]</b> which was provided to the EA for their review prior to submission at Deadline 7 (5<sup>th</sup> September 2023).</p> <p>Furthermore, with regards to including a mitigation measure for habitat compensation within the same water body, the Applicant does not agree that this is necessary on the basis of the WFD assessment methodology undertaken for the DCO Proposed Development. 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 more simple. 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 <b>[REP7-168]</b> which was used to inform the assessment of proposed trenched watercourse crossings. The Applicant also draws attention to the fact that most proposed trenched watercourse crossings are man-made, straight, homogenous, trapezoidal, artificial drainage channels. The Applicant has a commitment relating to micro-siting of the proposed pipeline at the detailed design stage (D-BD-009 of the REAC, Document reference: D.6.5.1) so as to reduce potential adverse impacts to the water environment as far as possible. This micro-siting will take into account wider environmental, landscape and engineering constraints, and to accommodate appropriate reinstatement.</p> <p>Once detailed design is available, the Applicant will undertake confirmatory review of the WFD assessment to ensure the DCO Proposed Development does not undermine WFD objectives or compromise delivery of WFD Mitigation Measures (email 12<sup>th</sup> September 2023).</p> <p>The EA welcome the intention to provide a confirmatory review of the WFD Assessment but understand this is only included in the Outline Surface Water Monitoring and Management Plan <b>[REP8-029]</b> and updated WFD Assessment <b>[REP8-013]</b> with regards to the WFD HWMB mitigation measures and cumulative impacts (intended to be submitted for Deadline 8). The EA note that the channel and banks of open-cut crossings '<i>will be reinstated to mimic baseline conditions as far as practicable</i>' <b>[REP7-236]</b> (D-BD-048). Given the scale of the proposals and numerous watercourse crossings, it is the EA's position that without further detail to clarify what the reinstatement works would entail, which will be established at the detailed design stage, and without a REAC measure to ensure mitigation / compensation is further considered at the detailed design stage in the event reinstatement is not feasible, that the EA has no assurance there will be no potential impact on the WFD status of water bodies achieving 'good status', particularly where</p>	

Ref.	Description of Matter	Current Position	Status
		<p>cumulative impacts may occur. Therefore, the EA have stated via email (12<sup>th</sup> September 2023) that the preferred approach would be for the confirmatory review of the WFD Assessment should be used to inform the Landscape and Ecological Management Plan.</p> <p>The Applicant will undertake a confirmatory review of the whole WFD assessment once detailed design is available, not just the WFD HMWB Mitigation Measures and cumulative effects. Given that the most sensitive location for watercourse crossings was considered within the Order Limits, the Applicant considers that sufficient information has been submitted within the ES with regards to reinstatement, and this will also be considered in the confirmatory review of the WFD assessment at detailed design.</p> <p>The EA consider the information presented does not sufficiently address reinstatement for watercourses / riparian corridor as further clarity on mitigation required will be determined at the detailed design stage. It is recognised that the Landscape and Ecological Management Plan is intended to encompass measures for the reinstatement of watercourses and creation of habitats along riparian corridors where the detailed Landscape and Ecological Management Plan has been included under a Requirement of the draft DCO <b>[REP8-005]</b>. The EA note the confirmatory review of the WFD Assessment at the detailed design stage has not been included within the Outline Landscape and Ecological Management Plan to ensure the assessment informs this plan and therefore, ensure mitigation measures that may be required at the detailed design stage to ensure no detrimental impact on WFD status are secured.</p> <p>The Applicant's final position on this matter is that the OLEMP is an all-encompassing document that references measures and prescriptions for the reinstatement and creation of habitats across the entirety of the Order Limits. Subsequently, this covers the creation and reinstatement of habitats that will occur along riparian corridors that will support WFD mitigation/compensation and compliance.</p>	
<b>EA 3.4.3</b>	Biodiversity Net Gain (BNG)	<p>There are no priority habitats (in respect of river type within BNG3.1) within England and therefore no Biodiversity Net Gain (BNG) is required for Rivers and Streams in line with the BNG target for the DCO application.</p> <p>The EA acknowledge a BNG Assessment has been included as part of the DCO submission. The EA suggest that efforts should be made to consider BNG, whilst this may not be currently mandatory for the submission stage, as the intention is for construction to potentially start in 2025 (aligning with the intended date for the BNG requirement for NSIPs to be implemented), and it is currently enshrined in wider environmental legislation (Section 1.5 of the supporting BNG Assessment).</p> <p>The EA acknowledge the Applicant's intention to provide BNG for priority habitats impacted by the DCO Proposed Development. However, the EA disagree that the delivery of BNG should only be limited to priority / terrestrial habitats, where it has been identified that no priority habitats are within England.</p> <p>The EA advise opportunities for BNG are not dismissed for rivers and streams. Therefore, the EA advise this remains under discussion for the time-being to ensure consideration for BNG on 'Rivers and Streams' where possible / feasible is considered. The EA advise opportunities to enhance aquatic biodiversity are recognised which could, in turn, aid in enhancing the water environment in line with the objectives of the WFD to contribute to waterbodies achieving 'Good Ecological Potential / Status'.</p> <p>The Applicant has completed a BNG baseline assessment for all watercourses within the DCO Order Limits and within 10m of the DCO Order Limits using the River Condition Assessment methodology and the BNG metric. The Applicant has provided the river condition for each surveyed watercourse within the baseline information of the DCO application.</p> <p>The Applicant's position is to provide net gain only on priority habitats. No river Priority Habitats were identified within the England section of the DCO application and therefore no net gain is proposed for those watercourses. The Applicant has ensured no net loss along watercourses within the Order Limits and within 10m of them using the BNG Rivers and Streams metric.</p>	Not for Agreement

Ref.	Description of Matter	Current Position	Status
		The Applicant has proposed riparian planting along the East Central Drain near Ince AGI which would reduce the riparian encroachment currently recorded on the watercourse. Other riparian planting is committed to on Friars Park Ditch, Backford Brook and Finchetts Gutter Tributary (D-WR-062 of the REAC <b>[REP7-236]</b> which will also reduce riparian encroachment.	

**Table 3-5 Issues related to the DCO Proposed Development – Land and Soils**

Ref.	Description of Matter	Current Position	Status
EA 3.5.1	Soil and Groundwater Contamination	<p>Preliminary risks to controlled waters due to soil and/or groundwater contamination along the length of the Carbon Dioxide Pipeline have been assessed in the Phase 1 Preliminary Baseline Assessment <b>[REP7-109]</b> and Phase II Ground Investigation Report <b>[REP7-124, REP7-125 and REP7-126]</b> as part of the DCO submission.</p> <p>The EA advise that additional work is required to improve the conceptual site model and provide improved characterisation of land quality and risk to ‘controlled waters’, in line with LCRM guidance. The EA identified that there is a need for additional site investigation work in areas where contamination has a high likelihood of being present before the commencement of development in relevant sections/phases/stages of the pipeline development. The EA has stated that investigation holes with 500m centres is not sufficient and that there are sections where there are only one or two sampling points located within the pipeline corridor. It is therefore in keeping with the LCRM assessment process to ensure that the (linear) development site is fully investigated and understood.</p> <p>The Applicant does not agree that the DCO does not cover the need for further GI in areas of risk and considers that this is covered by the outline control documents. The Applicant does not accept that more GI is needed across the route rather than in targeted areas of identified risk and does not consider that this is required by the guidance which sets out a risk based approach. The Applicant does not agree seeking investigation generally across the route (and where necessary remediation before any construction) is a reasonable position given that most of the route is undeveloped/greenfield land with very low risk of contamination. The Applicant does not accept it is reasonable or necessary for the whole route to be investigated and where necessary remediated before any construction can begin given the long linear nature of the route and that sites can be a considerable distance apart.</p> <p>The EA accept that the majority of the pipeline passes through land that has no identified industrial land uses therefore the likelihood of significant anthropogenic contamination sources is low but that does not include the possibility of naturally occurring levels of contamination (as identified in the online Gov.uk guidance on LCRM and ‘Land affected by Contamination’ Guidance. The EA advises that in the absence of sufficient ground investigation and assessment to inform the site conceptualisation of the scheme (England section), the EA would be unlikely to concur with the applicant’s conclusions in that the Applicant had not clearly established the risks of contamination through the work that has been currently undertaken. The EA considers that this is standard industry practice and in line with LCRM guidance.</p> <p>The EA is concerned in the absence of sufficient site investigation and assessment works being undertaken prior to the commencement of the development, that the scheme presents a risk to ‘controlled waters’ and would fail to meet the requirements of the National Planning Policy Framework guidance document and in particular paragraphs 174, 183 (especially 183(c) and 184.</p> <p>The EA notes the Applicant intends to undertake a staged approach to the scheme, given the scale, however, the management of contaminated land in the ‘Land and Soils’ Chapter of the ES <b>[REP7-050]</b> does not address how contamination will be managed in the context of this approach.</p> <p>The Applicant provided a Ground Investigation Technical Report <b>[REP7-293]</b> (submitted at Deadline 7) to the EA (as agreed in the meeting held between the Applicant and the EA on 24<sup>th</sup> July 2023) to provide further details on ground investigations undertaken to date in relation to appropriate guidance and best practice, including Land Contamination Risk Management (LCRM), further detailed investigation works to be undertaken by the Construction Contractor, and commitments and mitigation outlined within the OCEMP <b>[REP7-242]</b>, REAC <b>[REP7-236]</b>, Outline Soil Management Plan <b>[REP7-244]</b> and Outline Groundwater Management and Monitoring Plan <b>[REP7-283]</b>, as well as the Draft DCO <b>[REP8-005]</b>.</p>	Not Agreed

		<p>The EA has reviewed the Ground Investigation Technical Report <b>[REP7-293]</b> (Deadline 7 revision) and advised this has not addressed the matters raised whereby:</p> <ul style="list-style-type: none"> <li>• The Applicant has failed to present sufficient site investigation and assessment for the England section of the scheme overall to establish the risk to ‘controlled waters’ from the proposed development. No additional technical information has been provided to support the ground investigation work undertaken to date, and therefore, produce an acceptable site conceptualisation model for the pipeline route overall.</li> <li>• The EA notes the site investigation / assessment and subsequent remediation, where necessary, will inform the OCEMP but will be pertinent to ensuring the land is appropriate for the purposes of the end use of the development. Therefore, it is important that there is a mechanism for consultation with the EA to ensure the risk of the proposed development is appropriately managed. The EA disagrees that the OCEMP is the mechanism for such work and advise a pre-commencement DCO Requirement is necessary.</li> </ul> <p>The EA, however, accept a staged approach to the management of contamination for the pipeline route can be achieved. The EA suggested the Applicant clarifies spatially where current information has been collated and assessed to establish low risk areas for the development scheme which would not warrant additional investigation works in advance and instead rely on an unsuspected contamination approach, whilst identifying where additional site investigation / assessment work is needed to address the gaps in the site conceptualisation. The Applicant has included a Requirement for areas / extents within the Order Limits where additional site investigation and assessment works are required to be undertaken. The EA does not agree that the plots identified under DCO Requirement 9 Part B are the only areas required for further investigation, whereby this Requirement does not sufficiently address ensuring sufficient ground characterisation and conceptualisation is undertaken for the pipeline route per stage.</p> <p>In the case of Stanlow, the EA has clarified to the Applicant that if the operator’s current Environmental Permit is subject to variation and surrender of these areas then the EA in its role as environmental regulator would look and require the current permit holder to remediate those areas (where necessary) to a satisfactory state (based on the baseline information that may be present for the site) similar or identical to the time when the permit was issued i.e. dealing with any legacy issues created during the operational window of that permit. This may greatly differ to a condition the EA would require to address the necessary land conditions under LCRM, 2023; NPPF and for the purposes of the end use of the DCO. The EA do not agree with the approach set out for Stanlow and the focus on land parcels 3-11, 3-12, 3-13, 3-14 and 3-15. where the EA have identified further land parcels (3-04 through to 3-10) within the Stanlow Manufacturing complex which may also be impacted by historical contamination in this area and therefore, require further assessment. Therefore, the EA does not find DCO Requirement Part A acceptable and does not agree with the principle of a separate requirement for Stanlow.</p> <p>The EA’s position remains that a DCO Requirement requiring the submission and approval of site investigation / assessment; remediation and verification prior to the commencement per stage of the development is necessary to ensure the protection of ‘controlled waters’. A verification report should be submitted for approval to demonstrate remedial works, where necessary has been successful.</p> <p>The Applicant’s final position on this matter is summarised in Section 2 (paragraphs 3.1 to 3.6) of the Applicant’s Update on the DCO Drafting <b>[REP7-294]</b> submitted at Deadline 7. The Applicant has also submitted updated wording for Requirement 9 of the draft DCO <b>[REP8-005]</b> following discussions with the EA. A Ground Investigation Technical Report <b>[REP7-293]</b> was submitted by the Applicant at Deadline 7 and an updated version of this technical report was further submitted at Deadline 8 <b>[REP8-033]</b>.</p>	
<b>EA 3.5.2</b>	<b>Management Plans</b>	The EA supports the production of a Dewatering Management Plan and Groundwater Management and Monitoring Plan. This will be managed through the CEMP. The Draft DCO <b>[REP8-005]</b> commits the Applicant to produce an approved CEMP.	Agreed



EA 3.5.3	Dewatering	<p>The EA advises that abstraction licenses will be required for any abstractions greater than 20 m<sup>3</sup>/day unless an exemption applies. These applications will need to be supported by a suitable Water Features Survey and Hydrogeological Risk Assessment detailing the risks that the abstraction poses to dependent water features and how these will be mitigated. The EA advises it is recognised that each abstraction identified will need a Water Features Survey and Hydrogeological Impact Assessment (HIA) which assesses the potential impacts of each abstraction and dependant water features.</p> <p>The Applicant reiterates that Chapter 18 Water Resources and Flood Risk [REP7-063] and Appendix 18.2 – Summary of Effect Appendix Rev B [REP7-170] of the ES includes a Hydrogeological Risk Assessment and a desk-based Water Features Survey which details the risks of abstraction and sets out high-level mitigation. The EA advises the high-level Hydrogeological Risk Assessment is not sufficient to assess the impacts of each proposed abstraction along the route.</p> <p>The Dewatering Management Plan and Groundwater Management and Monitoring Plan (referenced in EA 3.5.2) will set out further detailed mitigation as part of the CEMP. The Draft DCO [REP8-005] commits the Applicant to produce an approved CEMP.</p> <p>The EA recommends that environmental permits are required under the Environmental Permitting Regulations 2016 for discharges of water from pumping tests and dewatering activities. The Applicant is engaging with the EA to determine the principle and requirement of any additional permits. In the event Perfluoroalkyl and Polyfluoroalkyl Substances (PFAS) contamination is identified this will be highlighted to the EA for discussion in relation to permitting requirements.</p> <p>Updates following EA request and amendments have been made to the Outline Dewatering Management Plan as required, submitted at Deadline 8 [REP8-031].</p>	Agreed
EA 3.5.4	Groundwater Investigation Consent	<p>The EA advises that if any pumping tests are to be carried out at rates of 20 m<sup>3</sup>/day or more to determine aquifer properties to inform the Hydrogeological Impact Assessment (HIA), then the Applicant will need to apply for a Groundwater Investigation Consent under the Water Resources Act 1991 prior to carrying out the pumping tests. The Applicant confirms that a Groundwater Investigation Consent will be sought if required.</p>	Agreed
EA 3.5.5	Surface Water Discharge	<p>Any surface water design will take into consideration the location of any existing contamination and how this could impact controlled waters. The EA advises that discharges of surface water from the DCO Proposed Development should be managed in accordance with the guidance provided in the CIRIA SUDS Manual and the EA's groundwater protection position statements. The Applicant has already set out the need to comply with the standards cited in the Outline Surface Water Drainage Strategy submitted at Deadline 6A [REP6A-016]. Further updates have been made and submitted at Deadline 7 [REP7-254]. The EA confirms it is happy with the changes made within the strategy.</p>	Agreed

**Table 3-6 Issues related to the DCO Proposed Development - Ecology**

Ref.	Description of Matter	Current Position	Status
<b>EA 3.6.1</b>	<b>Biodiversity Methodology and Assessment</b>	The EA is in agreement with the elements scoped out of the ecological assessment and the assessment of the likely significant effects of the ES <b>[REP7-046]</b> .	Agreed
<b>EA 3.6.2</b>	<b>Compensatory Habitat</b>	<p>The EA raised concerns about the waterbody near Stanlow Manufacturing Complex being permanently lost and expect to see full details of adequate compensatory habitat as a result.</p> <p>The waterbody at Stanlow, adjacent to a traveller's site (as discussed during a meeting with the EA on 7<sup>th</sup> March 2023) was excavated between late 2019 and early 2020 and not created as traditional pond. Irrespective of the waterbody's function, the Applicant confirms that an application for a Great Crested Newt (GCN) District Level Licence will be made to Natural England and the compensation sum discussed with Natural England takes into account the loss of any waterbodies. Under District Level Licensing, the compensatory sum submitted to Natural England is used by Natural England and their conservation partners to create and enhance waterbodies in strategic locations with an emphasis on conservation of GCN but benefitting wider biodiversity including aquatic flora and fauna. New compensatory habitat is delivered by conservation bodies and is maintained and monitored for a minimum of 25 years funded by the compensation payment. Through this approach, appropriate and adequate compensation will be realised for the loss of the single waterbody at Stanlow.</p>	Agreed

**Table 3-7 – Issues related to Other Consents, Licences and Permits Required outside the draft DCO**

Ref.	Description of Matter	Current Position	Status
<b>EA 3.7.1</b>	Environmental Permitting (England and Wales) Regulations 2016 Bespoke	Would be applied for prior to the start of construction, or prior to specific construction activities, if required. Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed
<b>EA 3.7.2</b>	Environmental Permitting (England and Wales) Regulations 2016 Standard Rules	Would be applied for prior to the start of construction, or prior to specific construction activities, if required. Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed
<b>EA 3.7.3</b>	Environmental Permitting (England and Wales) Regulations 2017 Exemptions	Would be applied for prior to the start of construction, or prior to specific construction activities, if required. Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed
<b>EA 3.7.4</b>	Environmental Permitting (England and Wales) Regulations 2018	Would be applied for prior to the start of construction, or prior to specific construction activities, if required. Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed



	Regulatory Position Statement		
<b>EA 3.7.5</b>	Environmental Permitting (England and Wales) Regulations 2019 Waste Transfer Notes	During construction Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed
<b>EA 3.7.6</b>	Environmental Permitting (England and Wales) Regulations 2020 Waste Consignment Notes	During construction. Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed
<b>EA 3.7.7</b>	Environmental Permitting (England and Wales) Regulations 2021 Waste Carriers Licence	During construction. Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed
<b>EA 3.7.8</b>	Hazardous Waste Regulations 2005 (England and Wales) Hazardous Waste Producer Registration	If required, during construction. Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed
<b>EA 3.7.9</b>	The Environmental Permitting (England and Wales) Regulations 2016 Standard Rules (SR2008No27) for Mobile Plant for treatment or soils and contaminated material, substances or products	To be sought for the treatment, waste recovery, mixing, blending, ex-situ treatment of pumped groundwater, if required, during construction. Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed
<b>EA 3.7.10</b>	The Environmental Permitting (England and Wales) Regulations 2016 Standard Rules (SR2010No5) for Mobile Plant for reclamation,	To be sought for the storage and mixing of permitted wastes, if required, during construction. Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed

	restoration or improvement of land		
<b>EA 3.7.11</b>	The Environmental Permitting (England and Wales) Regulations 2016, Pollution Prevention and Control Act, 1999 Mobile crushing and screening plant permit	To be sought, if required, during construction for the crushing grinding or size reduction, with machinery designed for that purpose of: bricks, tile or concrete or any designated mineral: Screening the produce. Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed
<b>EA 3.7.12</b>	The Environmental Permitting (England and Wales) Regulations 2016 A1 Installation permit - bespoke	To be sought for relevant Schedule 1 activities, if required, during construction. Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed
<b>EA 3.7.13</b>	The Environmental Permitting (England and Wales) Regulations 2017 A1 Installation permit - standard rules (low impact)	For low impact installation activities, if required. Low impact installations must have containment measures to prevent emissions escaping to surface water, sewer or land, which are maintained at all times; only a low risk of causing offence due to noise and odour – you cannot be a low impact installation if noise and odour are noticeable outside the boundary of your site. Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed
<b>EA 3.7.14</b>	The Environmental Permitting (England and Wales) Regulations 2016 Specified generator permit - standard rules (low risk), simple bespoke (low risk) or complex bespoke (high risk)	Cover emissions of SO <sub>2</sub> , NO <sub>x</sub> and dust to air. Applies to generators with a capacity of between 1MWth and 50MWth burning any fuel. If required, during construction. Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed
<b>EA 3.7.15</b>	Salmon and Freshwater Fisheries Act 1975 Permit to translocate fish and authorisation to use fishing instruments other than rod and line in England and Wales (FR2)	Required for currently considered impacts to fish arising from construction of the DCO Proposed Development and will be applied for prior to the start of construction (or prior to specific construction activities), if required. Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed

<b>EA 3.7.16</b>	Salmon and Freshwater Fisheries Act 1975 Exemption to work within spawning periods for European eel, lamprey, salmonids and coarse fish species	If required, this will be subject to agreement with the Environment Agency and/or Natural Resources Wales and applied for prior to the start of construction (or prior to specific construction activities).  Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed
<b>EA 3.7.17</b>	Salmon and Freshwater Fisheries Act 1975 Trap or remove non-native crayfish in England and Wales (CR1)	To be sought for the management of non-native crayfish, if required, during construction.  Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed
<b>EA 3.7.18</b>	Environmental Permitting (England and Wales) Regulations 2016 Flood Risk Activity Permit - Bespoke	All temporary or permanent works on or near a main river, on or near a flood defence structure, on or near a sea defence or in a flood plain. To be sought post grant of DCO, prior to relevant works.  Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.  The Construction Contractor will liaise with the EA to obtain FRAPs for the appropriate construction stages/works as necessary.	Agreed
<b>EA 3.7.19</b>	Environmental Permitting (England and Wales) Regulations 2016 Flood Risk Activity - Exemption	For where there is some level of construction or maintenance of structures, repair, improvement works etc. To be sought, if required, during construction. This may also be subject to specific conditions or requirements for an exemption or exclusion – certain works may still require a FRAP.  Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.  The Construction Contractor will liaise with the EA to obtain FRAPs for the appropriate construction stages/works as necessary.	Agreed
<b>EA 3.7.20</b>	Environmental Permitting (England and Wales) Regulations 2016 Flood Risk Activity Permit - Exclusion	Where there is smaller scale works e.g. works within or on existing structures, signage, fences, works carried out in an emergency. To be sought, if required, during construction. This may also be subject to specific conditions or requirements for an exemption or exclusion – certain smaller scale works may still require a FRAP.  Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.  The Construction Contractor will liaise with the EA to obtain FRAPs for the appropriate construction stages/works as necessary.	Agreed
<b>EA 3.7.21</b>	Water Resources Act 1991 (Section 24, 24a), Water Act 2003 (Section 1) Water Abstraction Licence (full)	For most types of water abstraction over 20 cubic metres a day. To be sought, if required, during construction.  Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed
<b>EA 3.7.22</b>	Water Resources Act 1991 (Section 24, 24a),	To move over 20 cubic metres of water a day from one source to another without intervening use. To be sought, if required, during construction.	Agreed

	Water Act 2003 (Section 1) Water Abstraction Licence (transfer)	Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	
<b>EA 3.7.23</b>	Water Resources Act 1991 (Section 24, 24a), Water Act 2003 (Section 1) Water Abstraction Licence (temporary)	Where there is an abstraction of more than 20 cubic metres of water a day over a period of less than 28 days. To be sought, if required, during construction. Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed
<b>EA 3.7.24</b>	Water Resources Act 1991 (Section 25) Water Impoundment Licence	For any construction, alteration, repairs or removal of existing impoundment structures, or constructing culverts, retaining walls, dams, weirs, or temporary diversions during construction work. To be sought, if required, during construction. Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed
<b>EA 3.7.25</b>	Water Resources Act 1991 (Section 25), Water Abstraction and Impounding (Exemptions) Regulations 2017 Water Impoundment Exemption	To be sought if required, where a public authority that manages or owns waterways or harbours constructs any new impoundment, alters an existing impoundment or obstructs or impedes the flow of inland waters while exercising its powers or undertaking its duties; where the impoundment is authorised by a drought order or drought permit; where the persons doing the works are Crown exempt; where structures and works are authorised by legislation (for example an act of Parliament); where the Environment Agency serves notice requiring impoundment only for the purpose of screening or passage for eels. Full information is contained within the Other Consents and Licenses document (Rev E) <b>[REP7-028]</b> , submitted at Deadline 7.	Agreed

**Table 3-8 – Issues related to Protected Provisions**

Ref.	Description of Matter	Current Position	Status
<b>EA 3.8.1</b>	Protective Provisions to be negotiated	Following negotiations between the Applicant and EA, the Protective Provisions have now been agreed between both parties as of 5 <sup>th</sup> September 2023.	Agreed